

OCMC 2.28 Historic Review Board.doc

OCMC 3.20 Reimbursement Districts.doc

OCMC 12.04 - Streets Sidewalks and Public Places.doc

OCMC 12.08 - Public and Street Trees.doc

OCMC 13.12 - Stormwater Management.doc

OCMC 14.04 City Boundary Changes and Extension of Services.doc

OCMC 16.04 - General Prov and Admin of Land Divisions.doc

OCMC 16.08 - Land Divisions - Process and Standards.doc

OCMC 16.12 - Minimum Improvements and Design Standards for Development.doc

OCMC 16.16 - Minor Partitions - Process and Standards.doc

OCMC 16.20 - Property Line Adjustments.doc

OCMC 17.04 Definitions.doc

OCMC 17.06 - Zoning District Classifications.doc

OCMC 17.08 - Low Density Residential Districts.doc

OCMC 17.10 - Medium Density Residential Districts.doc

OCMC 17.12 - High Density Residential District.docx

OCMC 17.14 - Single Family and Duplex Design Standards.docx

OCMC 17.16 - Townhouse and 3-4 Plex Residential Design Standards.docx

OCMC 17.18 - R-2 Multi-Family Dwelling District.doc

OCMC 17.20 - ADU Cluster Internal Conversions LiveWork.docx

OCMC 17.21 - Single-Family Residential Standards - PPCP.doc

OCMC 17.22 - Single-Family Residential Standards - SECP.doc

OCMC 17.24 - NC Neighborhood Commercial District.doc

OCMC 17.26 - HC Historic Commercial District.doc

OCMC 17.29 - MUC Mixed Use Corridor District.doc

OCMC 17.31 - MUE Mixed Use Employment District.doc

OCMC 17.32 - C General Commercial District.doc

OCMC 17.34 - MUD Mixed Use Downtown District.doc

OCMC 17.35 - Willamette Falls Downtown Design District.doc

OCMC 17.36 - GI General Industrial District.doc
OCMC 17.41 - Tree Preservation.doc
OCMC 17.49 - Natural Resources Overlay District.doc
OCMC 17.50 - Administration and Procedures.doc
OCMC 17.52 - Off-Street Parking and Loading.doc
OCMC 17.54 - Supplemental Zoning Regulations and Exceptions.doc
OCMC 17.56 - Conditional Uses.doc
OCMC 17.58 - Lawful Non-Conforming Uses Lots Structures Sites.doc
OCMC 17.60 - Variances.doc
OCMC 17.62 - Site Plan and Design Review.doc
OCMC 17.65 - Master Plans and Planned Unit Development.doc

Oregon City Municipal Code Chapter 2.28 Historic Review Board

2.28.010 - Created.

There is created a Historic Review Board for the city and the area within the immediate sphere of influence of the city. The word "board" when used in this chapter means the Historic Review Board.

2.28.020 - Members—Terms.

- A. The Historic Review Board shall be composed of five members appointed by the mayor.
- B. All members shall have a demonstrated interest, competence or knowledge of historic preservation. The members of the Board shall include:
 - 1. One resident from the Canemah neighborhood;
 - 2. One resident from the McLoughlin neighborhood;
 - 3. One member-at-large;
 - 4. One architect experienced in historic preservation;
 - 5. One member from the Chamber of Commerce.
- C. The term of service for members shall be for three years, and no member shall serve more than six consecutive years.
- D. A majority of active members shall be residents of Oregon City.
- E. A majority of Historic Review Board members shall be preservation professionals and/or person's working in historic-related disciplines, as defined by the National Park Service, to the extent that these members are available in the community.
- F. When any member of the Historic Review Board fails to attend three consecutive regular meetings of the board, unless his absence has been excused by the board, the board shall thereupon report this fact to the City Commission. The City Commission shall thereupon declare the position held by such member vacant and the appointing authority shall appoint another member to the board to serve the unexpired portion of the term of the position so vacated.
- G. A vacancy occurring in a position for any reason other than the expiration of the term shall be filled by the appointment of the Mayor with confirmation by the City Commission for the remainder of the term.
- H. If any position remains open after six months of active recruitment, the City Commission may allow the position to be filled by an at-large member for one term.

2.28.030 - Officers.

The officers shall consist of a chairperson and any other officer deemed necessary by the board. Officers shall be elected by the board members. No individual shall hold the same office for more than

two consecutive years. One City Commission member shall serve as a liaison between the board and the City Commission and Planning Commission.

2.28.040 - Secretary—Meetings—Quorum—Staff.

The Board shall elect a secretary who need not be a member of the board. Such secretary shall keep an accurate record of the proceedings of the board. The Board shall hold official meetings monthly and as called by the chairperson and a quorum at such meeting shall consist of not less than three members. The Planning Division shall serve as staff and advisor to the board.

2.28.050 - Rules.

The Historic Review Board shall establish and adopt its own rules of procedure consistent with the laws of the state and the ordinances of the City.

2.28.060 - Powers and duties.

- A. The Historic Review Board shall have the power to make recommendations to the City Commission concerning the following:
 - 1. Public improvements that affect the physical appearance, social environment, or traffic and parking facilities in historic and conservation districts, including but not limited to street widening, street or alley vacations, and realignment of traffic;
 - 2. Preservation related items, upon referral from other interested groups, citizens, agencies or city boards;
 - 3. Relevant ordinances and resolutions;
 - 4. Applications for historic or conservation districts.
- B. The following matters must be submitted to the Historic Review Board for its approval or decision:
 - 1. Landmark designations;
 - 2. Designation of new structures, exterior alterations and signs in historic and conservation districts as designated;
 - 3. Demolitions in historic and conservation districts as designated;
 - 4. Archeological site designation;
 - 5. Demolitions of historic landmarks outside of districts.
- C. The Historic Review Board shall be responsible for identifying the following based on established criteria:
 - 1. Areas of archeological significance;
 - 2. Buildings of historic or architectural significance;
 - 3. Landmarks;
 - 4. Areas of concentration of such sites within the city.
- D. The Historic Review Board shall advise other groups, agencies, boards, commissions or citizens on matters relating to historic preservation within the city, such as traffic density, parking facilities, planned developments and other similar matters.
- E. The Historic Review Board shall consult with affected neighborhood associations, interested groups and citizens, the city attorney and planning staff on district designation, and on the formulation of ordinances and resolutions necessary to carry out its work.
- F. The Historic Review Board shall disseminate information to educate the public as to the state and federal laws protecting antiquities and historic places. The board shall review local nominations to

the National Register of Historic Places and shall forward its recommendation to the State Advisory Committee for Historic Preservation.

G. The Historic Review Board may act as coordinator for local preservation groups.

2.28.080 - Advice—Expenditures.

The Board shall have the power and authority to seek advice or testimony from any appropriate agency or individual relative to its purposes. The Board shall have no authority to make any expenditure on behalf of the city or to obligate the city for payment of any sums of money unless the City Commission shall authorize such expenditure.

Oregon City Municipal Code

Chapter 3.20 Reimbursement Districts

3.20.010 - Purpose.

The purpose of this chapter is to provide a method to reimburse a person who finances the construction of a public improvement that has the capacity to serve development other than that for which it is built. The person financing the development must be deemed to pay a whole or disproportionately large part of the improvement. This chapter is intended to mitigate the cost of financing such public improvements by distributing some of its costs to other development that benefits from such public improvements when the benefited development makes use of the improvements.

The charge paid by the benefited property should be proportional to the use the benefited property makes of the public improvement. This chapter provides developers with a mechanism that may be used solely to finance capital construction needs of the city.

3.20.020 - Obligation.

Nothing in this chapter shall be construed to oblige the City to use the provisions herein to construct improvements or collect reimbursement charges on behalf of persons who use the provisions herein.

3.20.030 - Definitions.

"Administrative fee," as used in this chapter, means the amount of money charged by the city for the costs of administering this chapter, including, but not limited to, producing the City Engineer's report, public meeting support, other personnel costs, mailing fees, legal fees and the costs to account, track and assess reimbursement charges to future development.

"Development" occurs when a structure or other use of land connects to or otherwise makes use of a sewer, water, stormwater or street improvement. As used in this chapter, "makes use of a stormwater improvement," means activities sufficient to trigger the requirements of Chapter 13.12.050. As used in this chapter, "makes use of a street improvement" means the construction or installation of an improvement or a change in the use of a property that increases traffic or congestion on the street improvement for which the reimbursement district is formed.

"LGIP" means local government investment pool.

"Person" is a natural person, the person's heirs, executors, administrators or assigns; a firm, partnership, corporation, association or legal entity, its successors or assigns; any agent, employee or any representative thereof or any other legal entity, including the City of Oregon City.

"Public improvement" means either any or all of the following: a street, stormwater, sewer or water improvement that will be dedicated to and accepted by the City.

"Reimbursement charge" is the charge imposed upon development by this chapter for the costs of financing a public street, water, sewer or stormwater improvement that serves a development. A reimbursement charge is not intended to limit or replace, and is in addition to, any other existing fees or charges collected by the city.

"Reimbursement district" is the area within which future development will potentially derive a benefit from the construction of public street, water, sewer or stormwater improvements financed, in whole or disproportionately large part, by a person without the formation of a local improvement district. A reimbursement district is limited to an area within the city and will be determined by the city commission.

"Reimbursement resolution" is a resolution of the city commission that identifies the potential reimbursement charge for future development within a reimbursement district.

"Threshold amount" is the minimum dollar amount an applicant under this chapter must spend on a specific public improvement requested to be eligible to be included in a reimbursement district. The threshold amount pertains only to that portion of the improvement eligible for reimbursement under this chapter.

The initial threshold amount shall be twenty-five thousand dollars and shall be adjusted annually by resolution of the city commission, each July 1st by a factor equal to the Consumer Price Index for Portland, Oregon. The factor is determined by dividing the current CPI by the previous CPI. This is then multiplied by the threshold amount to establish the new threshold amount (rounded up or down to the nearest one hundred dollars). The current threshold amount shall be available from the city finance director. The city engineer may consider an administrative exemption to the threshold amount.

CPI _c	× CURRENT THRESHOLD	= NEW THRESHOLD <small>Rounded</small>
CPI _p		

Where CPI_p = Previous CPI and CPI_c = Current CPI

"Sewer improvement" is a sewer facility, sewer system, or sewer line improvement conforming to public works sanitary sewer design standards, including, but not limited to:

1. Extension of a sewer line to property other than that owned by the person financing the improvement so that sewer service can be provided to future development on that property without further extension of the line;
2. Construction of a sewer facility, system, or line larger, deeper, or of greater capacity than necessary to serve the property, except as noted in Section 3.20.050(D)(6), of the person financing the improvement in order to provide future service to other development without the need to reconstruct the facility, system or line, or construct additional, deeper or parallel facilities, systems or lines; and
3. Construction of those items listed in the Public Works Sanitary Sewer Design Standards, Section 1.03 a through k ("items") of greater capacity than necessary to serve the property, except as noted in Section 3.20.050(D)(6), of the person financing the improvement in order to provide future service to other development without the need to reconstruct the item, or construct additional, deeper, or parallel items.

"Street improvement" is a street improvement conforming to city standards and including, but not limited to:

1. Streets, stormwater facilities as defined in Section 13.12.040 in conjunction with streets, curbs, gutters, sidewalks, bike and pedestrian pathways, traffic control devices, street trees, lights, parking structures, signs and public right-of-way or easement acquisition;
2. Street extensions across frontages other than the person financing the improvement;
3. Fifty percent of the full street improvement widths, curb to curb, as set forth below:

4. The portion of a half-street improvement across the frontage of the person financing the improvement that exceeds fifty percent of the widths in subsection (3)(a) of this definition.

"Stormwater conveyance" is piping, ditching or pumping systems for moving stormwater from one point to another point.

"Stormwater improvement" is a stormwater conveyance, quantity, or quality facility, as defined in Section 13.12.040, other than that described in Section 3.20.050(D)(6), conforming to city standards, including, but not limited to:

1. Extension of a stormwater line to property other than that owned by the person financing the improvement so that stormwater services can be provided to development on that property without further extension of the line;
2. Construction of a stormwater facility larger, deeper or of greater capacity than necessary to serve the property of the person financing the improvement in order to provide future service to other development without the need to reconstruct the facility, or the construction of additional, deeper, or parallel facilities;
3. A stormwater quantity facility with sufficient designed capacity to serve upstream development as defined in the person's or the city's stormwater drainage report that is approved by the city engineer; and
4. A water quality facility with sufficient designed capacity to serve upstream development as defined in the stormwater drainage report of the person financing the improvement and that is approved by the city engineer.

"Stormwater quality control" is defined in Section 13.12.040 of this code.

"Stormwater quantity control" is defined in Section 13.12.040 of this code.

"Water improvement" is a water facility, water system, or water line improvement, other than that described in Section 3.20.050(D)(6), conforming to city standards, including, but not limited to:

- A. Extension of a water line to property other than that owned by the person financing the improvement so that water service can be provided to development on that property without further extension of the line; and
- B. Construction of a water facility, system, or line that is larger, deeper, or of greater capacity than necessary to serve the property of the person financing the improvement in order to provide future service to other development without the need to reconstruct the facility, system, or line; or the construction of additional, deeper, or parallel facility, system or line.

3.20.040 - Initiation.

- A. Any person may choose or may be required as a condition of a land use decision approval to construct a public street, water, sewer or stormwater improvement that costs in excess of the current threshold amount. If this person finances the improvement, in whole or disproportionately large part, and the improvement will or could provide service to development other than the development owned by that person, that person may apply to the city to form a reimbursement district.
- B. An application or reapplication to establish a reimbursement district shall be in writing, shall be filed with the city engineer, and shall be accompanied by a processing fee sufficient to cover the administrative review and notice costs of processing the application or reapplication, as established by resolution of the city commission.
- C. The application or re-application shall include the following:
 1. A description of the location, type and capacity of the public improvement proposed to be the basis for the reimbursement district;

2. A narrative statement explaining why the person financing the public improvement believes all or part of the cost of the public improvement is eligible for reimbursement pursuant to this chapter. This statement shall clearly indicate that only the costs of improvements not benefiting the person's property are subject to reimbursement;
 3. A map showing the area proposed to be included in the proposed reimbursement district and indicating the following information:
 - a. The comprehensive plan designation, and zoning for each property in the proposed reimbursement district,
 - b. The frontage length and square footage of each property within the proposed reimbursement district, or other similar data necessary for calculating the apportionment of the costs, and
 - c. Identification of the properties owned by the person applying for the reimbursement district;
 4. Mailing labels for notice to all parties entitled under Section 3.20.060 to receive mailed notice of the application. The person applying for the reimbursement district shall use the names and addresses of property owners within the notice area indicated on the most recent property tax roll. This may require the person applying for the reimbursement district to resubmit additional labels depending on the final City Engineer Report recommendations;
 5. A proposed methodology for calculating costs to future development in the reimbursement district. The city engineer may be able to provide possible methodologies to the person applying for the reimbursement district, however, use of a methodology suggested by the city engineer shall not guarantee approval of either the methodology or the reimbursement district;
 6. The estimated cost of the public improvement to be reimbursed as evidenced by bids, projections of the cost of labor and materials, or other evidence satisfactory to the city engineer; and
 7. The date the public improvement is estimated to be complete.
- D. The initial application for formation of a reimbursement district shall be made before city approval of specific reimbursement district portions of construction plans and authorization to proceed with the construction of the portions of street, water, sewer or stormwater improvements. The person applying for the reimbursement district may proceed at their own risk with the construction of the public improvements prior to the city commission authorizing the reimbursement district. The city staff or city commission may abandon the proceedings per Section 3.20.060 or the city commission may not authorize or authorize in full the reimbursement district. In these cases, the person applying for the reimbursement district shall be responsible for the full cost of the subject public improvement or for such cost differential not provided for in such authorization.
- E. If the person applying for the reimbursement district desires to reapply after the reimbursement district proceedings are abandoned under Section 3.20.060, that person shall submit a reapplication and processing fee as established by resolution of the city commission.

3.20.050 - City Engineer's report.

The City Engineer shall review the application for the establishment of a reimbursement district and recommend whether a district should be established. The City Engineer may request the submittal of other relevant information from the person applying for the reimbursement district in order to assist in the evaluation. The City Engineer shall prepare a written report for the city commission that:

- A. Recommends whether or not the reimbursement district should be formed;

- B. Explains whether the person applying for the reimbursement district proposes to finance some or all of the cost of a street, water, sewer, or stormwater improvement to make service available to property, other than property owned by the person applying for the reimbursement district;
- C. Recommends the area in the city that should be included in the reimbursement district;
- D. States the estimated cost of the street, water, sewer or stormwater improvement to be included in the proposed reimbursement district and the portion of the cost for which the person applying for the reimbursement district should be reimbursed. The cost to be reimbursed to the person applying for the reimbursement district shall not include the following:
 - 1. Costs for that portion of the improvement that specially benefits the person's property,
 - 2. Costs of improvements that will not be dedicated to and accepted by the city as a public improvement,
 - 3. Costs for a public improvement that is required as a condition of development approval, except in cases where the nature and degree of the public improvement is disproportionate to the impacts of the development, or where the city requires an oversized or additional improvement beyond that which is roughly proportional to the impacts of the development,
 - 4. Costs for relocation of electrical, telephone, cable television, natural gas or other utility relocation across the person's subject frontage,
 - 5. Costs for extra work or materials required to correct construction deficiencies to bring an otherwise non-eligible improvement up to city standards,
 - 6. Costs for sewer, water, stormwater or street improvements that are the city standards to serve the person's property,
 - 7. Costs for street realignment, except for the cost of right-of-way acquisition beyond the limits of the development frontage along the improved street, and
 - 8. Costs for administering the reimbursement agreement between the city and the person applying for the reimbursement district;
- E. States the estimated administrative fee and includes a recommendation on whether the city commission should alter late fees on reimbursement charges that are not paid within thirty calendar days of the date the reimbursement charge is imposed;
- F. Recommends a just and reasonable methodology for allocating the cost of the public improvement to future development in the reimbursement district. The methodology shall consider, as relevant, the cost of the public improvement, contributions by property owners, the value of the unused capacity, the benefit the unused capacity will have to future development, rate making principles employed to finance public improvements and any other factors deemed relevant by the City Engineer;
- G. Recommends the amount to be charged by the city for administration of the agreement between the city and the person applying for the reimbursement district. The administrative fee shall be fixed by the city commission and shall be included in the resolution approving and forming the reimbursement district.

3.20.060 - Establishing the reimbursement district.

- A. The city commission shall hold a public hearing on the proposed reimbursement district, at which time any person may comment on the proposal.
- B. If prior to or during the public hearing, written objections are received from persons who own two-thirds or more of the area proposed to be included in the reimbursement district, then the

proceedings to create a reimbursement district shall be abandoned. If reimbursement district proceedings are abandoned, the property within the area proposed to be included in the reimbursement district shall not be subject to a reapplication for a reimbursement district for at least twelve months. The twelve month period shall begin on the date the city receives the final written objection totaling above the two-thirds or more ownership of the proposed reimbursement district. Abandonment of a reimbursement district shall not preclude persons from submitting applications requesting formation of other reimbursement districts for other public improvements.

- C. Following the public hearing, if the City does not receive sufficient objections as described in subsection B above, the city commission shall have the sole discretion to decide whether a resolution approving and forming the reimbursement district shall be adopted.
- D. The City shall provide mailed notice of the public hearing on the proposal to the person applying for the reimbursement district and all owners of property within the proposed district as recommended by the City Engineer's report. Notice shall be deemed effective on the date of mailing. Failure of any person to receive the notice shall not invalidate or otherwise affect the public hearing or the formation of the reimbursement district. Notice of the hearing shall be mailed by regular mail at least fourteen calendar days before the date of the hearing. The notice shall:
 - 1. State that a reimbursement district under this chapter has been proposed and that the proposed district includes the property or residence of the person receiving notice;
 - 2. Briefly describe the reimbursement district, the street, water, sewer or stormwater improvement to be reimbursed, the estimated amount of the reimbursement charges and the circumstances under which the charges will be imposed;
 - 3. Include a copy of the city engineer's report;
 - 4. State the time, date and place of the public hearing;
 - 5. Explain the procedure for filing written comments before the public hearing; and
 - 6. Explain the process for submitting written comments at the public hearing.
- E. After the public hearing is held, the city commission shall approve, reject or modify the recommendations contained in the City Engineer's report. If a reimbursement district is established, the city commission shall pass a resolution establishing the area included in the reimbursement district, the estimated cost of the public improvements, the methodology for allocating the costs to future development, and the administrative fee charged by the City. If areas not proposed by the City Engineer to be included in the district are added by the city commission, the hearing shall be continued. Residents and property owners of the additional area added by the city commission shall be entitled to mailed notice of a continued hearing at least fourteen calendar days prior to such continued hearing. No additional notice is required if the city commission excludes a property from a proposed reimbursement district, however, the hearing shall be continued.
- F. The resolution shall instruct the City Engineer through the City Manager to enter into an agreement with the person applying for the reimbursement district pertaining to the public improvements authorized by the reimbursement district resolution. The agreement, at a minimum, shall contain the following provisions:
 - 1. The public improvements shall meet all applicable City standards;
 - 2. The amount of estimated potential reimbursement to the person applying for the reimbursement district;
 - 3. The person applying for the reimbursement district shall provide a maintenance guarantee, approved by the City Attorney, on the public improvements for a period of twenty-four months after the date the city accepts the public improvements for ownership and operation;
 - 4. The person applying for the reimbursement district shall defend, indemnify and hold harmless the city from any and all losses, claims, damage, judgments or other costs or expenses arising

as a result of or related to the City's establishment and administration of the reimbursement district;

5. The person applying for the reimbursement district shall acknowledge that the City is not obligated to collect the reimbursement fee from affected developers, and that the right to reimbursement shall be derived solely under the provisions of this chapter; and
 6. The person applying for the reimbursement district shall agree to abide by all other City, state and federal laws including, but not limited to, public contracting laws.
- G. Any legal action intended to contest the formation of the reimbursement district shall be filed within sixty calendar days following adoption of the resolution establishing the reimbursement district.

3.20.070 - Reimbursement charge.

- A. After the project is completed, the person applying for the reimbursement district shall submit to the City Engineer the final costs of the public improvement and such supporting material as deemed necessary by the city engineer to evaluate compliance with this chapter. The City Engineer shall then prepare a proposed final reimbursement resolution that identifies:
 1. The actual reimbursement charge for future development in the reimbursement district; and
 2. The late fees, if different from that imposed by this chapter, that shall be imposed and collected if the reimbursement charge is not paid within thirty calendar days of the date the reimbursement charge is imposed.
- B. The City shall provide mailed notice of the proposed final reimbursement resolution to the person applying for the reimbursement district and all residents and owners of property within the reimbursement district. Notice shall be deemed effective on the date of mailing. Notice shall be mailed by regular mail at least fourteen calendar days before the date of the city commission's action on the reimbursement resolution. The notice shall set forth:
 1. The time, date, and place of the city commission's action;
 2. The amount of the final reimbursement charges for future development;
 3. The interest rate for future installment payments as described in Section 3.20.090(C).
- C. The City Engineer shall submit the final costs and the proposed final reimbursement resolution to the city commission for approval. The city commission may approve the proposed final reimbursement resolution or adjust the reimbursement charges, costs and late fees, if they are not deemed just and reasonable, and adopt a final reimbursement resolution accordingly. If the final reimbursement resolution or any action necessary for the adoption of such a resolution is adjudged invalid, in whole or in part, by an agency or court of competent jurisdiction, the city may take such action as is necessary to provide for the imposition and collection of the costs of the administration of the reimbursement district, including the city's costs in defending the same, from the person applying for the reimbursement district.
- D. The City shall notify all residents and property owners within the reimbursement district and the person applying for the reimbursement district of the adoption of a final reimbursement resolution. The notice shall be mailed by regular mail and shall be effective on the day of mailing. The notice shall include a copy of the reimbursement resolution, the date it was adopted, and a short explanation of when a developer is obligated to pay a reimbursement charge and the amount of the charge, including late fees, if applicable.
- E. The City Recorder shall record the final reimbursement resolution in the office of the county recorder within thirty calendar days of the date the resolution is adopted so as to provide notice to potential developers of property within the reimbursement district. The recording shall not create a

lien. Failure to make such a recording shall not affect the lawfulness of the reimbursement resolution or obligation to pay the reimbursement charge.

3.20.080 - Challenges to final reimbursement resolution.

Any legal action intended to contest the reimbursement charge, including the amount of the charges for future development, shall be filed pursuant to ORS Chapters 34.010 to 34.100 (writ of review) within sixty calendar days following adoption of a final reimbursement resolution. The writ of review shall be the sole and exclusive remedy for any challenge to proceedings under this chapter.

3.20.090 - Imposition of reimbursement charge.

- A. No reimbursement charge shall be imposed, and there shall be no obligation to pay any reimbursement charge identified in a final reimbursement resolution and reimbursement agreement, unless and until development occurs that connects to, or otherwise makes use of the public improvement that was the subject of the reimbursement district.
 - 1. The reimbursement charge will be imposed when a development within the reimbursement district connects to, or otherwise makes use of, the sewer, water, stormwater or street improvement.
 - a. As used in this subsection, "makes use of the stormwater improvement" means activity sufficient to trigger the requirements of Section 13.12.050 at the time of, or following construction of, the stormwater improvement for which the reimbursement district is formed.
 - b. As used in this subsection, "makes use of the street improvement" means the construction or installation of an improvement or a change in the use of the property at the time of or following construction of the street improvement that increases traffic or congestion on the street improvement for which the reimbursement district is formed.
- B. The reimbursement charge is imposed and becomes due and payable as a precondition of receiving the first City permit applicable to the development activity undertaken or, in the case of a connection to a line, as a precondition of receiving the connection permit.
- C. The reimbursement charge may be paid in annual installments over a period of ten years unless extended by process described in Section 3.20.110. If a developer chooses to pay the reimbursement charge in installments, the installments will bear interest from the time the reimbursement charge is imposed. The interest rate will be calculated using the local government investment pool rate in effect at the time the charge is imposed plus one and one-quarter percent for administration.
- D. If the reimbursement charge is paid in installments, a late fee of one and one-half percent of the overdue payment per month may be assessed for any late payments. The amount of the late fees may be altered by city commission resolution.

3.20.100 - Petition for relief.

A person subject to a reimbursement charge may petition the city commission for relief from the payment of the charge. Such relief may be granted by the city commission only in extraordinary circumstances when payment of the reimbursement charge would be inequitable or otherwise unlawful. A petition under this section is a mandatory administrative step required before any party may seek redress through the court system. A petition for relief must be filed within thirty days of the date the charge is imposed and must explain how the charge is inequitable or otherwise unlawful and it must set

forth with particularity the grounds for relief. In response to a properly filed petition for relief, the city commission may hold an evidentiary hearing and shall issue a decision in writing, which shall be final when signed by the mayor. The city shall withhold the issuance of building permits and all other permits for the development on which a petition for relief has been filed until the petition is conclusively resolved, including any judicial review.

3.20.110 - Administration.

- A. A right to reimbursement shall terminate ten years after the reimbursement district is created unless the person who is eligible for reimbursement renews their eligibility for reimbursement. Eligibility for reimbursement may be renewed for two additional five year periods. In order to renew eligibility for reimbursement, the person who is eligible for reimbursement must file a written declaration of renewal with the city engineer within ninety calendar days of the date the eligibility for reimbursement would otherwise terminate. Failure to file a timely declaration shall result in the termination of any eligibility for reimbursement. In no event may the eligibility for reimbursement exceed twenty years.
- B. Eligibility for reimbursement does not obligate the City to seek or pay the reimbursement charge.
- C. The right of reimbursement is assignable and transferable after the person who is eligible for reimbursement delivers written notice to the City, advising the City where to send future payments received by the city on behalf of the person or the person's assignee.
- D. The City shall establish separate accounts for each reimbursement district. Upon receipt of a reimbursement charge, the City shall cause a record to be made of the payment and remit the charge to the person eligible for reimbursement, or its assignee, after deduction of administrative fees. The person eligible for reimbursement or that person's assignee shall notify the city within thirty calendar days of any mailing address change.

Oregon City Municipal Code

Chapter 12.04 Streets, Sidewalks, and Public Places

12.04.003 Definitions.

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

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

- A. The City has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.
- B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.
- C. The City has jurisdiction and exercises regulatory management over each public right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way. The City has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
- D. No person may occupy or encroach on a public right-of-way without the permission of the City. The City grants permission to use rights-of-way by franchises, licenses and permits.
- E. The exercise of jurisdiction and regulatory management of a public right-of-way by the City is not official acceptance of the right-of-way, and does not obligate the City to maintain or repair any part of the right-of-way.

12.04.025 - Driveways.

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

12.04.030 - Maintenance and repair.

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

12.04.031 - Liability for sidewalk injuries.

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

12.04.032 - Required sidewalk repair.

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

12.04.033 - City may do work.

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

12.04.034 - Assessment of costs.

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

12.04.040 - Streets—Enforcement.

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

12.04.050 - Retaining walls—Required.

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

12.04.060 - Retaining walls—Maintenance.

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

12.04.070 - Removal of sliding dirt.

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

12.04.080 - Excavations—Permit required.

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

12.04.090 - Excavations—Permit restrictions.

The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the

trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.

12.04.100 - Excavations—Restoration of pavement.

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

12.04.110 - Excavations—Nuisance—Penalty.

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

12.04.120 - Obstructions—Permit required.

- A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B. of this section, in any public street or alley in the City, without obtaining approval for a right-of-way permit from the City Commission by passage of a resolution.
 - 1. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.
 - 2. The applicant shall submit at least the following information in the permitting process in order to allow the City Commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;
 - b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
 - d. Alternative routes if necessary;
 - e. Minimizing obstruction area; and
 - f. Hold harmless/maintenance agreement.
 - 3. If the City Commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the City Engineer shall issue a right-of-way permit with any conditions deemed necessary by the City Commission.
- B. Temporary Obstructions.
 - 1. A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.
 - 2. The City Engineer, or designee, is authorized to grant a permit for a temporary obstruction.
 - 3. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.
 - 4. The applicant shall submit, and the City Engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the City Engineer:

- a. Site plan showing right-of-way, utilities, driveways as directed by staff;
 - b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
 - d. Alternative routes if necessary;
 - e. Minimizing obstruction area; and
 - f. Hold harmless/maintenance agreement.
5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the City Engineer may issue such a permit only after finding that the following criteria have been satisfied:
- a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;
 - b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;
 - c. No alternative locations are available that would not require use of the public right-of-way; and
 - d. Any other factor that the City Engineer deems relevant.
6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.
- C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the City Commission.

12.04.130 - Obstructions—Sidewalk sales.

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

12.04.140 - Obstructions—Nuisance—Penalty.

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

12.04.150 - Street and alley vacations—Cost.

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

12.04.270 - Standard construction specifications.

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

12.04.280 - Violation—Penalty.

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

Oregon City Municipal Code
Chapter 12.08 Public and Street Trees

12.08.010 - Purpose.

The purpose of this chapter is to:

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

12.08.015 - Street tree selection, planting and maintenance requirements.

All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements and applicable development standards in Chapter 16.12, but shall, in all cases, be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the metropolitan region, or be approved by a certified arborist, unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the Development Services Department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed 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 to the extent practicable, given the clearance distances required in subsection (B) below. The community development director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.045, if site or other constraints prevent meeting the required total number of tree plantings.
- B. The following clearance distances shall be maintained when planting trees:
 - 1. Fifteen feet from streetlights;
 - 2. Five feet from fire hydrants;
 - 3. Twenty feet from intersections;
 - 4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.);
- C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.
- D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.

- E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.
- F.
- G. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the trees shall be approved by the associated franchise powerline utility company.
- H. Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of Chapter 13.12 and the adopted Stormwater and Grading Design Standards and be approved by the City Engineer.
- I. Any public or street trees planted within the Natural Resource Overlay District shall conform to the applicable requirements of Chapter OCMC 17.49 - Natural Resources Overlay District (NROD).

12.08.025 - General tree maintenance.

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

12.08.030 - Public property tree maintenance.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The Public Works Department and Parks and Recreation Department may recommend to the Community Development Director the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities, structures or other public improvements. Removed trees shall be replaced in accordance with this chapter or the mitigation requirements of OCMC 17.49 - Natural Resources Overlay District (NROD), if the tree to be removed is within the NROD.

12.08.035 - Tree removal and replacement.

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

- A. A diseased or hazardous street tree, as determined by a registered arborist and approved by the City, may be removed, if replaced with one new tree for each diseased or hazardous tree. Hazardous trees which have raised the adjacent sidewalk 0.5 inches or greater may be removed and replaced without approval of an arborist.
- B. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035. All replaced street trees shall have a minimum 1.5-inch caliper trunk measured six inches above the root crown.

Table 12.08.035

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

- C. For the purposes of this chapter, trees removed from the right-of-way and on public property shall be replaced by trees within the right-of-way, abutting the frontage, subject to the clearance distances required under OCMC 12.08.015(B). If a sufficient location to replant the tree is not available the Community Development Director may allow:
 - 1. Off-site installation of replacement trees within the right-of-way or on public property in accordance with the requirements in section B.
 - 2. Planting of replacement trees or designation of existing trees on the abutting property within ten feet of the right-of-way. Designated trees shall be a minimum of two inches in caliper and planted trees shall comply with the requirements in section B. In order to assure protection and replacement of the trees on private property, a covenant shall be recorded identifying the tree(s) as subject to the protections and replacement requirements in this chapter.
 - 3. If sufficient space to replant the tree is not available, the Community Development Director may allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to obtaining trees, planting trees and/or tree education in Oregon City.
- D. Trees that are listed as invasive or nuisance species as defined in OCMC 17.04.605 may be removed without replacement.

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

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

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 OCMC 1.16 and/or OCMC 1.20.



Oregon City Municipal Code Chapter 13.12 Stormwater Management

13.12.010 - Purpose.

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

- A. Minimize increased stormwater runoff rates from any development so as to minimize the impact upon any downstream natural channel that may exist between the subject area and the Willamette or Clackamas Rivers;
- B. Prevent water runoff generated by development from exceeding the capacity of downstream stormwater facilities;
- C. Reduce stormwater runoff rates and volumes, soil erosion and pollution, wherever possible, from developed and developing lands;
- D. Prevent the uncontrolled or irresponsible discharge of stormwater from new development onto adjoining public or private property;
- E. Maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes;
- F. Have stormwater conveyance facilities of adequate design to manage all volumes of water generated in the contributing drainage area, for both the existing condition and the anticipated future condition;
- G. Have all stormwater facilities:
 - 1. Designed to mimic natural hydrologic conditions, to the maximum extent practicable;
 - 2. Designed in a manner to allow economical future maintenance;
 - 3. If city owned or maintained, designed for maintenance with city owned equipment;
 - 4. Designed using materials that will ensure a minimum practical design life of seventy-five years; and
 - 5. Designed to have sufficient structural strength to resist erosion and all external loads (construction, traffic, seismic) which may be imposed;
- H. Establish maintenance easements with the owners of privately owned/maintained stormwater facilities to ensure an appropriate level of maintenance and to help minimize public safety hazards;
- I. Have all new stormwater facilities comply with applicable National Pollutant Discharge Elimination System (NPDES) requirements;
- J. Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures;
- K. Minimize increases in stormwater pollution;

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

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.

13.12.030 - Superseding Oregon City Drainage Master Plan Appendix A.

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

13.12.040 - Definitions.

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

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

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

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

"City" means the city of Oregon City.

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

"Clearing" means surface removal of vegetation.

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

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

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

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

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

"DEQ" means the Oregon Department of Environmental Quality.

"Development" means any manmade change to improved or unimproved real estate, including, but not limited to, the construction of building or other structures, utility infrastructure, grading, streets or other structures or facilities, mining, dredging, paving, filling or excavation. "Development" does not include the following:

1. Stream enhancement or restoration projects approved by the city;
2. Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter.

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

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

"DSL" means the Oregon Division of State Lands.

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

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

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

"Enhancement" means the process of improving upon the natural functions and/or values of an area or feature that has been degraded by human activity. Enhancement activities may or may not return the site to a 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.

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

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

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

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

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

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

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

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

"NROD" means Natural Resource Overlay District.

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

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

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

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

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

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

"Public stormwater facility" means any stormwater facility in the public right-of-way or easement operated and maintained by the City, County, or State.

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

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

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

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

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

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

"Stormwater facility" means a component of a manmade drainage feature, or features designed or constructed to perform a particular function or multiple functions related to stormwater management. Includes, but is not limited to, pipes, swales, ditches, culverts, street gutters, rain gardens, pervious pavements, green roofs, ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators and sediment basins. Stormwater facilities shall not include building gutters, downspouts, and drains serving one single-family residence.

"Stormwater management" means a program to provide surface water quality and quantity controls through structural and non-structural methods and capital improvement projects. Nonstructural controls include, but are not limited to, maintenance of stormwater facilities, public education, water quality monitoring, and preparation of agreements, ordinances, and regulations.

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

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

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

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

"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.

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

13.12.050 - Applicability and exemptions.

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

- A. Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:
 1. The conveyance facilities are located entirely on one privately owned parcel;

2. The conveyance facilities are privately maintained; and
3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.

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

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

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

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

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

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

13.12.060 - Abrogation and greater restrictions.

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

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

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.

13.12.080 - Submittal requirements.

- A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.

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

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

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

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

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.

13.12.110 - Transfer of engineering responsibility.

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

13.12.120 - Standard construction specifications.

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

Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.

13.12.140 - Maintenance of public stormwater facilities.

- A. A stormwater facility that receives stormwater runoff from a public right-of-way shall be a public facility. Upon expiration of the warranty period and acceptance by the city as described below, the City shall be responsible for maintenance of those public stormwater facilities. Access for maintenance of the stormwater facilities shall be provided to the City through the granting of a stormwater easement or other means acceptable to the City.
- B. Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the City a separate two-year landscaping maintenance surety bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of stormwater conveyance systems shall occur when the City accepts the stormwater conveyance system.
- C. The City will perform an inspection of the development's entire publicly maintained stormwater system approximately forty-five days before the two-year warranty period expires. The stormwater system must be found to be in a clean, functional condition by the City engineer before acceptance of maintenance responsibility by the City.

13.12.145 - Maintenance of private stormwater facilities.

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

13.12.150 - Penalties and enforcement.

- A. The City is authorized to make inspections and take such actions as required to enforce the provisions of this chapter. The City has the authority to enter onto land for the purpose of inspecting site development activities or resulting improvements. City staff will make an effort to contact the property owner before entering onto that property.
- B. If the city engineer determines a site has any unpermitted or illegal facilities placed, constructed or installed on the site, then the city engineer shall notify the owner in writing directing the owner to submit a written plan (with construction drawings completed by a professional engineer, if otherwise required by this chapter) within ten calendar days. This plan (and drawings, if required) shall depict the restoration or stabilization of the site or correct the work that has adversely impacted adjacent or downstream property owners. The city engineer shall review the plan (and

drawings, if required) for compliance with City standards and issue comments for correction, if necessary, or issue an approval to the owner. The city shall establish a fee by resolution for such review, with all costs borne by the owner. If the required corrective work constitutes a grading permit, then the City shall collect the appropriate grading permit fee.

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

13.12.160 - Hazardous conditions.

- A. Determination and Notification. If the City Engineer determines that any excavation, embankment, erosion/sedimentation control or drainage facility is a safety hazard; endangers property; or adversely affects the safety, use or stability of a public way, water quality resource areas (pursuant to OCMC 17.49) or drainage course, the owner(s) of the subject property and/or the person or agent in control of the property shall be required to repair or eliminate the hazard in conformance with the requirements of this chapter and the Public Works Stormwater and Grading Design Standards. At the time that the City Engineer makes the determination that a hazardous condition exists, the property owner and/or person or agent in control of the property will be notified in writing that the hazard exists.
- B. Order to Correct. The City Engineer will order the specific work to be undertaken or will order that an engineering design be submitted for review and approval by the City Engineer, and will specify the time periods within which the hazardous conditions be repaired or eliminated. In the event that the owner and/or the person or agent in control of the property fails to comply with this order, that person shall be subject to the code enforcement procedures of OCMC 1.16, 1.20, and 1.24.

13.12.170 - Permits from other jurisdictions.

- A. The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES 1200-C permits for projects that cover areas of one acre or greater. No permit shall be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DEQ representatives.
- B. Projects may require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits. If such permits are required, no permission to construct will be granted until such a time as a copy of such permit is on file with the City or notice is received from those agencies that a permit is not required. DSL/USACE is responsible for enforcing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DSL/USACE representatives.
- C. Projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. When ODFW permits are required, no work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits; however, if City personnel observe conditions

that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate ODFW representatives.

13.12.180 - Violation—Penalty.

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

Oregon City Municipal Code

Chapter 14.04 – City Boundary Changes and Extension of Services

14.04.010 - Purpose.

It is the purpose and general intent of the ordinance codified in this chapter to delineate the appropriate procedures to be followed to annex territory to the City and to undertake other major and minor boundary changes. It is recognized that annexations to the corporate limits are major land use actions affecting all aspects of city government, and that other boundary changes and extensions of services must also be regulated.

- A. With respect to annexations, the procedures and standards established in this chapter are required for review of proposed annexations in order to:
 - 1. Provide adequate public information and sufficient time for public review before an annexation election;
 - 2. Maximize citizen involvement in the annexation review process;
 - 3. Establish a system for measuring the physical, environmental, fiscal and related social effects of proposed annexations; and
 - 4. Ensure adequate time for staff review.
- B. With respect to major and minor boundary changes or extensions of services other than annexations, it is the purpose and general intent of this chapter to provide a method by which such changes or extensions may be reviewed in a rational way and in accordance with applicable comprehensive plans.

14.04.020 - State and regional regulations regarding annexations, other boundary changes and extensions of services.

The regulations and requirements of ORS Ch. 222, and Metro Code Section 3.09, are concurrent obligations for annexation and are not affected by the provisions of this chapter.

14.04.030 - Definitions.

Unless the context requires otherwise, the following definitions and their derivations shall be used in this chapter:

"City" means the City of Oregon City, Oregon.

"Commission" or "City Commission" means the City Commission of Oregon City, Oregon.

"District" means an entity described in ORS 198.010, 198.710(1) to (4) or 199.420.

"Major boundary change" means the formation, merger, consolidation or dissolution of a city or district.

"Minor boundary change" means an annexation or withdrawal of territory to or from a city or district or from a city-county to a district. "Minor boundary change" also means an extra-territorial extension of water or sewer service by a city or district.

"Planning Commission" means the Oregon City Planning Commission.

"Withdrawal" means the detachment, disconnection, or exclusion of territory from the City or service district.

14.04.040 - Procedures for major boundary changes and for minor boundary changes other than annexations.

- A. With respect to major boundary changes and for minor boundary changes other than for annexations, the procedures that shall be followed shall be those provided by the laws of the State of Oregon.
- B. The City Commission may provide for the withdrawal of territory from a district described in ORS 222.111, when land is annexed into the City. Any such withdrawal shall be specifically set forth in the final order of the City Commission approving the annexation.

14.04.050 - Annexation procedures.

- A. Application Filing Deadlines. Annexation elections shall be scheduled for March, May, September and November of each year. Each application shall first be approved by the City Commission, which shall provide a valid ballot title in sufficient time for the matter to be submitted to the voters as provided by the election laws of the State of Oregon.
- B. Pre-application Review. Prior to submitting an annexation application, the applicant shall confer in the manner provided by Section 17.50.050(A) with City staff.
- C. Neighborhood Contact. Prior to filing an annexation application, the applicant shall meet with the city-recognized neighborhood association or associations within which the property proposed to be annexed is located.
- D. Signatures on Consent Form and Application. The applicant shall sign the consent form and the application for annexation. If the applicant is not the owner of the property proposed for annexation, the owner shall sign the consent form and application in writing before the City Manager may accept the same for review.
- E. Contents of Application. An applicant seeking to annex land to the City shall file with the City the appropriate application form approved by the City Manager. The application shall include the following:
 - 1. Written consent form to the annexation signed by the requisite number of affected property owners, electors or both, provided by ORS 222, if applicable;
 - 2. A legal description of the territory to be annexed, meeting the relevant requirements of the Metro Code and ORS Ch. 308. If such a description is not submitted, a boundary survey may be required. A lot and block description may be substituted for the metes and bounds description if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description;
 - 3. A list of property owners within three hundred feet of the subject property and, if applicable, those property owners that will be "islanded" by the annexation proposal, on mailing labels acceptable to the City Manager;
 - 4. Two full quarter-section county tax assessor's maps, with the subject property(ies) outlined;
 - 5. A site plan, drawn to scale (not greater than one inch = fifty feet), indicating:
 - a. The location of existing structures (if any);

- b. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed;
 - c. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flood data showing elevations of all property subject to inundation in the event of one hundred year flood shall be shown;
 - d. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands), wooded areas, identified habitat conservation areas, isolated preservable trees (trees with trunks over six inches in diameter—as measured four feet above ground), and significant areas of vegetation;
 - e. General land use plan indicating the types and intensities of the proposed, or potential development;
- 6. If applicable, a double-majority worksheet, certification of ownership and voters. Certification of legal description and map, and boundary change data sheet on forms provided by the city.
 - 7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in the ordinance codified in this chapter, as relevant, including:
 - a. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;
 - b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
 - c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
 - d. Statement outlining method and source of financing required to provide additional facilities, if any;
 - e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;
 - f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;
 - g. Statement indicating the type and nature of any comprehensive plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development;
 - 8. The application fee for annexations established by resolution of the City Commission and any fees required by metro. In addition to the application fees, the City Manager shall require a deposit, which is adequate to cover any and all costs related to the election;
 - 9. Paper and electronic copies of the complete application as required by the community development director.

14.04.060 - Annexation factors.

- A. When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:
 - 1. Adequacy of access to the site;
 - 2. Conformity of the proposal with the City's Comprehensive Plan;
 - 3. Adequacy and availability of public facilities and services to service potential development;
 - 4. Compliance with applicable sections of ORS Ch. 222, and Metro Code Section 3.09;
 - 5. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes;

6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at time of annexation;
7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation;
8. Whether significant site grading or tree removal greater than twenty-five percent of the “forest canopy”, excluding farm or forest practices as defined under ORS 30.930, has occurred on the property since the date when the annexation application was filed with the City.

14.04.070 - Action by the Planning Commission.

The Planning Commission shall conduct a public hearing in the manner provided by OCMC Section 17.50.170(B) to evaluate the proposed annexation and make a recommendation to the City Commission regarding how the proposal has or has not complied with the factors set forth in Section 14.04.060 of this chapter. The Planning Commission shall provide findings in support of its recommendation.

14.04.080 - Action by City Commission.

Upon receipt of the Planning Commission's recommendation, the City Commission shall hold a public hearing in the manner provided by OCMC Section 17.50.170(C). The City Commission shall endeavor to review all proposals prior to the city application deadline for submitting ballot measures to the voters. The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section 14.04.060 of this chapter. The City Commission shall make findings in support of its decision to schedule an annexation for an election.

14.04.090 - Legal advertisement of pending election.

After City Commission review and approval, the City Manager shall cause a legal advertisement describing the proposed annexation and pending election to be published in at least one newspaper of general circulation in the city in the manner provided by state election law. The advertisement shall be placed at least fourteen days prior to the election. The size of the advertisement shall be determined by the City Manager. The advertisement shall contain: a description of the location of the property, size of the property, its current zoning and any proposal for zone changes upon annexation, a general description of the potential land uses allowed, any required comprehensive plan text or map amendment or zoning ordinance text or map amendment, and where the City Commission's evaluation of the proposed annexation may be found. Any statement regarding development of the property proposed for annexation that is dependent upon future action by the city shall be accompanied by a disclaimer to the effect that such development would not be affected by the annexation vote.

14.04.100 - Election procedures.

- A. Pursuant to ORS 222.130(1), the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed one hundred fifty words. The city attorney shall prepare the ballot title wording.
- B. Pursuant to ORS 222.130(2), the notice of an annexation shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.

- C. Pursuant to ORS 222.111(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately.

14.04.110 - Setting of boundaries and proclamation of annexation.

Upon approval by the voters of the proposed annexation, the City Commission, by ordinance, shall set the boundaries of the area to be annexed by a legal description, adopt findings, and proclaim the results of the election.

14.04.120 - Exceptions.

The City Commission may authorize an exception to any of the requirements of this chapter. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for identified health hazards and for those matters which the City Commission determines that the public interest would not be served by undertaking the entire annexation process. All annexations, however, shall be referred to the voters of the city except those exempted by state law. An exception referring to an annexation application that meets the approval criteria to an election cannot be granted except as provided for in the Oregon Revised Statutes.

Oregon City Municipal Code

Chapter 16.04 General Provisions and Administration of Land Divisions

16.04.010 - Purpose.

This title is enacted in compliance with ORS 92.010 through 92.160 to establish procedures and standards for partitioning and subdividing land within the City. These regulations, along with requirements of the City's underlying zoning, provide the dimensional requirements for building lots, street locations, street design, rights-of-way, location requirements for houses on residential lots, the provision of adequate open space for recreation and community facilities, and the basic requirements for the installation of public utilities, all with the aim of achieving:

- A. A sufficient supply of needed housing with satisfactory living conditions in new subdivisions that comply with Statewide Planning Goal 10 and implementing administrative rules, guidelines and statutes;
- B. The protection, conservation and proper use of the land;
- C. The timely and efficient extension of public facilities and services without excessive expenditure of public funds in accordance with Statewide Planning Goals 11 and 14 and their implementing administrative rules and guidelines;
- D. The simplification and greater accuracy of land descriptions;
- E. The protection of property owners from excessive assessment for future utility installations and to provide a means of ensuring that property owners pay only their fair share of the cost of providing public facilities and services;
- F. The protection of the health, safety and general welfare of the public;
- G. Increased consumer protection by assuring that only those lots which have met city requirements and have been lawfully created through subdivision or partition approval are allowed to be advertised for sale;
- H. Increased urban density and a livable design that achieves Metro-mandated requirements, while providing an enjoyable living and working environment; and
- I. Safe, direct and convenient pedestrian and bicycle access, where reasonably possible within, from and between residential, commercial, industrial and institutional developments and neighborhood activity centers in accordance with Statewide Planning Goal 12 and the implementing administrative rule.

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

16.04.015 - Fees.

- A. **Filing Fees.** The City Commission shall establish by resolution a schedule of fees for all land division and engineering plan reviews, inspections, applications and appeals provided for under this title. Fees shall be structured to reflect the City's actual or average cost of providing the required services and must be paid in full at the time of application, along with all other required

information and documents before the application to be deemed complete. Filing fees shall not be refundable or reimbursable except as provided in Section 17.50.290 of this Code.

- B. Technical Plan Check and Inspection Fees. The City Commission shall establish by resolution a plan check and inspection fee. This fee shall be paid to cover the City's costs of reviewing plans and inspecting public improvements.
 - C. Other Fees. The fees required by this chapter are in addition to any fees charged by any other department of the City and any other governmental entity with regulatory jurisdiction.
- (Ord. No. 08-1014, 7-1-2009)

16.04.020 - Conditions of land division approval.

The decision-maker may impose reasonable conditions of approval on any approval granted under this title to ensure that the application meets, or will meet, any application approval standard.

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

16.04.025 - Restrictions on sale of lots until process is complete.

- A. No person shall negotiate to sell any lot in a subdivision until a preliminary plat has been approved pursuant to this title.
 - B. No person shall complete the sale of any lot in any subdivision until the final subdivision plat for the development has been approved under this title and properly recorded with the county.
 - C. Parcels subject to the partition process under this title may be advertised, and sales negotiated, prior to preliminary partition plat approval; however, no sale of any such lot may be completed until the city has granted final partition approval under this title and the plat is properly recorded with the county.
- (Ord. No. 08-1014, 7-1-2009)

16.04.030 - Severability.

If any part of this title is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that part shall be deemed separate from the balance of the title and the invalidation of any part of this title shall not affect the validity or enforceability of any of the title's remaining portions.

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

16.04.035 - Nuisance—Violations and penalties.

Any act, omission or use of property in violation of the requirements of this chapter shall constitute a nuisance, a civil infraction and a code violation subject to the code enforcement provisions of Chapters 1.16, 1.20 and 1.24.

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

Oregon City Municipal Code

Chapter 16.08 Land Divisions - Process and Standards

16.08.010 - Purpose and general provisions.

- A. **Applicability.** This chapter controls the process and approval standards applicable to land divisions including:
 - 1. Partitions, defined as a single division of land into two or three lots, and/or
 - 2. Subdivisions, defined as a single division of land into four or more lots and/or
 - 3. Expedited land divisions.
- B. **Approval of a land division** shall be granted only upon determination by the City that all applicable requirements of this title, ORS Chapter 92, the applicable zoning designation, applicable overlay districts, and OCMC 12.04, 12.08, 13.12, 15.48, 16.12, 17.41, and 17.50 of the Oregon City Municipal Code are met or can be met with conditions of approval.
- C. These applications shall generally follow a Type II process pursuant to OCMC 17.50. However, if an applicant opts to process a subdivision as an expedited land division, the City shall follow the decision-making process provided by state law and apply the applicable approval standards set forth in this code and elsewhere.
- D. **Purpose.** The purpose of this chapter is to provide a speedy review and decision-making process with relatively clear and objective criteria indicating little discretion, with little opportunity to deviate from the City's dimensional standards. If an applicant wishes greater flexibility in lot pattern or layout, phasing of development, or relief from dimensional or public improvement standards, the appropriate procedure would be a Master Plan / Planned Unit Development pursuant to OCMC 17.65 or an additional application for a variance(s) pursuant to OCMC 17.60.
- E. **Process Overview.** Land division review process requires a two-step process: preliminary and final plats. The preliminary plat, reviewed through a Type II process, provides all of the essential information about the proposal, including layout, number and pattern of lots, location of all existing structures and improvements, significant natural features, development schedule and any other required information. The final plat shall be processed as identified in OCMC 16.08.100.

16.08.025 - Preliminary plat—required information.

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

- A. **Site Plan.** A detailed site development plan drawn to scale by a surveyor showing the location and dimensions of lots, streets, existing and proposed street names, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious

surface created (including streets, sidewalks, etc.), all areas designated as being within an overlay district and an indication of existing and proposed land uses for the site.

- B. Traffic/Transportation Plan. The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. In the preparation of the Traffic/Transportation Plan, the applicant shall reference the adopted Transportation System Plan. The Community Development Director may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.
- C. Natural Features Plan and Topography, Preliminary Grading and Drainage Plan. The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within 250 feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features must include all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all stormwater management features. This plan shall identify the location of drainage patterns and courses on the site and within 250 feet of the property boundaries where practicable. Features that must be illustrated shall include the following:
 - 1. Proposed and existing street rights-of-way and all other transportation facilities;
 - 2. All proposed lots and tracts;
 - 3. All trees proposed to be removed prior to final plat with a diameter six inches or greater diameter at breast height (d.b.h);
 - 4. All natural resource areas pursuant to OCMC 17.49, including all jurisdictional wetlands shown in a delineation according to the Corps of Engineers Wetlands Delineation Manual, January 1987 edition, and approved by the Division of State Lands and wetlands identified in the City of Oregon [City] Local Wetlands Inventory, adopted by reference in the City of Oregon City Comprehensive Plan;
 - 5. All known geologic and flood hazards, landslides or faults, areas with a water table within one foot of the surface and all flood management areas pursuant to OCMC 17.42;
 - 6. The location of any known state or federal threatened or endangered species;
 - 7. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;
 - 8. All wildlife habitat or other natural features listed on any of the City's official inventories.
- D. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,
 - 1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
 - 2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated

Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

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

The Community Development Director may waive any of the foregoing requirements if the Community Development Director determines that the requirement is unnecessary in the particular case and that the intent of this chapter has been met.

- E. Timely Provision of Public Services and Facilities. The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:

1. Water,
2. Sanitary sewer,
3. Storm sewer and stormwater drainage,

Parks, trails and recreation facilities, if determined to be necessary pursuant to the Oregon City adopted Trail Master Plan and / or Parks and Recreation Master Plan⁴. Traffic and transportation,

Schools, if determined to be necessary by Oregon City School District⁵. Fire and police services;

Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before recording of the plat;

- F. Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, homeowner association agreements, dedications, deeds easements, or reservations of public open spaces not dedicated to the City, and related documents for the subdivision;
- G. Overall density of the subdivision and the density by dwelling type for each.
- H. If required by staff at the pre-application conference, a connectivity analysis shall be prepared by a transportation engineer licensed by the state of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed land division will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards and adopted Transportation System Plan, street design standards, and adopted concept plans, corridor and access management studies, engineering standards and infrastructure analyses.

16.08.045 - Frontage width requirement.

Each lot shall abut upon a street other than an alley for a width of at least twenty feet unless flag lots are provided pursuant to OCMC 16.08.050, except for Cluster Housing development pursuant to OCMC 17.20.020.

16.08.050 - Flag lots.

- A. Flag lots shall not be permitted, except where the applicant can show that the existing parcel configuration, topographic constraints or the location of a pre-existing dwelling unit precludes a land division that meets the minimum density, dimensional standards of the underlying zone, and except where street connectivity is not practicable as determined by the City Engineer.
- B. A shared joint accessway shall be provided unless the existing topography of the site or the pre-existing dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a form acceptable to the City Attorney.
- C. Accessways shall have a pavement width of at least sixteen feet to service 1 or 2 units or twenty feet to service 3 or more units. A fire access corridor of at least twenty feet shall be provided to all parcels with a minimum pavement width of sixteen feet to service 2 units or twenty feet to service 3 or more units. At least six inches of shoulder on each side of the fire access corridor shall be provided in order that construction work does not infringe on adjacent properties. A narrower pavement width may be approved by the Fire District and Planning Division. The City Engineer and/or Fire District may require that additional fire suppression devices be provided to assure an adequate level of fire and life safety. The City Engineer and/or Fire District may prohibit vehicular obstruction, including trees, fences, landscaping and structures within the fire access corridor.
- D. If the proposed accessway exceeds 150 feet in length the accessway shall conform to Fire District standards and shall be paved to a minimum width of twenty feet unless an alternative is approved by the Planning Division and Fire District. If more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the City Engineer and Fire District. Improvements shall comply with OCMC 16.12, Minimum Improvements and Design Standards for Development.
- E. The pole portion of the flag lot shall connect to a street.
- F. The pole shall be at least ten feet wide for the entire length.
- G. The pole shall be part of the flag lot and must remain under the same ownership as the flag portion of the lot.

16.08.053 Tracts

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

16.08.060 - Building sites.

The size, width, shape and orientation of building sites shall be rectangular or square to the maximum extent practicable.

- A. Sites abutting an alley shall gain vehicular access from the alley unless deemed impracticable by the decision maker.
- B. Adequate access for emergency services (fire and police) shall be provided.

16.08.065 – Lot size reduction.

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

The average lot area is determined by first calculating the total site area devoted to single-family detached dwelling units, subtracting the powerline easement areas, and dividing that figure by the proposed number of single-family detached dwelling lots.

Tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways are not included in this determination of total dwelling units.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

16.08.070 - Building site—Through lots.

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys or shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.

16.08.075 - Building site—Lot and parcel side lines.

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve. Lot and parcel side lines for cluster housing projects proposed consistent with the standards in OCMC 17.20.020 are not subject to this standard.

16.08.080 - Building site—Setbacks and building location.

This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. Houses oriented in this manner assure a sense of openness by avoiding the “bowling alley” effect caused by uninterrupted, continuous privacy fences along higher volume streets. The objective is for lots located on a neighborhood collector, collector or minor arterial street to locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street,

- A. The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.

- B. The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.
- C. On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.
- D. The decision maker may approve an alternative design, consistent with the intent of this section, where the applicant can show that existing development patterns preclude the ability to practically meet this standard.

16.08.085 - Building site—Division of large lots.

Where land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the Community Development Director shall require an arrangement of lots, parcels, buildings on lots, utilities, and streets which facilitates future redivision. In such a case, development limitations including building locations and setback lines may be required and made a matter of record in order to preserve future right-of-way or building sites.

16.08.090 - Protection of trees.

Protection of trees shall comply with the provisions of OCMC 17.41.

16.08.095 - Prohibition on Additional Private Restrictions on Housing Types.

Conditions, Covenants, and Restrictions (CC&Rs) or similar legal instrument submitted with residential plats submitted for final plat approval after January 1, 2019 shall explicitly permit Accessory Dwelling Units and internal conversions to the extent permitted in the City’s Development Code in place at the time of final plat submittal, and shall not impose additional restrictions on Accessory Dwelling Units and internal conversions.

16.08.100 - Final plat—Application requirements and approval standards.

- A. The final plat shall contain, or be accompanied by, the following information:
 - 1. The city planning file number, located just below the title block;
 - 2. The lines and names of all streets or other public and private ways, pedestrian/bicycle accessways, parks, playgrounds and easements intended to be dedicated for public use, or granted for use of the owners within the petition;
 - 3. The length and bearings of all straight lines, curves, radii and arcs of all curves.
 - 4. Street center line control based on recorded city control surveys for street center lines, if applicable;
 - 5. The names or official reference numbers of all recorded subdivision or partition plats immediately adjacent to the land division;
 - 6. Building envelopes indicating compliance with setbacks. This shall be shown on a separate copy of the final plat;
 - 7. All homeowners' agreements, maintenance agreements, articles of incorporation, bylaws and CC&Rs. These matters shall be reviewed and verified by the city attorney for conformance with state and local requirements before recording with the final plat;
 - 8. A declaration shall appear on the face of the final plat that conforms with the City's final plat review checklist as published by the City Engineer.

- B. The final plat shall be reviewed through a Type I process unless the final plat deviates significantly from the approved preliminary plat. A significant deviation is defined as a modification to the preliminary plat that exceeds the threshold situations discussed in subsection (C) below, in which case the deviation shall cause the land division to be reviewed again and processed in the same manner as was the preliminary plat. The applicant shall apply for final plat approval to the City and shall pay the applicable fees as set forth on the City's adopted fee schedule. The final plat is processed as a Type I decision by the City so long as the final plat is consistent with the approved preliminary plat including any conditions attached thereto and required permits for access to facilities owned by another jurisdiction.
- C. A Type II or Expedited Land Division review is required in order to modify a preliminary plan approval in the following respects: (1) any increases in the number of lots as part of a previously approved partition; (2) increasing the number of lots in a subdivision by no more than one additional lot; and/or (3) a significant change in the location of a street. However, the City is entitled to rely upon the prior decision and findings for those portions of the subdivision that the applicant does not propose to modify. If such a review is necessary, the review shall be limited only to those aspects of the final subdivision plat that deviate from the approved preliminary subdivision plat.

16.08.105 - Filing and recording of final subdivision plat.

Following approval of the final plat, the applicant shall file with the county recording officer the confirmed and approved copy of the final subdivision plat together with all pertinent documents approved as to form by the City Attorney.

Oregon City Municipal Code

Chapter 16.12 Minimum Public Improvements and Design Standards for Development

16.12.008 Definitions.

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

16.12.010 - Purpose and general provisions.

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

16.12.011 - Applicability.

- A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements. Minor Site Plan and Design Review applications shall not be subject to this chapter unless improvements are proposed within the right-of-way.
- B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all single and two-family dwellings living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage must be improved to include the following priorities for improvements:
 - 1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
 - 2. Plant street trees.

The cost of compliance with the standards identified in 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the State of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and

improvements is based on the proposed construction project and not individual building permits. The entire proposed construction project includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

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

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

16.12.013 - Modifications.

The review body may consider modification of this standard resulting from constitutional limitations restricting the city's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

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

16.12.014 - Administrative provisions.

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

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

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

- A. Project Engineer's Certificate of Completion;

- B. Stormwater Operation and Maintenance Easement (if applicable);
- C. Deed of Dedication (Bargain and Sale Deed);
- D. Recorded Plat and/or Easements (if applicable);
- E. Recorded Non-Remonstrance Covenant Agreement;
- F. Land Division Compliance Agreement (if applicable);
- G. Permanent Stabilization and/or Restoration of the impact from the development;
- H. Fulfillment of all Conditions of Approval;
- I. Payment of all Outstanding Fees;
- J. Maintenance Guarantee(s). per OCMC 17.50.141;
- K. Indemnity Agreement (if applicable);
- L. Completed Punchlist;
- K. As-Built Drawings.

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

16.12.015 - Street design—Generally.

Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations.

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

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

sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

16.12.016 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the standards in Table 16.12.016 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The table implements the adopted Transportation System Plan and illustrates the maximum design standards. These standards may be reduced with an alternative street design which may be approved based on the modification criteria in OCMC 16.12.013 or at the discretion of the City Engineer. The steps for reducing the maximum design below are found in the Transportation System Plan.

Table 16.12.016 Street Design

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

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

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

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A
	Industrial	88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	N/A
	Residential	85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft.	N/A

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

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

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

16.12.017 - Street design—Access control.

- A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the City as a City controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.
- B. The City may grant a permit for the adjoining owner to access through the access control.
- C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

- D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

16.12.018 - Street design—Alignment.

The centerline of streets shall be:

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

16.12.019 - Traffic sight obstructions.

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

16.12.020 - Street design—Intersection angles.

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

16.12.021 - Street design—Grades and curves.

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

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

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

16.12.023 - Street design—Pedestrian and bicycle safety.

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

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

16.12.024 - Street design—Half street.

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

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

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

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

- A. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units.
- B. Cul-de-sacs and permanent dead-end streets shall include pedestrian/bicycle accessways to meet minimum block width standards as prescribed in OCMC 16.12.030.
- C. Cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and city adopted street standards.
- D. Permanent dead-end streets shall provide public street right-of-way/easements sufficient to provide a sufficient amount of turn-around space complete with appropriate no-parking signs or markings to accommodate waste disposal, sweepers, emergency and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker.

- E. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. A dead-end street shall include signage or barricade meeting Manual on Uniform Traffic Control Devices (MUTCD).

16.12.026 - Street design—Alleys.

Public alleys shall be provided in concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the City Engineer.

16.12.027 - Street design—Off-site street improvements.

During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the 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.

16.12.028 - Street design—Transit.

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

16.12.029 - Excavations—Restoration of pavement.

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

16.12.030 - Blocks—Width.

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

All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in the current adopted Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines except in zones GI, CI, MUE, I, and WFDD where determining the appropriate street spacing will be determined by the City Engineer. If the maximum block size is exceeded, pedestrian accessways must be provided every 330 feet. The spacing standards within this section do not apply to alleys.

16.12.031 - Street design—Street names.

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

16.12.032 – Public off-street pedestrian and bicycle accessways.

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding 330 feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

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

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

16.12.033 - Mobility standards.

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

- A. For intersections within the regional center, the following mobility standards apply:
 1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
 2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
 3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.
- B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
 2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
- C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
1. For signalized intersections:
 - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
 - b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
 2. For unsignalized intersections outside of the boundaries of the Regional Center:
 - a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.
- D. For the intersection of OR 213 & Beaver Creek Road, the following mobility standards apply:
1. During the first, second & third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.
- E. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205/OR 99E Interchange

State intersections located within or on the Regional Center Boundaries

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

16.12.035 - Driveways.

- A. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 16.12.035.A.

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

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

- B. Nonresidential or multi-family residential driveways that generate high traffic volumes shall be treated as intersections and must adhere to requirements of Section 16.12.020.
- C. One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed for any single-family attached or detached residential property, two-family residential property, 3-4 plex property, or property developed with an ADU or internal conversion with multiple frontages, unless otherwise approved by the City Engineer.
- D. When a property fronts multiple roads, access must be provided from the road with the lowest classification in the Transportation System Plan whenever possible to minimize points of access to arterials and collectors. At the discretion of the City Engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:
1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or
 2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.
- E. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Table 16.12.035.D Driveway Approach Size Standards		
Property Use	Minimum Driveway Approach Width	Maximum Driveway Approach Width

Single or two-family dwelling with one car garage/parking space	10 feet		12 feet
Single or two-family dwelling with two car garage/parking space	12 feet		24 feet
Single or two-family dwelling with three or more car garages/parking space	18 feet		30 feet
Nonresidential or multi-family residential driveway access	One-Way 12 feet	Two-Way 20 feet	40 feet

- F. Driveway widths must match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.
- G. The City Engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:
1. To provide adequate space for on-street parking;
 2. To facilitate street tree planting requirements;
 3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
 4. To assure that adequate sight distance requirements are met.
 - a. Where the decision-maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.
 - b. Where the decision-maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the "R-5" Single-Family Dwelling District or "R-3.5" Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or property line.
- H. For all driveways, the following standards apply.
1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the City Engineer.
 2. Any driveway approach built within public right-of-way shall be built and permitted per City requirements as approved by the City Engineer.
 3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the City Engineer.
- I. Exceptions. The City Engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.

16.12.065 - Building site—Grading.

Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Title 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of OCMC 13.12, 15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of OCMC 17.47.

16.12.085 - Easements.

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

- A. Utilities. Utility easements shall be required where necessary as determined by the City Engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the development and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.
- B. Franchise Utilities. All new development shall provide a ten -foot wide franchise utility easement within private property adjacent to all property lines fronting an existing or proposed right-of-way. Insofar as practicable, such easements shall be continuous and aligned from block-to-block within a development or with adjoining properties. Such an easement may be reduced in size or be part of the right-of-way at the discretion of the City Engineer.
- C. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.
- D. Watercourses. Where a development is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.
- E. Access. When easements are used to provide vehicular access to lots within a development, the construction standards, but not necessarily width standards, for the easement shall meet City specifications. The minimum width of the easement shall be 20 feet. The easements shall be improved and recorded by the applicant and inspected by the City Engineer. Access easements may also provide for utility placement.
- F. Resource Protection. Easements or other protective measures may also be required as the Community Development Director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

16.12.090 - Minimum improvements—Procedures.

In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to City specifications and standards as set out in the City's facility master plan and

Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:

- A. Improvement work shall not commence until construction plans have been reviewed and approved by the City Engineer and to the extent that improvements are located in county or state right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.
- B. Improvements shall be constructed under the inspection and approval of the City Engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the City Engineer or other City decision-maker, the applicant's project engineer also shall inspect construction.
- C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of OCMC 17.47, 17.49 and the Public Works Erosion and Sediment Control Standards.
- D. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the ten-foot wide franchise utility easement within private property.
- E. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.
- F. The City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

16.12.095 - Minimum improvements—Public facilities and services.

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

- A. **Transportation System.** Applicants and all subsequent lot owners shall be responsible for improving the City's planned level of service on all public streets, including alleys within the development and those portions of public streets adjacent to but only partially within development. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points or curvature and points of tangency of their center line, and at such other points as directed by the City Engineer.
- B. **Stormwater Drainage System.** Applicants shall design and install drainage facilities within a development and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with City drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards.

- C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a development in accordance with the City's sanitary sewer design standards, and shall connect those lots or parcels to the City's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. Applicants are responsible for extending the City's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the City Engineer before construction begins.
- D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a development in accordance with the City public works water system design standards, and shall connect those lots or parcels to the City's water system. Applicants are responsible for extending the City's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.
- E. Street Trees. Refer to OCMC 12.08, Street Trees.
- F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.
- G. Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Existing and new electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.
- H. Oversizing of Facilities. All facilities and improvements shall be designed to City standards as set out in the City's facility master plan, public works design standards, or other City ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The City may require oversizing of facilities to meet standards in the City's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the City for oversizing based on the City's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.
- I. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of OCMC 17.47 with regard to erosion control.

16.12.100 - Same—Road standards and requirements.

- A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of this Chapter. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:
 1. The establishment of the public street is initiated by the City Commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
 2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.

- B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the Community Development Director and City Engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.

16.12.101 - Standard construction specifications.

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

16.12.105 - Same—Timing requirements.

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

16.12.110 -Public improvements—Financial guarantees.

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

16.12.120 Waiver of Remonstrance

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

16.12.1125 - Violation—Penalty.

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



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Community Development – Planning

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Oregon City Municipal Code

~~Chapter 16.16 Minor Partitions – Processes and Standards~~

Chapter deleted and integrated into 16.08.

Oregon City Municipal Code

Chapter 16.20 Property Line Adjustments and Abandonment Process and Standards

16.20.010 - Purpose and general provisions.

The Community Development Director under the applicable provisions in Chapter 17.50 shall process applications for property line adjustments and abandonments as a Type I decision. Approval shall be granted only upon determination by the Community Development Director that all applicable requirements of this title and ORS Chapter 92 have been met.

16.20.020 - Adjustment/abandonment submission requirements.

An application for a property line adjustment or abandonment shall include two copies of the following documents submitted to the community development director:

- A. Application requirements as identified in OCMC 17.50.080;
- B. A boundary survey prepared by an Oregon professional land surveyor in accordance with ORS 92.060(7) except where the application proposes the relocation of a currently monumented common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary. The survey shall include in its title the following: "Proposed Property Line Adjustment Survey," shall identify the city planning file number and approval date immediately below the title block with space for signature and date by the community development director;
- C. Legal descriptions of the parent parcels to be adjusted and the resulting parcels to be created;
- D. A current preliminary title report or trio for the subject property(ies);
- E. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.
- F. Documentation indicating there are not any liens favoring the City on the subject site.

16.20.040 - Adjustment/abandonment approval standards.

All parcels resulting from a lot line adjustment or abandonment shall conform to the applicable requirements of Title 16 and 17 of the Oregon City Municipal Code including the standards within the zoning designation such as lot width, depth, lot coverage, subdivision density requirements, etc. as well as access and frontage requirements, ORS 92.010 to ORS 92.160, and any other applicable city regulation or state law. In no case, shall a lot line adjustment result in a parcel that is unbuildable due to the presence of an overlay district or other physical constraint, unless the parcel is recorded as a tract as defined by OCMC 17.04.1303.

The Community Development Director shall determine if the applicant's submission complies with these standards, and issue to the applicant a notice of decision consistent with OCMC 17.50.120. The

Community Development Director decision is final and not appealable to any other decision-maker within the city.

**Oregon City Municipal Code
Chapter 17.04 Definitions**

17.04.005 - Generally.

- A. As used in this title, words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; unless the context clearly indicates the contrary, the word "shall" is mandatory and not discretionary; the word "may" is permissive; the masculine gender includes the feminine and neuter; and the term "this title" shall be deemed to include the text of this title and accompanying zoning maps and all amendments hereafter made thereto.
- B. Whenever the following words or terms and their derivatives are used in this title, they shall have the meaning herein ascribed to them, unless the context makes such meaning repugnant thereto.

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

17.04.006 3-4 plex residential

"3-4 plex residential" is a building located on one lot and containing three to four dwelling units in any vertical or horizontal arrangement. The units in a 3-4 plex shall share a common structural wall or a common floor/ceiling.

17.04.010 - Accessory building or accessory structure.

"Accessory building" or "accessory structure" means a detached building or structure subordinate in size and use, but located on the same lot as, a principal building.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 17-1007, § 1(Exh. A), 6-21-2017)

17.04.015 - "Accessory Dwelling Unit" (ADU).

"Accessory Dwelling Unit" (ADU) means a residential dwelling unit located on the same lot as a single-family dwelling, that is not a recreational vehicle. The habitable living unit provides basic living requirements including permanent cooking, and toilet facilities and may be either attached to the same building as the single-family dwelling unit or in a detached building.

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

17.04.020 - Access control.

"Access control" means the regulation of public access rights to and from properties abutting public rights-of-way by the construction of physical barriers or conveyance to the city of a property interest (reserve strip) that prevents access to the public right-of-way.

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

17.04.025 - Accessway.

"Accessway" means any public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land. The term "accessway" includes highway, streets, roads, avenues, alleys or similar designations.

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

17.04.030 - Accessway, pedestrian/bicycle.

"Accessway, pedestrian/bicycle" means any off-street path or way as described in OCMC 12.04, intended primarily for pedestrians or bicycles and which provides direct routes within and from new developments to residential areas, retail and office areas, transit streets and neighborhood activity centers.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013)

17.04.035 - Access, vehicular.

"Vehicular access" means an improved roadway, either public or private, providing automobile entrance and/or exit from an approved public street.

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

17.04.040 - Alley.

"Alley" means a public or private way not more than 20feet wide that provides access to a property or properties from a side other than the designed front of the property.

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

17.04.045 - Alteration.

"Alteration" means the addition to, removal of or from, or physical modification or repair of, any exterior part or portion of a landmark or structures in an historic or conservation district. In an historic district any physical change shall be considered a form of alteration and shall be treated as such, except repair and maintenance or change of copy.

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

17.04.050 - Amateur radio operators.

"Amateur radio operator" means a ham radio operators, are licensed by the United States Government.

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

17.04.055 - Anadromous fish-bearing stream.

"Anadromous fish-bearing stream" means a stream or portion of a stream which is identified by resolution of the City Commission as spawning or rearing habitat for those species of fish which return to rivers from the sea for breeding.

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

17.04.060 - Antenna.

"Antenna" means any pole, panel, rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). The antenna does not include the support structure or tower.

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

17.04.070 - Applicant.

"Applicant" means the party or parties who submit an application for approval of a quasi-judicial or legislative permit under city code Titles 16 or 17.

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

17.04.075 - Application.

"Application" means any request for approval of a permit or a legislative amendment to the city's land use regulations, comprehensive plan or related zoning maps.

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

17.04.080 - Approval criteria and approval standards.

"Approval criteria" and "approval standards" mean all standards which must be met in order to approve an application. Depending upon the specific application, approval criteria include standards contained in this Code, the Oregon City comprehensive plan and applicable state law.

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

17.04.081 - Aquifer.

"Aquifer" is a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

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

17.04.082 - Arborist, certified.

"Certified Arborist" means a professional tree service provider whose certification is regulated and current and maintained with the International Society of Arboriculture (ISA). To use the term "Certified Arborist", an individual must have three years of experience and have passed an ISA certification exam that tests a variety of tree care knowledge.

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

17.04.083 – Arcade, pedestrian.

A covered area contiguous to a street or plaza that is open and unobstructed to a height of not less than 10 feet and that provides public access to building entrances, retail space and/or public space. An arcade may include building columns, landscaping, statuary, pools, or fountains as part of the arcade for the purpose of computing area. The term "arcade" shall not include off-street loading areas, driveways, off-street parking areas, or open pedestrian walkways.

17.04.085 - Architect.

"Architect" means an architect licensed by the State of Oregon.

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

17.04.090 - Architectural significance.

"Architectural significance" for the purposes of OCMC 17.40 means that the structure or district:

1. Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
2. Embodies those distinguishing characteristics of an architectural-type specimen;
3. Is the work of an architect or master builder whose individual work has influenced the development of the city; or
4. Contains elements of architectural design, detail, materials or craftsmanship which represents a significant innovation.

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

17.04.095 - Arterial.

"Arterial" means any street so designated in the city's transportation master plan.

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

17.04.100 - Attachment.

"Attachment" means for the purposes of OCMC 17.80, an antenna or other piece of related equipment affixed to a transmission tower, building, light, utility pole, or water tower.

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

17.04.105 - Area of special flood hazard.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

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

17.04.110 - Array.

"Array" means the combination of antennas mounted on a support structure or support tower.

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

17.04.115 - Assisted living facility.

"Assisted living facility" means a facility established for profit or nonprofit, which provides nursing care and related medical services on a 24-hour-per-day basis to sixteen or more individuals because of illness, disease, or physical or mental infirmity. Provides care for those persons not in need of hospital care. Patients do not reside in self-contained dwelling units.

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

17.04.120 - Auxiliary support equipment.

"Auxiliary Support Equipment" means for the purposes of OCMC 17.80 all equipment necessary to provide wireless communication signals and data, including but not limited to, electronic processing devices, air conditioning units, and emergency generators. For the purpose of this chapter, auxiliary support equipment shall also include the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include support towers or structures.

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

17.04.125 - Bankfull stage or bankfull flow.

"Bankfull stage" or "bankfull flow" means the stage or elevation of a stream at which water overflows the natural banks of streams or other waters of this state. The bankfull stage or flow may be approximated using either the 2-year recurrence interval flood elevation or one foot measured vertically above the ordinary mean high water line.

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

17.04.130 - Base flood.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the one hundred-year flood.

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

17.04.135 - Basement.

"Basement" means a story partly underground. A basement shall be counted as a story in accordance with the accepted Building Division definitions.

For the purpose of OCMC 17.42 basement means any area of the building having its floor subgrade (below ground level) on all sides.

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

17.04.140 - Base flood elevation.

"Base flood elevation" means the elevation of the base flood or one hundred-year storm as defined in FEMA (Federal Emergency Management Agency) flood insurance studies, or the highest flood of record since the adoption of the flood insurance maps, or, in areas without FEMA floodplains, the elevation of the twenty-five-year storm, or the edge of mapped floodprone soils or similar methodologies whichever is higher.

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

17.04.145 - Bed and breakfast inns/boardinghouse.

"Bed and breakfast inns and boardinghouses means building(s) which provides overnight accommodations to the public for fewer than 30 consecutive days, excluding shelters.

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

17.04.150 - Beneficial uses or beneficial water uses.

"Beneficial uses" or "beneficial water uses" means, as defined by the Oregon Department of Water Resources, use of an in stream public use of water for the benefit of an appropriator for a purpose consistent with the laws and the economic and general welfare of the people of the state and includes, but is not limited to, domestic, fish life, industrial, irrigation, mining, municipal, pollution abatement, power development, recreation, stock water and wildlife uses.

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

17.04.153 - Board.

"Board" for the purposes of OCMC 17.40 means the historic review board.

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

17.04.154 – Building.

“Building” means structure.

17.04.155 - Building, compatible.

"Compatible building" means for the purposes of OCMC 17.40, buildings in the Canemah National Register Historic District, which date from 1910 to the 1950's.

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

17.04.160 - Building, historic.

"Historic building" means for the purposes of OCMC 17.40, any primary, secondary or compatible building in the Canemah National Register Historic District.

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

17.04.165 - Building of primary historic significance.

"Building of primary historic significance" shall include buildings in the Canemah National Register Historic district shall include buildings dating from prior to 1880 which are primarily one and one-half or two-story frame structures built in the Gothic Revival and Classic Revival styles. These buildings are primarily single-family dwellings.

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

17.04.170 - Building of secondary historic significance.

"Building of secondary historic significance" shall include buildings in the Canemah National Register Historic District dating from 1880 to 1940 which are predominantly rural farm house style and bungalows. These buildings are primarily single-family dwellings.

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

17.04.175 - Camouflage.

"Camouflage" for the purposes of OCMC 17.80 means the design and construction of a wireless communications facility (WCF) to resemble an object that is not a wireless communication facility and which is typically present in the environment.

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

17.04.177 - Cargo container.

A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or

commodities, or (2) designed for being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

(Ord. No. 17-1007, § 1(Exh. A), 6-21-2017)

17.04.178 - Carpool.

"Carpool" means a group of two or more commuters, including the driver, who share the ride to or from work, school or other destination.

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

17.04.180 - Certified engineering geologist.

"Certified Engineering Geologist" is any registered geologist who is certified in the specialty of engineering geology under provisions of ORS 672.505 to 672.705.

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

17.04.185 - Citizen Involvement Committee.

"Citizen Involvement Committee" means an officially recognized advisory body on citizen involvement with one representative from each neighborhood association.

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

17.04.190 - City.

"City" means the City of Oregon City.

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

17.04.195 - City Engineer.

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

17.04.196 - City Transportation Engineer.

"City Transportation Engineer" means the transportation planning engineer for the City, their duly authorized representative(s), or the City's duly authorized representative(s) as designated by the City Manager.

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

17.04.197 - Cluster housing

"Cluster housing" means a cluster of four or more dwelling units around a central common space sharing site amenities such as parking and landscaping in a coherent site design, located either on a single lot or individually platted lots.17.04.200 - Code.

17.04.200 – Code.

"Code" means the Oregon City Municipal Code.

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

17.04.205 - Commercial vehicles.

"Commercial vehicle" means a vehicle of over eight thousand pounds gross weight that is designed for or being used to transport merchandise, or a vehicle of less than 8,000 pounds gross weight.

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

17.04.210 - Collector.

"Collector" means any street so designated in the city's transportation master plan.

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

17.04.215 - Collocation.

"Collocation" means the use of a common wireless communications support structure or tower for two or more antenna arrays.

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

17.04.220 - Community Development Director.

"Community Development Director" means the manager of the Planning Division or the Community Development Director's designee.

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

17.04.225 - Comprehensive plan.

"Comprehensive plan" means the City of Oregon City Comprehensive Plan.

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

17.04.227 – Concept plan area.

“Concept plan area” is a defined area for which there is an adopted concept plan, including the South End Concept Plan area, the Beavercreek Concept Plan area, and the Park Place Concept Plan area.

17.04.230 - Construction area.

Defined as right-of-way, public utility easements, and within the building footprint of a building site for any mixed-use, commercial or industrial development, or if a residential development, within the allowable building footprint permitted by the setback requirements of the zone district.

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

17.04.235 - Constructed 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 separated from naturally occurring or created wetlands.

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

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

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

17.04.255 - Commercial vehicles.

"Commercial vehicle" means:

- A. A vehicle of over eight thousand pounds gross weight that is designed for or being used to transport merchandise, or a vehicle of less than eight thousand pounds gross weight with the business name of the user permanently exhibited on one or both of its sides that is designed and being used to transport merchandise;
- B. A station wagon or other vehicle with the business name of the user permanently exhibited on one or both of its sides, when used for transporting merchandise.

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

17.04.260 Corner duplexes

"Corner duplex" means a building containing two dwelling units on one lot, located on a corner lot, where the units share a common structural wall or a common floor/ceiling.

17.04.265 - Created wetlands.

"Created wetlands" means wetlands developed in an area previously identified as a non-wetland to replace, or mitigate wetland destruction or displacement. A created wetland shall be regulated and managed the same as an existing wetland.

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

17.04.267 - Crest.

"Crest" of slope means the point of curvature where the ground surface descends from the top of a slope.

17.04.270 - Cul-de-sac.

"Cul-de-sac" means a street not more than three hundred fifty feet in length having one end open to traffic and being terminated by a vehicle turnaround. The cul-de-sac is measured from the edge of the right-of-way of the intersecting street to the edge of the pavement at the end of the cul-de-sac.

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

17.04.275 - Day care facility.

"Day care facility" means a facility that provides regular day care services to children under thirteen years of age, including a day nursery, nursery school group or similar unit operating under any name. A day care facility shall not include services provided by a physician or nurse, or facilities operated primarily for education or supervised training or instruction, or day care provided by a "babysitter" or "family day care provider" as defined in this chapter. A day care facility caring for ten or more children shall satisfy the certification requirements of the Children's Services Division.

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

17.04.280 - Debris.

"Debris" means discarded man-made objects that would not occur in an undeveloped stream corridor or wetland. Debris includes, but is not limited to, tires, vehicles, litter, scrap metal, construction waste, lumber, plastic or styrofoam. Debris does not include objects necessary to a use allowed by this chapter, or ornamental and recreational structures. Debris does not include existing natural plant materials or natural plant materials which are left after flooding, downed or standing dead trees or trees which have fallen into protected water features.

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

17.04.285 - Decision-maker.

"Decision-maker" means the city entity rendering a decision on an application. For applications made under this title, the decision-maker will be either the City Engineer, Community Development Director, Public Works Director, or their designee or the Planning Commission or the City Commission or as designated by Chapter 17.50.

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

17.04.290 - Demolish.

"Demolish" means to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of the designated landmark or structure in an historic or conservation district.

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

17.04.295 - Design flood elevation.

"Design flood elevation" means the base flood elevation or twelve inches greater than the base flood elevation for residential uses, as defined by FEMA (Federal Emergency Management Agency).

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

17.04.300 - Development.

"Development" means a building or grading operation, making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, partitioning or subdividing of land as provided in ORS 92.010 to 92.285 or the creation or termination of an access right.

For the purpose of Chapter 17.42 "development" means any man-made change to improved or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

For the purpose of Chapter 17.47, "development" means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, sewers, streets or other structures or facilities, mining, dredging, paving, filling or grading in amounts greater than ten cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than ten percent of the existing vegetation in the water quality resource area on a lot is defined as development. 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).

For the purpose of Chapter 17.49 "development" means any man-made change defined as the construction of buildings or other structures, mining, dredging, paving, filling, grading, or site clearing, and grubbing in amounts greater than ten cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than ten percent of the existing vegetation in the water quality resource area on a lot is defined as development. 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

Construction on lots in subdivisions meeting the criteria of ORS 92.040(2) (1995).

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

17.04.305 - Development site.

"Development site" means any lot or lots on any part of which development is taking place.

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

17.04.310 - Direct.

"Direct" when used in connection with pedestrian or bicycle access, means the shortest practicable connection or access between two points, which in no instance should involve out-of-direction travel more than fifty percent longer than the straight line distance between two points.

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

17.04.315 - Director.

"Director" means the director of community development or designee.

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

17.04.320 - Disturb.

"Disturb" means man-made changes to the existing physical status of the land, which are made in connection with development. The following uses are excluded from the definition:

1. Enhancement or restoration of the water quality resource area;
2. Planting native cover identified in the Oregon City native plant list as adopted by Oregon City Commission resolution;
3. Installation of erosion control measures pursuant to an approved erosion and sediment control plan under Chapter 17.47.

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

17.04.325 - District.

"District" means the area within a designated historic district, conservation district or historic corridor as provided by the zoning maps of the city.

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

17.04.330 - Dormer.

"Dormer" is a window vertical in a roof or the roofed structure containing such a window. A dormer is considered an alteration to a building, as it stays within the roof line and does not increase the floor area dimensions.

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

17.04.333 Duplex

"Duplex" means a building containing two dwelling units on one lot. The units in a duplex must share a common structural wall or a common floor/ceiling.

17.04.335 - Dwelling unit.

"Dwelling unit" means a habitable living unit that provides basic living requirements including permanent cooking, and toilet facilities.

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

17.04.355 - Elevated building.

"Elevated building" for insurance purposes means a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

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

17.04.360 - Emergency.

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

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

17.04.365 - Engineer.

"Engineer" means a registered professional engineer licensed by the State of Oregon (P.E.).

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

17.04.370 - Engineering geologist.

"Engineering geologist" means a registered professional engineering geologist licensed by the state of Oregon (CEG).

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

17.04.375 - Enhancement.

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

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

17.04.380 - Entertainment centers and arcades.

"Entertainment centers and arcades" means a place open to minors where three or more mechanical or electronic amusement devices are located as either the primary or a secondary use.

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

17.04.385 - Erosion.

"Erosion" is the movement of soil, rocks, and other surface materials by wind, water, or mechanical means.

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

17.04.390 - Excavation.

"Excavation" is any act of development by which soil, earth, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, exposed or bulldozed, including the conditions resulting therefrom.

For the purpose of Chapter 17.47 "excavation" means: any act of development by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, exposed or relocated.

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

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

17.04.405 - Exterior.

"Exterior" for the purpose of Chapter 17.40 means any portion of the outside of a landmark building, structure, or site in a district or any addition thereto.

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

17.04.410 - Façade.

"Façade" means the exterior wall(s) or elevation(s) of a structure.

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

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

17.04.420 - Family day care provider.

"Family day care provider" means a day care provider who regularly provides day care to fewer than sixteen children, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters. Provisions of day care to sixteen or more children in the home of the provider shall constitute the operations of a "day care facility," as defined in this chapter, and shall be subject to the requirements of this title for day care facilities. A family day care provider shall satisfy the certification requirements of the Office of Child Care.

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

17.04.425 - Federal Aviation Administration (FAA).

"Federal Aviation Administration (FAA)" means the federal regulatory agency responsible for the safety of the nation's air traffic control system, including airspace impacted by wireless communications support structures and towers.

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

17.04.430 - Federal Communications Commission (FCC).

"Federal Communications Commission (FCC)" means the federal regulatory agency charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.

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

17.04.435 - Fill.

"Fill" means any material such as, but not limited to, sand, gravel, soil, rock or other natural or man-made material placed by artificial means.

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

17.04.440 - Final Action and Final Decision.

"Final action" and "final decision" means the city's final decision on a permit application for which there is either no appeal to another decision-maker within the city, or, if there is the possibility of a local appeal, an appeal was not timely perfected in accordance with Section 17.50.190 of this chapter. A decision is deemed to be final on the date that written notice of the decision is mailed to those entitled to notice of the decision.

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

17.04.445 - Flag Lot.

"Flag lot" means a lot or parcel that has a narrow frontage on a public right-of-way and a narrow accessway which serves the main body of the lot used for building.

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

17.04.450 - Flood or flooding.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

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

17.04.455 - Flood Insurance Rate Map.

"Flood Insurance Rate Map" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

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

17.04.460 - Flood Insurance Study.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

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

17.04.465 - Flood Management Areas.

"Flood management areas" means all lands contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency Flood Insurance Rate Maps, floodway maps and the area of inundation for the February 1996 flood.

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

17.04.470 - Floodplain.

"Floodplain" means the land area identified and designated by the United States Army Corps of Engineers, the Oregon Division of State Lands, FEMA, 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.

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

17.04.475 - Floodway.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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

17.04.480 - Floodway Fringe.

"Floodway fringe" means the area of the floodplain, lying outside the floodway, which does not contribute appreciably to the passage of floodwater, but serves as a retention area.

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

17.04.481 – Food cart, mobile.

A vendor or seller of food and/or beverages from a motorized, non-motorized or towed vehicle including a wheeled trailer or cart capable of being towed or pushed by a vehicle or by hand. Mobile food carts may require licensing from state and county health departments.

17.04.482 - Footcandle.

A unit of measurement referring to illumination incident to a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

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

17.04.483 Footprint.

"Footprint" for the purposes of Chapter 17.54.010 means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings, garages, carports, and accessory structures, but not trellises, patios, and areas of porch, deck, and balcony less than 30 inches from finished grade, or cantilevered covers, porches or projections which do not have a post touching the ground or ramps and stairways required for access.

17.04.485 - Front façade.

"Front façade" means the exterior wall/foundation of a building exposed to the front lot line. This shall be the most architecturally significant elevation of the building, commonly including a front door or main entrance. If the most architecturally significant elevation of the building is not exposed to the front lot line, the Community Development Director shall determine the front façade.

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

17.04.490 - Front lot line.

"Front lot line" means a lot line abutting a street. For corner lots, the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line follows the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot. See figure 17.04.490.

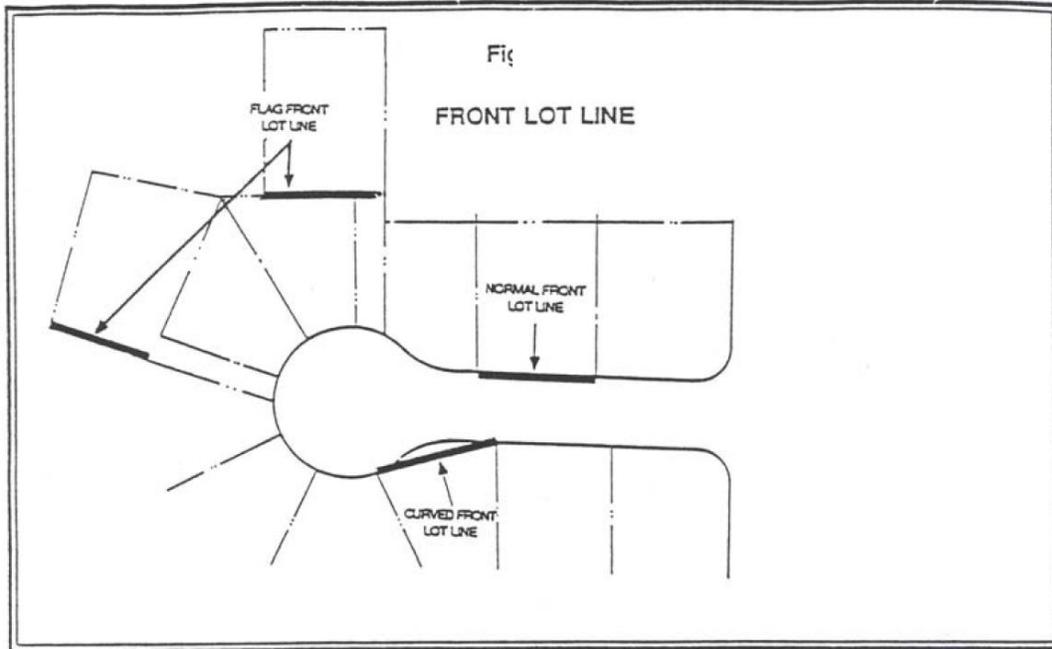


Figure 17.04.490

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

17.04.495 - Frontage.

"Frontage" means that portion of a parcel of property which abuts a dedicated public street or highway or an approved private way.

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

17.04.497 - Fully shielded or cut-off light fixture.

Any outdoor light fixture shielded in such a manner that all light emitted by the fixture is projected below the horizontal as determined by a photometric test or certified by the manufacturer. For purposes of this standard, "cut-off angle" is defined as the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.

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

17.04.500 - Garage.

"Garage" means an attached or detached structure(s), or portion thereof used or designed to be used for the parking or storage of vehicles.

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

17.04.505 - Geological assessment.

"Geological assessment" is an assessment prepared and stamped by a certified engineering geologist, detailing the surface and subsurface conditions of the site and delineating the areas of a property that might be subject to specified geologic hazards.

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

17.04.510 - Geologic hazard areas.

"Geologic hazard areas" mean:

1. Any area identified on the city's steep slope and landslide area map;
2. Area within two hundred feet of the crest or toe of a slope that is twenty-five percent or greater
3. Areas with a slope of twenty-five percent or more;
4. Geologic Hazards areas identified by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon (1979);
5. Any other area that is identified by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession as being subject to soil instability, slumping or earth flow, high groundwater level, landslide, or seismic activity.

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

17.04.515 - Geologic Hazards Overlay Zone.

"Geologic Hazards Overlay Zone" means the zone mapped by the City of Oregon City that is subject to review pursuant to Oregon City Municipal Code Chapter 17.44 as follows:

1. The following areas identified on the city's slope and geology map which represents:
 - a. Areas within fifty feet of the crest or toe of a slope that is twenty-five percent or greater, or within two hundred feet of the crest or toe of a landslide geologic units Qls and Qf identified by DOGAMI and derived from LIDAR IMS-29 and IMS-26 publications in 2009, whichever is greater;
 - b. Areas with a slope of twenty-five percent or more;
 - c. Geologic Hazards areas identified by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) as landslide or debris flow fan (Qls and Qf geologic units derived from LIDAR IMS-29 and IMS-26 publications in 2009);

- d. Geologic Hazards areas identified in Bulletin 99, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon (1979); and;
- 2. Any other area that is identified by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession as being subject to soil instability, slumping or earth flow, high groundwater level, and landslide.

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

17.04.520 - Geotechnical engineer.

"Geotechnical engineer" is a Professional Engineer, registered in the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.

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

17.04.525 - Geotechnical remediation.

"Geotechnical remediation" means construction designed to increase the factor of safety against earth movement.

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

17.04.530 - Geotechnical report.

"Geotechnical report" is a report prepared and stamped by a Geotechnical Engineer, evaluating the site conditions and mitigation measures necessary to reduce the risks associated with development in geologically hazardous areas.

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

17.04.532 - Glare.

The reflection of harsh, bright light; and the physical effect resulting from high luminances or insufficiently shielded light sources in the field of view.

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

17.04.535 - Grading.

"Grading" is the act of excavating and filling.

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

17.04.540 - Gross floor area.

"Gross floor area" means the total enclosed floor area within buildings, measured in square feet, excluding basement areas used for storage or parking.

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

17.04.543 - Habitat.

"Habitat" means the location of natural resource areas that support fish and wildlife populations, including wetlands, riparian areas, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the Natural Resource Overlay District.

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

17.04.545 - Half street.

"Half street" means a portion of the width of a full street, usually along the edge of a subdivision.

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

17.04.550 - Height.

"Height of building" means a vertical distance measured from the average finished grade elevation on the street-facing elevation to:

1. one-half the vertical distance between the eaves and the highest ridge for a gable, hip or gambrel roof,
2. the top of the roof for flat roofs,
3. the deck lines for mansard roofs or
4. the top of the parapet for buildings with parapets that completely surround the perimeter of a roof.

Except that, for buildings within the Flood Management Overlay District subject to Chapter 17.42, height shall be measured from the design flood elevation or average finished grade at front of the structure, whichever is higher. For the purpose of Chapter 17.80, "height" shall mean the distance measured from the original grade at the base of the wireless communication facility to the highest point on the wireless communication facility, including the antenna(s) and lightning rod(s). Roof structures needed to operate and maintain the building on which they are located such as chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, solar panels, water towers and tanks, and similar are exempt from the building height measurement. Additional decorative and functional elements such as flag poles, partially enclosed parapets and building entry features, steeples and bell towers, carillons, monuments, cupolas, television aerials, broadcasting and microwave transmitting and relay towers, electric transmission line towers, and electric substation structures are also exempt from the building height measurement.

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

17.04.555 - Heritage Tree.

"Heritage Tree" is a tree or stand of trees that is of landmark importance to the City of Oregon City due to age, size, species, horticultural and ecological value or historical association.

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

17.04.560 - Heritage Grove.

"Heritage Grove" is at least two heritage trees separated by no more than twenty feet on a property or properties.

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

17.04.562 - Highly constrained residential lot.

A residential vacant lot of record that has less than thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the Natural Resource Overlay District.

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

17.04.564 - Highly constrained commercial lot.

A commercial or industrially zoned lot of record that has more than seventy-five percent of its area covered by the Natural Resource Overlay District.

17.04.565 - Historical significance.

"Historical significance" means that the structure of district:

1. Has character, interest or value, as part of the development, heritage or cultural characteristics of the city, state or nation;
2. Is the site of an historic event with an effect upon society;
3. Is identified with a person or group of persons who had some influence on society; or
4. Exemplifies the cultural, political, economic, social or historic heritage of the community.

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

17.04.570 - Historic corridor.

"Historic corridor" means that portion of a parcel of land that is a part of a designated linear historic feature such as the route of the Oregon Trail-Barlow Road.

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

17.04.575 - Historic site.

"Historic site" means the structure and the property surrounding a landmark, a structure in an historic district, or a designated structure in a conservation district.

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

17.04.580 - Home occupation.

"Home occupation" means an occupation carried on solely by the resident or residents of a dwelling unit as a secondary use, in accordance with 17.54.120.

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

17.04.585 - Hotel.

"Hotel" means a building which is designed or used to offer lodging, with or without meals, for compensation, primarily for overnight lodging, excluding shelters.

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

17.04.586 - Impervious surface.

Any nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of stormwater water into the soil, including but not limited to roof tops excepting eaves, swimming pools, paved or graveled roads, and walkways or parking areas and excluding landscaping, surface water retention/detention facilities, access easements serving neighboring property, and driveways.

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

17.04.587 - Incandescent.

A common form of artificial light in which a filament is contained in a vacuum and heated to brightness by an electric current.

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

17.04.590 - Infrastructure provider.

"Infrastructure provider" for the purposes of Chapter 17.80 means an applicant whose proposal includes only the construction of new support towers or auxiliary structures to be subsequently utilized by service providers.

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

17.04.595 - Institutional development.

"Institutional development" includes all public, semi-public and private community facilities and uses, including government office and maintenance facilities, educational facilities, research institutions, correctional institutions, museums, libraries, stadiums, hospitals, residential care facilities, auditoriums

and convention or meeting halls, churches, parks and public recreational facilities, automobile parking structures, and other similar facilities and uses.

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

17.04.600 - Interior parking lot landscaping.

"Interior parking lot landscaping" means landscaping located inside the surfaced area used for on-site parking and maneuvering.

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

17.04.603 Internal conversion (for existing single-family detached residential units)

"Internal conversion" means conversion of an existing single-family residential unit built at least 20 years prior to the date of the proposed conversion into two or more dwelling units in accordance with OCMC 17.20.030.

17.04.605 - Invasive non-native, nuisance, prohibited or noxious vegetation.

"Invasive non-native," "nuisance," "prohibited" or "noxious vegetation" means plant species that have been introduced and, due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread rapidly into native plant communities, or which are listed as invasive, nuisance, prohibited or noxious plants on the Oregon City Nuisance Plant List, or by the Oregon Department of Agriculture, Clackamas Soil and Water District, or Portland Plant List.

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

17.04.610 - Land division.

"Land division" means any partition or subdivision.

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

17.04.615 - Landscaping.

"Landscaping." Site improvements which include lawn, garden, groundcover, trees, plants and other natural and decorative features, including but not limited to, patios or plazas open to the public or open commonly to residents and street furniture and walkways which are contiguous and integrated with plant material landscaped areas. The verification of plant materials requiring specific characteristics can be achieved by any of the following methods:

1. Description in Sunset Western Garden Book (Editor Sunset Books, 2012 or later edition), or
2. The Oregon City Native Plant List;
3. City of Portland Native Plan List;
4. Metro Native Plant List;

5. By an appendix, definition, or other reference in the Zoning Code, or
6. By specific certification by a licensed landscape architect.

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

17.04.620 - Landscape area.

"Landscape area" means land set aside and used for planting of grass, shrubs, trees or similar living plants.

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

17.04.625 - Landslide.

"Landslide" means the downslope movement of soil, rocks, or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthflows, debris flows, rockfalls and the source areas for above.

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

17.04.630 - Lattice tower.

"Lattice tower" is a support tower characterized by an open framework of lateral cross members that stabilize the tower.

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

17.04.635 - Legislative action.

"Legislative action" means any final decision of the city that approves or denies a request to amend the city's land use regulations, comprehensive plan or related maps and does not pertain to a particular property or small set of properties.

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

17.04.637 - Licensee representative.

"Licensee representative" means an owner, director, officer, manager, employee, agent or other representative of a licensee, to the extent that the person acts in a representative capacity.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.640 - Limited land use application.

"Limited land use application" means an application for any use where the decision is based on discretionary standards designed to regulate the physical characteristics of a use permitted outright,

including subdivision or site plan and design review or any other application which is processed pursuant to a Type II proceeding as provided in this chapter.

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

17.04.645 - Live/work dwelling.

"Live/work dwelling" a dwelling in which a business is designed to be operated on the ground floor. The ground floor commercial, personal service, or office space has visibility, signage and access from the primary street.

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

17.04.650 - Loading space.

"Loading space" means an off-street space, having a paved surface, within a building or on the same lot with a building, for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which has direct access to a street or alley.

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

17.04.655 - Local street.

"Local street" means any street so designated in the city's transportation master plan. Typically, a local street is a public street that serves abutting lands, is designed to carry a minimal amount and weight of traffic.

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

17.04.660 - Lot.

"Lot" and "legal lot" mean a single unit of land created by a subdivision which, at the time of creation, complied with all procedural and substantive requirements of any applicable local, state or federal law.

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

17.04.665 - Lot, corner.

"Corner lot" means a lot abutting upon two or more streets at their intersection.

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

17.04.670 - Lot coverage.

"Lot coverage" means the area of a lot covered by the footprint of all structures two hundred square feet or greater (excluding decks and porches), expressed as a percentage of the total lot area.

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

17.04.675 - Lot, depth.

"Lot depth" means the distance measured from the mid-point of the front lot lines to the mid-point of the opposite, usually rear lot line and generally at approximately right angles to the lot width.

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

17.04.680 - Local floodplain administrator.

"Local floodplain administrator" means the city's building official.

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

17.04.685 - Lot, interior.

"Interior lot" means a lot other than a corner lot.

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

17.04.690 - Lot line adjustment.

"Lot line adjustment" means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

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

17.04.695 - Lot of record.

"Lot of record" means a lot or parcel which has been legally recorded in the office of the county recorder by deed or contract of sale prior to the enactment of an ordinance or regulation by reason of which the lot or parcel no longer meets the dimensional or area requirements of the city.

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

17.04.700 - Lot, width.

"Lot width" means the perpendicular distance measured between the midpoints of the two principal opposite side lot lines and generally at approximately right angles to the lot depth.

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

17.04.705 - Lowest floor.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such

enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title found at Section 17.42.1[6]0E.4. or 5.

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

17.04.707 - Low impact development standard.

Any construction technique approved by the city engineer that is designed to provide on-site capture, treatment and infiltration of stormwater as a means to improve water quality, reduce the amount of impervious surface, and/or provide habitat benefits on a development site.

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

17.04.710 - Major modification.

"Major modification" means any of the following changes from a previously approved permit, except for changes eligible for a Type I review, requiring the application to return through the same process as the original review:

1. For subdivisions or planned unit developments, an increase in the total number of dwelling units by ten percent or more, an increase in the number of multiple-family dwellings by more than ten percent, or a reduction in the amount of landscaping, open space or land reserved for a protected feature of ten percent or more;
2. For design review or conditional use permits for mixed-use or commercial developments, an increase in the area of commercial space by more than ten percent;
3. For any site plan or design review approval, any change not eligible for a Type I Minor Site Plan and Design Review, including the relocation of buildings, streets, access points onto the existing public right-of-way, utility easements, parking lot expansions, or other site improvements away from the previously approved general location;
4. For any prior approval, an increase in the amount of impervious surface on hillsides or unstable soils subject to regulation under City Code Chapter 17.44 by ten percent or more;
5. Any change that renders the prior approved permit incompatible with surrounding lands or development in noncompliance with any of the conditions of approval or approval criteria.

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

17.04.712 - Major transit stop.

"Major transit stop" means transit centers, high capacity transit stations, major bus stops, inter-city bus passenger terminals, inter-city rail passenger terminals, and bike-transit facilities as shown in the regional transportation plan.

(Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013)

17.04.715 - Main building entrance.

"Main building entrance" means a primary entrance to a building, intended for use by residents, employees, customers, clients, visitors, messengers and members of the public.

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

17.04.720 - Major public improvements.

"Major public improvements" means the expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of lands or the making of public improvements within a district, except for the repair or maintenance of public or private improvements within a district.

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

17.04.725 - Manager.

"Manager" means the city manager or the city manager's designated representative.

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

17.04.730 - Manufactured home.

"Manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for a permanent residential purpose and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. The term "manufactured home" does not include a "recreational vehicle."

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

17.04.735 - Manufactured home park or subdivision.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

17.04.740 - Map.

"Map" means a final diagram, drawing or other graphical representation concerning a partition or subdivision.

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

17.04.741.010 - Marijuana.

"Marijuana" means the plant cannabis family cannabaceae, any part of the plant cannabis family cannabaceae and the seeds of the plant cannabis family cannabaceae. "Marijuana" does not include industrial hemp, as defined in state law.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.741.020 - Marijuana business.

"Marijuana business" means (1) any business licensed by the Oregon Liquor Control Commission to engage in the business of producing, processing, wholesaling, or selling marijuana or marijuana items, or (2) any business registered with the Oregon Health Authority for the growing, processing, or dispensing of marijuana or marijuana items.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.741.030 - Marijuana items.

"Marijuana item" means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.741.040 - Marijuana laboratory (laboratories).

"Marijuana laboratory (laboratories)" means an entity which tests or researches marijuana products for THC levels, pesticides, mold, etc. pursuant to applicable Oregon Administrative Rules.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.741.050 - Marijuana licensee.

"Marijuana licensee" means a person who holds a business license issued by the city to engage in a marijuana business in accordance with this chapter.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.741.060 - Marijuana processor (processing).

"Marijuana processor (processing)" means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to process marijuana. This includes the manufacture of concentrates, extracts, edibles and/or topicals.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.741.070 - Marijuana producer (production).

"Marijuana producer (production)" means an entity licensed by the Oregon Liquor Control Commission or the Oregon Health Authority to manufacture, plant, cultivate, grow or harvest marijuana. This is the only license able to cultivate marijuana.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.741.080 - Marijuana retailer.

"Marijuana retailer" means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to sell marijuana items to a consumer in this state.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.741.090 - Marijuana wholesaler.

"Marijuana wholesaler" means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to purchase items in this state for resale to a person other than a consumer. This means an entity that buys and sells at wholesale.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.742 - Medical marijuana dispensary.

"Medical marijuana dispensary" means an entity registered with the Oregon Liquor Control Commission or Oregon Health Authority to transfer marijuana.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.743 - Membrane or fabric covered storage area.

An area covered by a tarp or fabric membrane or that is either attached to a rigid framework, natural feature or some other structure that is used for storage, or a metal-sided cargo container used for storage. It is not intended to include the weather proofing of a vehicle, boat or other individual item by a tarp or other type of covering as long as the covering is attached directly to and covers only the particular item.

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010; Ord. No. 17-1007, § 1(Exh. A), 6-21-2017)

17.04.745 - Metro.

"Metro" means the regional government of the Portland metropolitan area and the elected Metro Council as the policy-setting body of the government.

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

17.04.746 - Metro ESEE Analysis.

"ESEE" means Economic, Social, Environmental and Energy (ESEE) analysis and is the process by which Metro determined whether to allow, limit, or prohibit activities in the city's significant natural resource sites.

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

17.04.750 - Micro cell.

"Micro cell" for the purposes of Chapter 17.80 means a wireless communications facility consisting of an antenna that is either: (a) four feet in height and with an area of not more than five hundred eighty square inches; or (b) if a tubular antenna, no more than four inches in diameter and no more than six feet in length.

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

17.04.755 - Minor modification.

"Minor modification" means any changes from a previously approved permit which are less than a major modification.

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

17.04.760 - Mitigation.

"Mitigation" means the reduction of adverse effects of a proposed project by considering, in the following order:

1. Avoiding the impact altogether 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 a comparable substitute.

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

17.04.765 - Mitigation measure.

"Mitigation Measure" is an action designed to reduce project-induced geologically hazardous area impacts.

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

17.04.766 - Mobile vendor.

A provider, vendor or seller of merchandise and/or services, etc. from a motorized or towed vehicle including a wheeled trailer capable of being towed by a vehicle. For the exclusive mobile vending of food, see definition of "food carts, mobile".

(Ord. No. 17-1007, § 1(Exh. A), 6-21-2017)

17.04.770 - Monopole.

"Monopole" means a support tower composed of a single upright pole, engineered to be self-supporting, and used to support one or more antenna(s) or array(s). A monopole does not include towers requiring guy wires or lattice cross supports.

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

17.04.775 - Motel.

"Motel" means a building or series of buildings in which lodging is offered for compensation primarily for overnight lodging which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit, excluding shelters.

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

17.04.780 - Multifamily residential.

"Multifamily residential" is a structure or structures located on one lot and containing five or more total dwelling units in any vertical or horizontal arrangement. Individual units do not have to be structurally attached. Multifamily developments, known as apartments and condominiums, may include structures that are similar in form to townhouses, cluster housing, duplexes, or single-family dwellings.

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

17.04.785 - Native vegetation.

"Native vegetation" means any vegetation listed on the Oregon City native plant list as adopted by Oregon City Commission resolution.

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

17.04.790 - Natural location.

"Natural location" means the location of those channels, swales, and other non-man-made conveyance systems as defined by the first documented topographic contours existing for the subject property either from maps or photographs, or such other means as appropriate.

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

17.04.795 - Nearby.

"Nearby," when used in connection with pedestrian or bicycle access, means uses within one-quarter mile distance which can reasonably be expected to be used by pedestrians, and uses within two miles distance which can reasonably be expected to be used by bicyclists.

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

17.04.800 - Neighborhood activity center.

"Neighborhood activity center" refers to land uses which attract or are capable of attracting a substantial amount of pedestrian use. Neighborhood activity centers include, but are not limited to, parks, schools, retail store and service areas, shopping centers, recreational centers, meeting rooms, theaters, museums and other pedestrian oriented uses.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013)

17.04.805 - Neighborhood Association.

"Neighborhood Association" means a group whose membership is recognized by the city, open to residents, property owners and owners of businesses located in the neighborhood. This group makes comments and recommendations on problems, policies and projects in the neighborhood.

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

17.04.808 – Net density.

"Net density" means the number of dwelling units divided by the net developable area, as measured in acres.

17.04.810 - Net developable area.

"Net developable area" means the area of a parcel of land or the aggregate of contiguous parcels under the same ownership remaining after deducting any portion of the parcel or aggregate of parcels with one or more of the following characteristics:

1. Elevation within the one hundred-year floodplain, as identified on the Federal Emergency Management Agency Flood Insurance Rate Maps;
2. The area within an underlying Natural Resource Overlay District (NROD) governed by Chapter 17.49 that is indicated on the adopted NROD map or which has been otherwise delineated pursuant to Chapter 17.49;
3. Steep slopes exceeding thirty-five percent. Applicant may make a request for the Community Development Director to determine whether to make further adjustments for slopes equal to or above twenty-five percent per Section 17.44.060.H.;
4. Open space;
5. Public facilities and rights-of-way;

6. Upon approval of the Community Development Director, any lands where development of structures requiring a building permit is prohibited due to an easement and is similar in nature to items 1.—5.

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

17.04.812 Net Leasable Area.

Actual square-footage of a building or outdoor area that may be leased or rented to tenants, which excludes parking lots, common areas, shared hallways, elevator shafts, stairways, and space devoted to cooling, heating, or other equipment.

17.04.815 - New construction.

"New construction" means structure for which the "start of construction" commenced on or after the effective date of the ordinance codified in this title.

For the purposes of Chapter 17.40, new construction means an additional new building or structure separate from the existing building mass that is larger than two hundred square feet on all properties located within a Historic Overlay District. Any building addition that is thirty percent or more in area (be it individual or cumulative) of the original structure shall be considered new construction.

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

17.04.820 - New manufactured home park or subdivision.

"New manufactured home park or subdivision" means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance codified in this chapter.

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

17.04.825 - Nonconforming use.

"Nonconforming use" means a use which lawfully occupied a building or land at the time this title or subsequent amendments became effective and which does not conform with the use regulations of the district in which it is located.

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

17.04.830 - Non-final decision.

"Non-final decision" means any decision by the Community Development Director or Planning Commission which is not a final decision but is appealable to another decision maker within the city.

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

17.04.835 - Noxious vegetation.

"Noxious vegetation" is the removal or control of noxious vegetation as that term is defined in SRC 50.705.

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

17.04.840 - Nursery, day or child care center.

"Nursery, day or child care center" means a commercial enterprise where more than five children are cared for during the day, including a kindergarten.

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

17.04.845 - Office.

"Office" means a place where a particular kind of business is transacted or a service is supplied.

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

17.04.850 - One hundred-twenty-day period.

"One hundred-twenty-day period" means the one hundred-twenty-day period within which ORS 227.178 requires the city to take final action on a complete application.

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

17.04.855 - Open space.

"Open space" means land that is undeveloped and that is planned to remain so indefinitely. The term encompasses parks, forests and farmland. It may also refer only to land zoned as being available to the public, including playgrounds, watershed preserves and schools.

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

17.04.860 - Ordinary mean high water line.

"Ordinary mean high water line" means, as defined in OAR 141-82-005, the line on the bank or shore to which water ordinarily rises in season; synonymous with mean high water (ORS 274.005).

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

17.04.865 - Ordinary mean low water line.

"Ordinary mean low water line" means, as defined in OAR 141-82-005, the line on the bank or shore to which water ordinarily recedes in season; synonymous with mean low water (ORS 274.005).

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

17.04.870 - Owner or property owner.

"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.

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

17.04.875 - Overlay district.

"Overlay district" means a special zoning district, the restrictions and conditions of which shall be in addition to such restrictions and conditions as may be imposed in the underlying zone.

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

17.04.880 - Parcel.

"Parcel" and "legal parcel" mean a single unit of land created by a partition or subdivision which, at the time of creation, complied with all procedural and substantive requirements of any applicable local, state or federal law.

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

17.04.885 - Parking area, public.

"Public parking area" means an open off-street area used for the temporary parking of more than three automobiles and available for public use, with or without charge or as an accommodation for clients or customers.

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

17.04.890 - Parking lot.

"Parking lot" means off-street parking spaces.

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

17.04.895 - Parking space.

"Parking space" means an unobstructed off-street area having an all-weather surface for the temporary parking or storage of one automobile.

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

17.04.900 - Partition/partition land.

"Partition or to "partition land" means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
3. The division of land resulting from the recording of a subdivision.
4. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the Oregon City comprehensive plan, applicable state statutes, and does not create additional parcels.

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

17.04.905 - Partition plat.

"Partition plat" means and includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

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

17.04.907 - Pedestrian scale lighting.

Lighting fixtures that are dimensionally smaller than those intended to accommodate automobile traffic flow and buffering and which are intended to provide adequate illumination of areas used by pedestrians or bicyclists for security, recreational or commercial purposes. In general pedestrian scale lighting is no higher than twelve feet tall.

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

17.04.910 - Pedestrian walkway.

"Pedestrian walkway" means a hard surfaced facility for pedestrians within a development or between developments, distinct from surfaces used for motor vehicles. A pedestrian walkway is distinguished from a sidewalk by its location on private property outside the public right-of-way and from a pedestrian/bicycle accessway by the function it serves.

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

17.04.915 - Perimeter parking lot landscaping.

"Perimeter parking lot landscaping" means the five-foot wide landscaped planter strip located on the perimeter of all parking lots located adjacent to the right-of-way and/or adjoining properties. Parking lots are defined as the surfaced area used for on-site automobile parking and maneuvering.

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

17.04.920 - Permit.

"Permit" means any form of quasi-judicial approval relating to the use of land rendered by the city under Title 16 or Title 17 of this Code, including subdivisions, partitions, lot line adjustments and abandonments, zone changes, plan amendments, conditional use permits, land use and limited land use decisions, and expedited land divisions. Permit does not include any city decision relating to system development charges under Chapter 3.20.

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

17.04.923 - Pervious.

"Pervious" refers to any material or surface that permits full or partial absorption of stormwater into previously unimproved land.

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

17.04.925 - Planning Division.

"Planning Division" means the Planning Division of the City of Oregon City.

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

17.04.930 - Planter (or planting) strip.

"Planter (or planting) strip" means an area for landscaping and street trees within the public street right-of-way, usually located between the curb and sidewalk. Also known as a parking strip or tree lawn.

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

17.04.935 - Plat.

"Plat" means a map of the lots in a proposed partition or subdivision, drawn to scale and which includes all of the information required by the applicable provisions of Title 16 and Title 17.

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

17.04.937 - Pollutant.

"Pollutant" means the presence in the outdoor atmosphere, ground, or water of any substances, contaminants, noise, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal, or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

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

17.04.940 - Porch.

"Porch" means a roofed open unenclosed area, which may be screened, attached to or part of and with direct access to or from a building.

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

17.04.945 - Practicable.

"Practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose.

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

17.04.950 - Preliminary plan or plat.

"Preliminary plan" or "plat" mean a preliminary subdivision plat or partition plat as appropriate.

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

17.04.955 - Principal dwelling unit.

"Principal Dwelling Unit" means the primary residence for a particular lot.

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

17.04.960 - Private street.

"Private street" means a privately owned and maintained street or accessway. The creation of private streets shall include emergency access and utility easements and reciprocal easements for all properties intended to use the accessway. Private streets shall be designed and constructed to the standards required by the city, but those standards may be different than would apply to public streets.

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

17.04.965 - Property line.

"Property line" means the division or boundary between two legal lots or parcels.

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

17.04.970 - Protected water features.

"Protected water features" shall include:

1. Title 3 wetlands;
2. Rivers and perennial and intermittent streams;
3. Springs which feed stream and wetlands and have year-round flow; and
4. Natural lakes.

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

17.04.973 - Public garage.

"Public garage" means any automobile repairs and servicing when enclosed within the building.

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

17.04.975 - Public recycle drop/receiving center.

"Public recycle drop/receiving center" means a facility that receives and temporarily stores separated recyclable waste materials including glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil. Maximum storage for each type of separated recyclable waste shall not exceed six hundred cubic feet. Oil storage shall not exceed six hundred gallons. Preparation of separated materials shall be limited to nonmechanical methods such as baling and glass breaking.

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

17.04.980 - Public recycle warehouse.

"Public recycle warehouse" means a facility that receives and stores and prepares for transport separated recyclable waste material including glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil. Preparation of separated materials, including baling, compacting and glass breaking, may be part of this facility.

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

17.04.985 - Public utilities and services.

"Public utilities and services" means facilities for providing electric power, communication, water, sewers and transportation.

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

17.04.987 – Public Works Director

"Public Works Director" means the director of the public works department for the city, their duly authorized representative(s), or the City's duly authorized representative(s) as designated by the City manager.

17.04.990 - Quasi-judicial.

"Quasi-judicial" means any final decision of the city that applies the provisions of city code Titles 16 or 17, in response to an application, that pertains to a specific property or small set of properties and which is legally required to result in a decision by the city.

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

17.04.995 - Radio frequency (RF) energy.

"Radio frequency (RF) energy" means the energy used by cellular telephones, telecommunications facilities, and other wireless communications devices to transmit and receive voice, video, and other data information.

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

17.04.1000 - Rear lot line.

"Rear lot line" means a lot line that is opposite to and more distant from the front lot line. In the case of a corner lot, the Community Development Director shall determine the rear lot line. In the case of an irregular or triangular shaped lot, an imaginary lot line ten feet in length shall be drawn within the lot parallel to and at the maximum distance from the front lot line. A lot line abutting an alley is a rear lot line.

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

17.04.1005 - Record.

"Record" means the public record compiled for each quasi-judicial and legislative action and includes the written minutes of all public hearings, audio tape recordings, if any, of the public meetings, the application and all materials duly submitted by the applicant, all documents, evidence, letters and other materials duly submitted by any party to the decision-making proceeding, staff reports, public notices, and all decisions rendered by city decision-makers.

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

17.04.1010 - Recreational vehicle.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily as temporary quarters for recreational, camping, travel or seasonal use and not for use as a dwelling.

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

17.04.1015 - Religious institution.

A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground or cemetery.

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

17.04.1020 - Reserve strip.

"Reserve strip" means a parcel of land, usually one foot in width, running the length of a half-street parallel to the center line or running across the end of a street at right angles to the center line which, when deeded to the city, prevents the abutting property owner from using the street for access to the abutting property without first making the appropriate dedication from his/her land.

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

17.04.1021 – Residence.

A structure or part of a structure containing dwelling units or rooming units, including single-family detached and attached dwelling units, duplexes, townhomes or townhouses, three-four plexes, accessory dwelling units, multi-family dwelling units, manufactured homes, and boarding or rooming houses. Residences do not include: such transient accommodations as transient hotels, shelters, bed and breakfasts, motels, tourist cabins, or trailer courts; dormitories, fraternity or sorority houses; in a mixed-use structure, that part of the structure used for any nonresidential uses, except accessory to residential uses; or recreational vehicles.

17.04.1025 - Residential facility.

"Residential facility" means a residential care, residential training or residential treatment facility licensed or registered by or under the authority of the state licensing agency , as defined in ORS 443.400, under ORS 443.400 to 443.460 or licensed by the State Office for Services to Children and Families under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

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

17.04.1030 - Residential home.

"Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the state licensing agency, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

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

17.04.1035 - Residential zone.

"Residential zone" shall include any of the following zoning districts: R-10 single-family dwelling district, R-8 single-family dwelling district, R-6 single-family dwelling district, R-5 dwelling district, R-3.5 Dwelling District and R-2 Dwelling District.

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

17.04.1040 - Resource versus facility.

"Resource" versus "Facility" means the distinction being made is between a "resource," a functioning natural system such as a wetland or stream; and a "facility" which refers to a created or constructed structure or drainage way that is designed, constructed and maintained to collect and filter, retain, or detain surface water runoff during and after a storm event for the purpose of water quality improvement.

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

17.04.1045 - Restoration.

"Restoration" for the purposes of Chapter 17.49 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. Also see "revegetation" and "mitigation".

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

17.04.1047 - Restrictive covenant.

"Restrictive covenant" means a restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the county recorder. It is binding on subsequent owners and may be used to enforce the preservation of trees, wetlands or other natural resources on the property. Also known as "Deed Restriction".

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

17.04.1048 - Revegetation.

"Revegetation" means the re-establishment of vegetation on previously disturbed land, for the purpose of restoration and mitigation measures for a disturbed natural area or buffer zone. See also "Restoration"

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

17.04.1050 - Retail store.

"Retail store" means a business establishment where goods are sold in small quantities to the ultimate consumer.

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

17.04.1055 - Right-of-way.

"Right-of-way" means the area between boundary lines of a street, alley or other public accessway.

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

17.04.1060 - Riparian.

"Riparian" means those areas associated with streams, lakes and wetlands where vegetation communities are predominately influenced by their association with water.

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

17.04.1065 - Routine repair and maintenance.

"Routine repair and maintenance" means activities directed at preserving an existing allowed use or facility, without expanding the development footprint or site use.

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

17.04.1070 - School, commercial.

"Commercial school" means a building where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

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

17.04.1075 - School, primary, elementary, junior high or high.

"School, primary, elementary, junior high or high" shall include public or private schools, but not nursery school, kindergarten or day care centers, except when operated in conjunction with a school.

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

17.04.1080 - School, private.

"Private school" means a school not supported by taxes.

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

17.04.1085 - School, public.

"Public school" means a primarily tax supported school controlled by a local governmental authority.

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

17.04.1090 - Screening.

"Screening" means for the purposes of Chapter 17.80 means to effectively obscure to a minimum height of six feet the view of the base of a wireless communication facility.

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

17.04.1093 - Security Lighting.

Lighting intended to reduce the risk of personal attack, discourage intruders, vandals, or burglars, and to facilitate active surveillance of an area by designated surveillance personnel or by remote camera.

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

17.04.1095 - Sediment.

"Sediment" means any soil, sand, dirt, dust, mud, rock, gravel, refuse or any other organic or inorganic material that is in suspension, is transported, has been moved or is likely to be moved by erosion. Sedimentation is the process by which sediment is removed from its site of origin by soil erosion, suspension in water, and/or wind or water transport.

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

17.04.1100 - Self-supporting.

"Self-supporting" means the independent support of itself or its own weight.

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

17.04.1105 - Service station.

"Service station" means an establishment where bulk sales, fuels, oils or accessories for motor vehicles are dispensed, sold or offered for retail sale and where minor motor vehicle repair service is available.

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

17.04.1110 - Setback.

"Setback" means the minimum distance by which the footprint of all buildings or structures shall be separated from a lot line.

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

17.04.1115 - Shade.

"Shade" means a shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.

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

17.04.1117 – Shelter

"Shelter" means a congregate facility designed to provide housing to shelter families and individuals offered on a short-term basis. Shelters may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency. Shelters may include day shelters, cooling or warming shelters and other similar shelters. Shelters are not considered bed and breakfast inns/boardinghouses, hotels or motels.

17.04.1120 - Sidewalk, curb-tight (aka attached sidewalk).

"Curb-tight or attached sidewalk" refers to a sidewalk that is attached and not separated from the curb and gutter of a street by a planter strip, tree lawn or other landscaping.

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

17.04.1125 - Sidewalk, setback (aka detached sidewalk).

"Setback" or "Detached sidewalk" refers to a sidewalk that is separated from the curb and gutter of a street by a planter strip, tree lawn or other landscaping. Setback sidewalks may be placed fully or partially within easements on private property.

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

17.04.1130 - Significant negative impact.

"Significant negative impact" for the purpose of Chapter 17.49 means an impact that affects the natural environment, considered individually or cumulatively with other impacts on the water quality resource area, to the point where existing water quality functions and values are degraded.

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

17.04.1140 - Single-family detached residential units.

"Single-family detached residential units" means one principal dwelling unit per lot that is freestanding and structurally separate from other dwelling units on the site, except Accessory Dwelling Units. This includes manufactured homes.

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

17.04.1135 - Single-family attached residential units.

"Single-family attached residential units" means two or more dwelling units attached side by side with some structural parts in common at a common property line and located on separate and individual lots. Single-family attached residential units are also known as townhouse, townhome or rowhouse.

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

17.04.1143 – Skyway or skybridge, pedestrian.

"Pedestrian skyway" or "sky bridge" is an elevated walkway exclusively for pedestrian or bicycle traffic, connecting two or more structures, that passes over a right-of-way or open areas such as alleys, plazas and other similar public amenity areas. Such structures may be enclosed or open to the elements.

17.04.1145 - Slope.

"Slope" is an inclined earth surface, the inclination of which is expressed denoting a given rise in elevation over a given run in distance. A forty percent slope, for example, refers to a forty-foot rise in elevation over a distance of one hundred feet. A one hundred percent slope equals a forty-five degree angle. Slopes are measured across a horizontal rise and run calculation within any horizontal twenty-five foot distance. "Slope" shall be calculated as follows:

1. For lots or parcels individually or cumulatively greater than ten thousand square feet in size, between grade breaks, obtain the vertical distance, divide by the horizontal distance and multiply by one hundred. The horizontal distance to be used in determining the location of grade breaks shall be fifty feet;
2. For lots or parcels ten thousand square feet or smaller in size, obtain the vertical distance across the lot or parcel, divide by the horizontal distance and multiply by one hundred;

The resulting number is the slope expressed as a percentage.

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

17.04.1150 - Solid waste processing facility.

"Solid waste processing facility" means a place or piece of equipment whereby mixed solid waste is altered in form, condition or content by methods or systems such as, but not limited to, shredding, milling or pulverizing.

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

17.04.1155 - Solid waste transfer facility.

"Solid waste transfer facility" means a waste collection and disposal system between the point of collection and a processing facility or a disposal site.

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

17.04.1160 - South or south facing.

"South" or "south facing" means true south, or twenty degrees east of magnetic south.

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

17.04.1165 - Stable, private.

"Private Stable" means a detached accessory building for the keeping of horses owned by occupants of the premises and which are not kept for remuneration or profit.

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

17.04.1170 - Start of construction.

"Start of construction" is meant to include substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or shed not occupied as dwelling units or not a part of the main structure.

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

17.04.1175 - Steep slopes.

"Steep slopes" means those slopes that are equal to or greater than twenty-five percent. Steep slopes have been removed from the "buildable lands" inventory and have not been used in calculations to determine the number of acres within the urban growth boundary which are available for development.

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

17.04.1180 - Stormwater.

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

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

17.04.1183 - Stormwater pre-treatment facility.

"Stormwater pre-treatment facility" means any structure or drainage way that is designed, constructed, and maintained to collect and filter, retain, or detain surface water run-off during and after a storm event for the purpose of water quality improvement.

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

17.04.1185 - Stormwater quantity control and quality control facilities.

"Stormwater quantity control and quality control facility" means a component of a man-made drainage feature, or features designed or constructed to perform a particular function or multiple functions, including, but not limited to, pipes, swales, ditches, culvert, street gutters, detention 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.

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

17.04.1190 - Stormwater pretreatment facility.

"Stormwater pretreatment facility" means any structure or drainage way that is designed, constructed and maintained to collect and filter, retain or detain surface water runoff during and after a storm event for the purpose of water quality improvement.

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

17.04.1195 - Story.

"Story" means that part of a building between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement shall count as a story if the finished floor level directly above an underfloor space is more than 6 feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point.

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

17.04.1200 - Story, half.

"Half story" means a story under a gable, hip, or gambrel roof of which the wall are not standard height.

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

17.04.1205 - Stream.

"Stream" means areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses. Streams are categorized into two classes: perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation.

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

17.04.1210 - Street or road.

"Street or road" means a public or private way that is created to provide the principal means of ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress and egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

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

17.04.1215 - Structure.

"Structure" means anything constructed or erected that requires location on the ground or attached to something having location on the ground.

For Chapter 17.42 "structure" means a walled and roofed building including a gas or liquid storage tank that is principally aboveground.

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

17.04.1220 - Structural alterations.

"Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams or girders.

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

17.04.1225 - Subdivide land.

"Subdivide land" means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. Subdivide land does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
3. The division of land resulting from the recording of a partition;
4. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the Oregon City Comprehensive Plan, applicable state statutes, and does not create additional parcels.

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

17.04.1230 - Subdivide.

"Subdivide" means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

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

17.04.1235 - Subdivider.

"Subdivider" means any person who undertakes the subdividing of a parcel of land, including changes in street or lot lines, for the purpose of transfer of ownership or development.

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

17.04.1240 - Subdivision.

"Subdivision" means an act of subdividing land.

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

17.04.1245 - Subdivision plat.

"Subdivision plat" means and includes a final map or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

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

17.04.1250 - Subject property.

"Subject property" means the land that is the subject of a permit application.

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

17.04.1255 - Substantial damage.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the assessed value of the structure before the damage occurred.

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

17.04.1260 - Substantial improvement.

"Substantial improvement" for the purpose of Chapter 17.40 means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which has been identified by the local code enforcement official and that is the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

17.04.1265 - Support structure.

"Support structure" means an existing building or other structure to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and billboard signs. Support structures do not include support towers, buildings or structures used for residential purposes, utility poles, light standards, or light poles.

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

17.04.1270 - Support tower.

"Support tower" means a structure designed and constructed exclusively to support a wireless communication facility or an antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.

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

17.04.1271 - Temporary structure.

A temporary structure permitted in Chapter 17.62 or 17.54.010 of the Oregon City Municipal Code, excluding mobile vendors.

(Ord. No. 17-1007, § 1(Exh. A), 6-21-2017)

17.04.1275 - Temporary wireless communication facility (Temporary WCF).

"Temporary wireless communication facility (Temporary WCF)" means any wireless communication facility that is to be placed in use for not more than sixty days, is not deployed in a permanent manner, and does not have a permanent foundation.

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

17.04.1280 - Through lot.

"Through lot" means a lot having frontage on two streets that are not alleys.

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

17.04.1285 - Title 3.

"Title 3" means that part of the Metro urban growth management functional plan which requires local governments to comply with regional regulations. Title 3 is a part of those regional regulations. An ordinance (Ordinance No. 98-730C) adopted by the Metro Council on June 18, 1998.

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

17.04.1290 - Title 3 wetlands.

"Title 3 "wetlands" means wetlands of metropolitan concern as shown on the Metro water quality and flood management area map and other wetlands added to city or county adopted water quality and flood management area maps consistent with the criteria in Section 17.49.[0]90D. Title 3 wetlands do not include artificially constructed and managed stormwater and water quality treatment facilities.

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

17.04.1295 - Toe.

"Toe" of slope means the point of curvature where the ground surface flattens from a descending slope.

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

17.04.1300 - Top of bank.

"Top of bank" means the same as "bankfull stage."

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

17.04.1302 – Townhouse or Townhome

“Townhouse” or “Townhome” means single-family attached residential units.

17.04.1303 – Tract

“Tract” means a piece of land created and designated as part of a land division that is not a lot, lot of record, or a public right of way.

17.04.1305 - Transit stop.

"Transit stop" means any posted bus, light rail or other mass transit stop.

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

17.04.1310 - Transit street.

"Transit street" means any street identified as an existing or planned bus, rail or mass transit route by a transit agency or a street on which transit operates.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013)

17.04.1312 - Transportation facilities.

"Transportation facilities" shall include construction, operation, and maintenance of travel lanes, bike lanes and facilities, curbs, gutters, drainage facilities, sidewalks, transit stops, landscaping, and related improvements located within rights-of-way controlled by a public agency, consistent with the City Transportation System Plan.

(Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013)

17.04.1315 - Tree.

"Tree" means a living standing woody plant having a trunk six inches in diameter or nineteen inches in circumference or more at a point four and one-half feet above mean ground level at the base of the tree.

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

17.04.1320 - Tree, buffer.

"Buffer tree" means an evergreen or deciduous tree that has been approved as part of a buffering and or screening plan.

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

17.04.1325 - Tree caliper.

"Tree caliper" means an ANSI (American National Standards Institute) standard for the measurement of nursery trees. For trees up to six inches in diameter, caliper is measured at six inches above the ground level. Trees that a seven to twelve-inch caliper are measured at twelve inches above the ground. For nursery stock above twelve inches in diameter, a DBH measurement is used (see Tree, Diameter at Breast Height).

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

17.04.1330 - Tree, clear cutting.

See "Clear cutting."

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

17.04.1335 - Tree, critical root zone.

"Tree, critical root zone" means the rooting area of a tree, within the tree's dripline, which if injured or otherwise disturbed is likely to affect a tree's chance for survival.

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

17.04.1340 - Tree, diameter at breast height (DBH).

"Tree, diameter at breast height (DBH)" means a measurement of the trunk or stem diameter of a mature tree at a height 4.5 feet above the ground level at the base of the tree. Trees growing on slopes are measured at the mid-point between the up-slope and down-slope sides (see Trees, Regulated).

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

17.04.1345 - Tree dripline.

"Tree dripline" means an imaginary line along the ground that reflects the perimeter of the crown of a tree extended vertically to the ground. The dripline radius is typically measured at approximately one foot away from the trunk of the tree for each inch of tree diameter.

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

17.04.1350 - Tree, established.

A public or street tree which has been properly planted and maintained in an approved location pursuant to accepted city standards, and which is not diseased, dying or hazardous.

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

17.04.1355 - Tree, Grove/Tree group.

"Tree, Grove/Tree group" means a stand of more than one tree separated by no more than twenty feet.

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

17.04.1360 - Tree, diseased.

"Diseased tree" means a tree that has a naturally occurring disease that is expected to kill the tree, or which harbors communicable diseases or insects of a type that could infest and cause the decline of adjacent or nearby trees as determined by a certified arborist, forester or horticulturist.

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

Editor's note— Ord. No. 10-1003, § 1(Exh. 1), adopted July 7, 2010, renamed section 17.04.1360 from "Trees, hazardous" to "Tree, hazardous or diseased."

17.04.1363 - Tree, hazardous.

"Hazardous tree" means a tree that presents a significant risk to life or property as determined by a certified arborist. An otherwise healthy tree that may become a hazard to a proposed future development shall not be considered a hazardous tree. Hazardous trees may include, but are not limited to dead, diseased, broken, split, cracked, leaning, and uprooted trees. A tree harboring communicable diseases or insects of a type that could infest and cause the decline of adjacent or nearby trees may also be identified as a hazardous tree.

17.04.1365 - Tree (or Grove), Heritage. (Also commonly known as a "Heritage Tree" or "Grove".)

"Heritage Tree" or "Grove" means a tree or group of trees that have been designated by the city as having unique importance, and subject to the Heritage Tree Regulations of Section 12.08.050. Where a grouping of two or more Heritage Trees is separated by no more than twenty feet on a property or properties, the term Heritage Grove may be used.

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

17.04.1370 - Tree, imminent hazard.

"Imminent hazard tree" means a hazardous tree as defined in [ORS] section 3.0010 — all or more than thirty percent of which has already fallen or is estimated to fall within seventy-two hours into the public right-of-way or onto a target that cannot be protected, restricted, moved, or removed. (See also Tree, Hazard.) Determination of Imminent Hazard is made by the City of Oregon City Public Works or Emergency Personnel, a PGE forester, or a consulting arborist as defined in [ORS] section 3.0010. (See "Arborist, Consulting".)

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

17.04.1375 - Tree lawn.

See the definition of "planter strip".

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

17.04.1380 - Tree (or Grove), native.

"Native Tree" or "Grove" refers to a regulated native tree or groves of trees that are found on the Oregon City Native Plant List. Significant native trees are those that contribute to the landscape character of the area and include Douglas fir, cedar, redwood, sequoia, oak, ash, birch, and maple. Significant native trees are typically suitable for retention next to streets and are not of a species that would likely create a public nuisance, hazard, or maintenance problem.

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

17.04.1385 - Tree, ornamental.

"Ornamental tree" means for purposes of tree removal, any tree (including shade trees) that originated as nursery stock as opposed to native trees that originated at the site prior to development.

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

17.04.1390 - Tree, parking lot.

"Parking lot tree" means a tree the location and variety of which was approved as part of a parking lot plan through the site plan and design review process.

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

17.04.1395 - Tree, perimeter.

"Tree, perimeter" means a tree located within five feet of an adjacent property line.

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

17.04.1400 - Tree protection plan.

"Tree protection plan" means a detailed description of how trees intended to remain after development will be protected and maintained.

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

17.04.1405 - Tree pruning.

"Tree pruning" means the prudent and judicious maintenance of trees through cutting out of branches, water sprouts, suckers, twigs, or branches. Major pruning entails the cutting out of branches three inches in diameter or greater. Major pruning also includes root pruning and cutting out branches and limbs constituting more than twenty percent of the trees foliage bearing area. Minor pruning includes removal of deadwood and pruning less than twenty percent of the tree's foliage bearing area.

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

17.04.1410 - Tree, public.

"Public Tree" means a tree or trees within a public park, greenway, or other property owned by a governmental agency or dedicated to the public use. Street trees located in the public right-of-way are considered public trees.

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

17.04.1415 - Tree, (or Grove) regulated.

"Regulated Tree or Grove" means trees and groves located on development properties undergoing land use review which are subject to the tree protection provisions of Chapter 17.41 of the city zoning code. Street trees, buffer trees, and parking lot trees of any size, as well as Heritage trees and groves, may fall under the general category of "regulated" or protected trees.

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

17.04.1420 - Tree removal.

"Tree Removal" means to cut down a tree or remove all or fifty percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. "Removal" includes but is not limited to sever crown reduction (topping), damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. "Removal" does not include normal and prudent trimming or pruning of trees.

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

17.04.1425 - Tree, street.

"Street tree" means any tree located in a public right-of-way, including streets and publicly dedicated alleys. For the purposes of this chapter, street right-of-way includes the area between the edge of pavement, edge of gravel or face of curb and the property line, depending on the circumstances.

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

17.04.1430 - Tree, severe crown reduction.

"Tree, severe crown reduction" means the specific reduction in the overall size of a tree and/or the severe internodal cutting back of branches or limbs to stubs within the tree's crown to such a degree as to remove the normal tree canopy and disfigure the tree. Severe crown reduction is not a form of pruning. (Also known as Tree Topping.)

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

17.04.1435 - Tree topping.

See "Severe Crown Reduction".

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

17.04.1437 - Tributary.

"Tributary" means a stream, regardless of size or water volume, that flows into or joins another stream. The point where two tributaries meet is called a confluence.

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

17.04.1440 - Undevelopable area.

"Undevelopable area" means an area that cannot be used practicably for a habitable structure because of natural conditions, such as severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or man-made conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a

given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

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

17.04.1445 - Use.

"Use" means the purpose that land, or a building or a structure now serves or for which is occupied, maintained, arranged or designed.

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

17.04.1450 - Utility facilities.

"Utility facilities" means buildings, structures or any constructed portion of a system which provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television. Utility facilities do not include stormwater pretreatment facilities.

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

17.04.1455 - Utility pole placement/replacement.

"Utility pole placement/replacement" means placement of antennas or antenna arrays on existing or replaced structures such as utility poles, light standards, and light poles for streets and parking lots.

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

17.04.1458 - Vanpool

"Vanpool" means a group of five or more commuters, including the driver, who share the ride to and from work, school or other destination on a regularly scheduled basis.

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

17.04.1460 - Variance.

"Variance" means a grant of relief from the requirements of Title 16 or 17 of the Oregon City Municipal Code which permit construction in a manner that would otherwise be prohibited.

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

17.04.1465 - Vegetated Corridor.

"Vegetated Corridor" means the area of setback between the top of bank of a protected water feature and the delineated edge of the water quality resource area as defined in Table 17.49-1 of this chapter.

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

17.04.1470 - Visible or measurable erosion.

"Visible or measurable erosion" includes, but is not limited to:

1. Deposits of mud, dirt, sediment or similar material exceeding one-half cubic foot in volume on public or private streets, adjacent property, or onto the storm and surface water system, either by direct deposit, dropping discharge, or as a result of the action of erosion.
2. Evidence of concentrated flows of water over bare soils; turbid or sediment laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on the site.
3. Earth slides, mudflows, earth sloughing, or other earth movement that leaves the property.

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

17.04.1475 - Watercourse.

"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.

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

17.04.1480 - Water dependent.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

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

17.04.1485 - Water quality resource areas.

"Water quality resource areas" means vegetated corridors and the adjacent protected water feature as established by Chapter 17.49.

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

17.04.1490 - Watershed.

"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.

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

17.04.1495 - Wetlands.

"Wetlands" means those areas that are inundated or saturated by surface water or groundwater 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.

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

17.04.1500 - Wireless communications.

"Wireless communications" means any personal wireless services as defined by the Federal Telecommunications Act of 1996 as amended, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, and wireless telecommunications services for public safety that currently exist or that may be developed in the future.

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

17.04.1505 - Wireless communications facility (WCF).

"Wireless communications facility (WCF)" means any un-staffed facility for the transmission and/or reception of radio frequency signals, which includes, but is not limited to, all auxiliary support equipment, any support tower or structure used to achieve the necessary elevation for the antenna, transmission and reception cabling and devices, and all antenna arrays.

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

17.04.1510 - Yard.

"Yard" means an open space other than a court on the same lot with a building unoccupied or unobstructed from the ground upward except for usual building projections as permitted by this title.

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

17.04.1515 - Yard, front.

"Front yard" means a yard extending the full width of the lot, the depth of which is the minimum distance from the front lot line to the main building.

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

17.04.1520 - Yard, rear.

"Rear yard" means a yard extending the full width of the lot, the depth of which is the minimum distance from the rear lot line to the main building.

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

17.04.1525 - Yard, side.

"Side yard" means a yard extending from the front yard to the rear yard along the side of the main building. The width of such yard is the minimum distance from the side lot line to the main building.

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

17.04.1530 - Yard, side, corner.

"Corner side yard" means a yard lot located on a corner which extends from the front yard to the rear yard along the side of the main building. The width of such yard is the minimum distance from the side lot line abutting the street to the main building.

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

17.04.1535 - Yard, side, interior.

"Interior side yard" means a yard extending from the front yard to the rear yard along the side of the main building. The width of such yard is the minimum distance from the side lot line not abutting the street to the main building.

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

**Oregon City Municipal Code
Chapter 17.06 Zoning District Classifications**

17.06.010 - General provisions.

Except as hereinafter provided:

- A. No building or structure shall be erected, structurally altered, enlarged or moved, nor shall any building, structure or land be used or designated to be used for any use other than is permitted in the district in which such building, structure or land is located, and then only after applying for and securing all permits and licenses required by law and this Code.
- B. No building or structure shall be erected, altered, enlarged or moved on a lot unless the building or structure and also the lot conform to the area regulations of the district in which the building or structure is located, except as provided in this title.

17.06.015 - Classification of zoning districts.

For the purpose of this title and to carry out these regulations, the City is divided into districts, known as:

- R-10 Low-density residential district;
- R-8 Low-density residential district;
- R-6 Low-density residential district;
- R-5 Medium-density residential district;
- R-3.5 Medium-density residential district;
- R-2 High-density residential district;
- NC Neighborhood commercial district;
- HC Historic commercial district;
- C General commercial district;
- GI General industrial district;
- CI Campus industrial district;
- MUC-1 Mixed-use corridor district;

MUC-2 Mixed-use corridor district;
MUE Mixed-use employment district;
MUD Mixed-use downtown district;
I Institutional district.
WFDD Willamette Falls Downtown District

In addition to the foregoing districts, special overlay districts shall be known as:

H Historic overlay district;
FP Floodplain overlay district;
US Geologic Hazards overlay district;
P Park Acquisition overlay district;
WRG Willamette River Greenway overlay district;
NROD Natural Resource overlay district.

17.06.020 - Official zoning map.

The foregoing districts and their boundaries are shown on a map entitled "official zoning map" on file in the office of the City Recorder. This map and all designations and information shown thereon are made a part of this title, as if the map, designation and information were fully described herein. In addition, special maps shall indicate the overlay districts and their boundaries.

17.06.025 - Boundaries of zoning districts.

Where uncertainty exists with respect to any of the boundaries of the districts as shown on the official zoning map, the following uses shall apply:

- A. When the boundaries of the districts designated on the official zoning map are approximately streets or alleys, the certain lines of the streets and alleys shall be construed to be the boundaries of such districts.
- B. Where the boundaries of the districts designated on the official zoning map are approximately lot lines, the lot lines shall be construed to be the boundaries of the districts.
- C. In subdivided property, the district boundary lines of the official zoning map shall be determined by use of the scale contained on the map.
- D. The locations of the zoning districts do not move with land divisions or lot line adjustments unless an associated zone change is approved.

17.06.030 - Zoning of annexed areas.

All lands within the urban growth boundary of Oregon City have been classified according to the appropriate city land use designation as noted on the comprehensive plan map (per the city/county

urban growth management area agreement). The zoning classification shall reflect the city land use classification as illustrated in Table 17.06.

Table 17.06.030

CITY LAND USE CLASSIFICATIONS	
Residential Comprehensive Plan Classification	City Zone
Low-Density Residential	R-10, R-8, R-6
Medium-Density Residential	R-3.5, R-5
High-Density Residential	R-2
Commercial and Mixed Use Comprehensive Plan Classification	City Zone
General Commercial	C
Mixed-Use Downtown	MUD, WFDD
Mixed-Use Corridor	MUC-1 MUC-2, NC, HC
Mixed-Use Employment	MUE
Industrial Comprehensive Plan Classification	City Zone
Industrial	CI, GI
Public/Quasi-Public Comprehensive Plan Classification	City Zone
Public/Quasi-Public	I

17.06.035 - Street and alley vacations.

Whenever any street, alley or public way is vacated by official action, the zoning districts adjoining the side of such public way shall automatically be extended to the side or sides to which such lands revert, to include the right-of-way thus vacated which shall henceforth be subject to all regulations of the extended district or districts. (Prior code §11-2-6)

Oregon City Municipal Code

Chapter 17.08 Low Density Residential Districts

17.08.010 - Designated.

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

17.08.020 - Permitted uses.

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

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

17.08.025 - Conditional uses.

The following conditional uses are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

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

17.08.030 - Master plans.

The following are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.65.

- A. Single-family attached residential units.

17.08.035 - Prohibited uses.

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

- A. Any use not expressly listed in OCMC 17.08.020 or 17.08.030;
- B. Marijuana businesses.

17.08.040 - Dimensional standards.

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

Table 17.08.040

Standard	R-10	R-8	R-6
Minimum lot size ¹	10,000 sq. ft.	8,000 sq. ft.	6,000 sq. ft.
Maximum height	35 ft.	35 ft.	35 ft.
Maximum building lot coverage	40%	40%	40%
With ADU	45%	45%	45%
Minimum lot width	65 ft.	60 ft.	50 ft.
Minimum lot depth	80 ft.	75 ft.	70 ft.
Minimum front yard setback	20 ft., porch may project 5 ft. into setback	15 ft., porch may project 5 ft. into setback	10 ft., porch may project 5 ft. into setback
Minimum interior side yard setback	8 ft.	7 ft.	5 ft.
Minimum corner side yard setback	10 ft.	10 ft.	10 ft.
Minimum rear yard setback	20 ft – main unit 15 ft - porch 10 ft - ADU	20 ft – main unit 15 ft - porch 10 - ADU	20 ft – main unit 15 ft - porch 10 - ADU
Garage setbacks	20 ft. from ROW 5 ft. from alley	20 ft. from ROW 5 ft. from alley	20 ft. from ROW 5 ft. from alley

Notes:

- 1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.

17.08.045 - Exceptions to setbacks.

A. Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.

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

17.08.050 - Density standards.

A. Density standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.050

Standard	R-10	R-8	R-6
Minimum net density	3.5 du/acre	4.4 du/acre	5.8 du/acre
Maximum net density	4.4 du/acre	5.4 du/acre	7.3 du/acre

B. Exceptions.

1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.08.050.
2. Corner duplexes shall count as a single dwelling unit for the purposes of calculating density.
3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.08.050; see OCMC 17.20.020.

Oregon City Municipal Code

Chapter 17.10 Medium Density Residential Districts

17.10.010 - Designated.

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

17.10.020 - Permitted uses.

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

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;
- C. Internal conversions;
- D. Duplexes;
- E. Corner duplexes;
- F. Single-family attached residential units;
- G. 3-4 plex residential;
- H. Cluster housing;
- I. Manufactured home park or subdivision in the R-3.5 district only;
- J. Residential homes;
- K. Parks, playgrounds, playfields and community or neighborhood centers;
- L. Home occupations;
- M. Family day care provider;
- N. 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);
- O. 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;
- P. Transportation facilities.

17.10.025 - Conditional uses.

The following conditional uses are permitted in the R-5 and R-3.5 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facilities;
- G. Private and/or public educational or training facilities;

- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients.
- K. Shelter with up to ten beds;
- L. Live/work dwellings.

17.10.030 - Master plans.

The following are permitted in the R-3.5 district when authorized by and in accordance with the standards contained in OCMC 17.65.

- A. Multifamily residential.

17.10.035 - Prohibited uses.

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

- A. Any use not expressly listed in OCMC 17.10.020, 17.10.025 or 17.10.030.
- B. Marijuana businesses.

17.10.040 - Dimensional standards.

Dimensional standards in the R-5 and R-3.5 districts are as follows:

Table 17.10.040

Standard	R-5	R-3.5
Minimum lot size ¹		
Single-family detached	5,000 sq. ft.	3,500 sq. ft.
Duplex	6,000 sq. ft.	4,000 sq. ft.
Single-family attached	3,500 sq. ft.	2,500 sq. ft.
3-4 plex	2,500 sq. ft. per unit	2,000 sq. ft. per unit
Maximum height	35 ft.	35 ft.
Maximum building lot coverage		
Single-family detached and all duplexes	50%	55%
With ADU	60%	65%
Single-family attached and 3-4 plex	70%	80%
Minimum lot width		
All, except	35 ft.	25 ft.
Single-family attached	25 ft.	20 ft.
Minimum lot depth	70 ft.	70 ft.
Minimum front yard setback	10 ft, porch may project 5 ft. into setback	5 ft., porch may project 5 ft. into setback
Minimum interior side yard setback		
All, except	5 ft.	5 ft.
Single-family attached	0 ft. (attached) /5 ft. (side)	0 ft. (attached) /5 ft. (side)

Minimum corner side yard setback	7 ft	7 ft
Minimum rear yard setback	20 ft – main unit 15 ft - porch 10 ft - ADU	20 ft – main unit 15 ft - porch 5 ft - ADU
Garage setbacks	20 ft. from ROW 5 ft. from alley	20 ft. from ROW 5 ft. from alley

Notes:

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.

17.10.045 - Exceptions to setbacks.

A. Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.

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

17.10.050 - Density standards.

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

Table 17.10.050

Standard	R-5	R-3.5
Minimum net density	7.0 du/acre	10 du/acre
Maximum net density		
• Single-family detached	8.7 du/acre	12.4 du/acre
• Single-family attached	12.4 du/acre	17.4 du/acre
• 3-4 plexes	17.4 du/acre	21.8 du/acre

B. Exceptions.

1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.10.050.
2. Duplexes and corner duplexes shall count as a single dwelling unit for the purposes of calculating minimum and maximum density standards.
3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.10.050; see OCMC 17.20.020.

17.10.060 - Conversion of Existing Duplexes.

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

Oregon City Municipal Code

Chapter 17.12 High Density Residential District

17.12.010 - Designated.

The R-2 residential district is designed for high density residential development.

17.12.020 - Permitted uses.

Permitted uses in the R-2 district are:

- A. Accessory dwelling units for existing single-family detached residential units constructed prior to the effective date of this ordinance;
- B. Internal conversions of existing single-family detached residential units constructed prior to the effective date of this ordinance;
- C. Duplexes;
- D. Corner duplexes;
- E. Single-family attached residential units;
- F. 3-4 plex residential;
- G. Multifamily residential;
- H. Cluster housing;
- I. Residential care facilities;
- J. Accessory buildings;
- K. Parks, playgrounds, playfields and community or neighborhood centers;
- L. Home occupations;
- M. Family day care provider;
- N. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- O. Management and associated offices and building necessary for the operations of a multi-family residential development;
- P. Transportation facilities.

17.12.025 - Conditional uses.

The following conditional uses are permitted in the R-2 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;

- F. Private and/or public educational or training facilities;
- G. Public utilities, including sub-stations (such as buildings, plants and other structures);
- H. Religious institutions;
- I. Assisted living facilities; nursing homes and group homes for over fifteen patients;
- J. Live/work dwellings;
- K. Shelter with up to ten beds.

17.12.030 - Pre-existing industrial use.

Tax Lot 11200, located on Clackamas County Map #32E16BA has a special provision to permit the current industrial use and the existing incidental sale of the products created and associated with the current industrial use on the site. This property may only maintain and expand the current use, which are the manufacturing of aluminum boats and the fabrication of radio and satellite equipment, internet and data systems and antennas.

17.12.035 - Prohibited uses.

Prohibited uses in the R-2 district are:

- A. Any use not expressly listed in OCMC 17.12.020, 17.12.025 or 17.12.030.
- B. Marijuana businesses.

17.10.040 - Dimensional standards.

Dimensional standards in the R-2 district are as follows:

Table 17.12.040

Standard	R-2
Minimum lot size ¹ <ul style="list-style-type: none"> • Duplex • Single-family attached • 3-4 plex and multifamily 	4,000 sq. ft. 2,000 sq. ft. 6,000 sq. ft.
Maximum height All, except Multifamily	35 ft. 45 ft.
Maximum building lot coverage	85%
Minimum lot width All, except Single-family attached	50 ft. 20 ft.
Minimum lot depth All, except Multifamily	70 ft 75 ft
Minimum front yard setback	5 ft., porch may project 5 ft. into setback
Maximum front yard setback	20 ft., see OCMC 17.18.030.A.

Minimum interior side yard setback All, except Single-family attached	5 ft. ¹ 0 ft. (attached) / 5 ft. (side)
Minimum corner side yard setback	5 ft.
Minimum rear yard setback	10 ft. ¹ , porch may project 5 ft. into setback
Garage setbacks	20 ft. from ROW 5 ft. from alley
Minimum required landscaping (including landscaping within a parking lot):	Fifteen percent.

Notes:

1. If a multifamily residential development abuts a parcel zoned for R-10, R-8, R-6, there shall be required a landscaped yard of 10 feet on the side abutting the adjacent zone in order to provide a buffer area.

17.12.045 - Exceptions to setbacks.

A. Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.

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

17.12.050 - Density standards.

A. The minimum net density in the R-2 district shall be 17.4 dwelling units per acre.

B. The maximum net density in the R-2 district shall be 21.8 dwelling units per acre.

C. Affordable housing density bonus. Residential projects in the R-2 zone with five or more units on a single lot are eligible for a density bonus in exchange for developing affordable housing. A bonus of one additional dwelling unit per affordable unit included in the project, up to a maximum twenty percent increase from maximum net density up to 26.2 du/acre, is allowed. Projects containing exclusively affordable units may develop to the maximum twenty percent increase or 26.2 du/acre. Affordable units must be affordable to households earning equal to or less than 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development, adjusted for household size, and guaranteed affordable for a minimum term of 30 years through restrictive covenant or other similar guarantee approved by the Community Development Director.

Oregon City Municipal Code

Chapter 17.14 Single-Family Detached & Duplex Residential Design Standards

17.14.010 - Purpose.

The purpose of this chapter is to provide standards for single-family detached residential units and duplexes which are intended to:

- A. Enhance Oregon City through the creation of attractively designed housing and streetscapes.
- B. Ensure that there is a physical and visual connection between the living area of the residence and the street.
- C. Improve public safety by providing "eyes on the street".
- D. Promote community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.
- E. Prevent garages from obscuring or dominating the primary facade of the house.
- F. Provide clear and objective standards for good design at reasonable costs and with multiple options for design variety.

17.14.020 - Applicability.

This chapter applies to all the street-facing facades of all single-family detached and duplex and corner duplex dwellings, excluding those on a flag lot with a minimum pole length of 100 feet.

- A. New single-family detached residential units and duplexes or new garages or expansions of an existing garage on properties with this use require compliance with OCMC 17.14.030 through 17.14.050, OCMC 17.21 or OCMC 17.22, as well as 17.14.080 and 17.14.090.
- B. The standards in OCMC 17.14.060, 17.14.080 and 17.14.090 apply to all corner duplexes or new garages or expansions of an existing garage on properties with this use.

For the purpose of this chapter, garages are defined as structures, or portions thereof used or designed to be used for the parking of vehicles, including carports. For purposes of this section, garages do not include detached Accessory Dwelling Units which are not part of a detached garage. The garage width shall be measured based on the foremost four feet of the interior garage walls or carport cover.

Applications are processed as a Type I review.

17.14.030 - Residential design options.

- A. A dwelling with no garage, a garage not on a street-facing façade, or a detached garage shall comply with five of the residential design elements in OCMC 17.14.040.A on the front facade of the structure.

- B. A dwelling with a front-facing garage where the building is less than twenty-four feet wide may be permitted if:
 - 1. The garage is no more than twelve feet wide and;
 - 2. The garage does not extend closer to the street than the furthest forward living space on the street-facing facade; and
 - 3. Six of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure; and
 - 4. One of the following is provided:
 - a. Interior living area above the garage is provided. The living area shall be set back no more than four feet from the street-facing garage wall; or
 - b. A covered balcony above the garage is provided. The covered balcony shall be at least the same length as the street-facing garage wall, at least six feet deep and accessible from the interior living area of the dwelling unit;
- C. A dwelling with a garage that extends up to fifty percent of the length of the street-facing facade and is not closer to the street than the furthest forward living space on the street-facing facade may be permitted if:
 - 1. Six of the residential design elements in OCMC 17.14.040A. are included on the front facade of the structure.
- D. A dwelling with a garage that extends up to sixty percent of the length of the street-facing-facade and is recessed two feet or more from the furthest forward living space on the street-facing facade may be permitted if:
 - 1. Seven of the residential design elements in OCMC 17.14.040A. are included on the front facade of the structure.
- E. A dwelling with a garage that extends up to sixty percent of the length of the street-facing facade may extend up to four feet in front of the furthest forward living space on the street-facing facade may be permitted if:
 - 1. Eight of the residential design elements in OCMC 17.14.040A. are included on the front facade of the structure; and
 - 2. One of the options in OCMC 17.14.040B. is provided on the front facade of the structure.
- F. A dwelling with a garage that extends up to fifty percent of the length of the street-facing facade may extend up to eight feet in front of the furthest forward living space on the street-facing facade if:
 - 1. Nine of the residential design elements in OCMC 17.14.040A. are included on the front facade of the structure; and
 - 2. One of the options in OCMC 17.14.040B. is provided on the front facade of the structure.
- G. A dwelling with a garage that is side-orientated to the front lot line may extend up to thirty-two feet in front of the furthest forward living space on the street-facing facade if:
 - 1. Windows occupy a minimum of fifteen percent of the lineal length of the street-facing wall of the garage; and
 - 2. Six of the residential design elements in OCMC 17.14.040A. are included on the front facade of the structure.
 - 3. The garage wall does not exceed sixty percent of the length of the street-facing façade.

17.14.035 - Corner lots and through lots.

- A. Single-family detached homes on corner lots and through lots shall comply with one of the options in OCMC 17.14.030 for the front of the home. Duplexes on corner lots and through lots shall comply with the standards in OCMC 17.14.060.

- B. The other street-facing side of the single-family detached home on a corner lot or through lot shall include the following:
 - 1. Windows and doors for a minimum of fifteen percent of the lineal length of the ground floor facade; and
 - 2. Minimum four-inch window trim; and
 - 3. Three additional residential design elements selected from OCMC 17.14.040A.

17.14.040 - Residential design elements.

- A. The residential design elements listed below shall be provided as required in OCMC 17.14.030 above.
 - 1. The design of the dwelling includes dormers, which are projecting structures built out from a sloping roof housing a vertical window;
 - 2. The roof design utilizes a:
 - a. Gable, which is a roof sloping downward in two parts from a central ridge, so as to form a gable at each end; or
 - b. Hip, which is a roof having sloping ends and sides meeting at an inclined projecting angle.
 - 3. The building facade includes two or more offsets of sixteen inches or greater;
 - 4. A roof overhang of sixteen inches or greater;
 - 5. A recessed entry that is at least two feet behind the furthest forward living space on the ground floor, and a minimum of eight feet wide;
 - 6. A minimum sixty square-foot covered front porch that is at least five feet deep or a minimum forty square-foot covered porch with railings that is at least five feet deep and elevated entirely a minimum of eighteen inches;
 - 7. A bay window that extends a minimum of twelve inches outward from the main wall of a building and forming a bay or alcove in a room within;
 - 8. Windows and main entrance doors that occupy a minimum of fifteen percent of the lineal length of the front facade (not including the roof and excluding any windows in a garage door);
 - 9. Window trim (minimum four-inches);
 - 10. Window grids on all street facing windows (excluding any windows in the garage door or front door).
 - 11. Windows on all elevations include a minimum of four inch trim (worth two elements);
 - 12. Windows on all of the elevations are wood, clad wood, or fiberglass (worth two elements);
 - 13. Windows on all of the elevations are recessed a minimum of two inches from the facade (worth two elements);
 - 14. A balcony that projects a minimum of one foot from the wall of the building and is enclosed by a railing or parapet;
 - 15. Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of sixty square feet of the street facade;
 - 16. All garage doors are a maximum nine feet wide;
 - 17. All garage doors wider than nine feet are designed to resemble two smaller garage doors;
 - 18. There are a minimum of two windows in each garage door;
 - 19. A third garage door is recessed a minimum of two feet;
 - 20. A window over the garage door that is a minimum of twelve square feet with window trim (minimum four inches);
 - 21. The living space of the dwelling is within five feet of the front yard setback; or
 - 22. The driveway is composed entirely of pervious pavers or porous pavement.

- B. If the garage projects in front of the furthest forward living space on the street facing facade, one of the residential design elements (1) or (2) below, shall be provided in addition to the residential design elements required in OCMC 17.14.040.A. Residential design elements utilized in OCMC 17.14.040.B. can be additionally utilized in OCMC 17.14.040A.
1. A minimum sixty square-foot covered front porch that is at least five feet deep; or a minimum forty square-foot covered porch with railings that is at least five feet deep and elevated entirely a minimum of eighteen inches.
 2. The garage is part of a two-level facade. The second level facade shall have a window (minimum twelve square feet) with window trim (minimum four inches).

17.14.050 - Main entrances.

- A. The main entrance for each single-family detached residential unit, and the main entrance for at least one unit in a duplex or corner duplex shall:
1. Be located on a façade that faces a street; or
 2. Open onto a covered porch on a street-facing facade that is at least 60 square feet with a minimum depth of 5 five feet

B. The main entrance of a dwelling unit on a flag lot shall face either the front lot line or the side lot line adjoining the flag pole.

17.14.060 – Corner duplexes.

- A. Development standards. Both units of a corner duplex shall meet the following standards to ensure that the two units have compatible elements.
1. Unit configuration. Units may be located side-by-side or stacked over each other.
 2. Entrances. Two street facing frontages shall meet the standards of OCMC 17.14.050. No more than one door may face a single street frontage.
 3. Height. The height of the two units shall be within four feet of each other; this standard does not apply to stacked units.
 4. Façade design. Each street facing façade shall comply with OCMC 17.14.030 and 17.14.040.
 5. Unit compatibility. Both units shall comply with the following:
 - a. Exterior finish materials. The exterior finish material shall be the same in type, size and placement.
 - b. Roof pitch. The predominant roof pitch shall be the same; this standard does not apply to stacked units if they do not both have a roof.
 - c. Eaves. Roof eaves shall project the same distance from the building wall; this standard does not apply to stacked units if they do not both have a roof.
 - d. Trim. All windows shall include the same trim type and size. The size of the trim shall be a minimum of two inches in width.
 - e. Windows. Windows shall occupy a minimum of fifteen percent of the lineal length of the street-facing facades.

17.14.080 - Residential lot tree requirements.

The intent of this section is to encourage the retention of trees, minimize the impact of tree loss during development and ensure a sustainable tree canopy in Oregon City at the time of construction. Though not required, the use of large native and heritage tree species is recommended as detailed in this section. In no case shall any plant listed as a nuisance, invasive or problematic species on any regionally accepted plant list be used.

- A. Tree Requirement. This requirement may be met using one or any combination of the three options below (Tree Preservation, Tree Planting, or Tree Fund). Table 17.14.080(A) identifies the minimum number of inches of tree diameter per lot that shall be preserved, planted or paid into the Tree Fund. Adjustments from this section are prohibited. The applicant shall submit a residential tree plan for Options (1) and (2) demonstrating compliance with the requirements of this section.

TABLE 17.14.080(A) - Tree Requirements

Lot Size (square feet)	Tree Diameter Inches Required to be Protected, Planted or Paid into Tree Fund
0—4,999	4"
5,000—7,999	6"
8,000—9,999	8"
10,000—14,999	10"
15,000 +	12"

1. Tree preservation. The size of existing trees to be preserved shall be measured as Diameter at Breast Height (DBH).
 - a. This standard shall be met using trees that are located on the lot. When this option is used, a tree preservation plan is required.
 - b. Trees to be preserved may be located anywhere on the lot, and shall be a minimum of two inches caliper DBH.
 - c. Large Native or Heritage Tree Incentive. If a tree is preserved that is selected from the list in Table 17.14.080(A)(2)(c), the diameter of the tree may be doubled when demonstrating compliance with the minimum tree requirements indicated in Table 17.14.080(A). For example, an Oregon White Oak with a two-inch caliper at DBH may count as a tree diameter of four inches.
2. Tree planting. All planted trees shall measure a minimum two-inch caliper at six inches above the root crown. When this option is used, a tree planting plan is required.
 - a. Trees may be planted anywhere on the lot as space permits.
 - b. Large Native or Heritage Tree Incentive. If a tree is planted that is selected from the list in Table 17.14.080(A)(2)(c), the diameter of the tree may be doubled when demonstrating compliance with the minimum tree requirements indicated in Table 17.14.080(A). For example, an Oregon White Oak with a two inch caliper at six inches above the root crown may count as a tree diameter of four inches.

TABLE 17.14.080(A)(2)(c) - Large Native and Heritage Tree List

Common Name	Scientific Name
Oregon White Oak	<i>Quercus garryana</i>
Pacific willow	<i>Salix lucida spp. lasiandra</i>
Western red cedar	<i>Thuja plicata</i>
Western hemlock	<i>Tsuga heterophylla</i>
Northern Red Oak	<i>Quercus rubra</i>

Bur Oak	<i>Quercus macrocarpa</i>
Bigleaf Maple	<i>Acer macrophyllum</i>
Grand Fir	<i>Abies grandis</i>
Douglas Fir	<i>Pseudotsuga menziesii</i>
American Elm hybrids (disease resistant)	<i>Ulmus spp.</i>
Western yew	<i>Taxus brevifolia</i>

3. Tree Fund. This option may be used where site characteristics or construction preferences do not support the preservation or planting options identified above. The Community Development Director may approve this option in-lieu-of or in addition to requirements of Option 1 and/or 2 above. The Community Development Director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above. The large native or heritage tree incentive does not apply when using this option to calculate the number of required inches.
 - a. The cash-in-lieu payment per tree shall utilize the adopted fee schedule when calculating the total tree fund payment.
 - b. The amount to be paid to the tree fund shall be calculated by subtracting the total inches of trees preserved and planted per subsection 1. and 2. above from the minimum tree diameter inches required in Table 17.14.080.A), dividing the sum by two inches and multiplying the remainder by the adopted fee from the Oregon City fee schedule. For example:

Lot Size	a. Tree Requirement per Table 17.14.080.A (inches)	b. Trees Preserved (inches)	c. Trees Planted (inches)	d. To be mitigated (inches) a.— b.—c.	Number of trees owed to tree fund. d./2" minimum caliper tree
10,000—14,999	10"	2"	4"	4"	2

17.14.090 - Street trees.

All new single -family detached residential units and duplexes, or additions of twenty-five percent or more of the existing square footage of the home (including the living space and garage(s)) shall install one street tree in accordance with OCMC 12.08 if there is not at least one street tree for every thirty-five feet of property frontage.

Oregon City Municipal Code

Chapter 17.16 Townhouse and 3-4 Plex Residential Design Standards

17.16.010 – Purpose.

The intention of these standards is to promote quality townhouse and 3-4 plex developments that include a private-to-public transition space between individual townhouses and the street, that minimize the prominence of garages and off-street parking areas, and are compatible with the surrounding neighborhood.

17.16.020 – Applicability.

The standards of this chapter apply to townhouses as well as 3-4 plexes on a single lot in any zone. The applications are processed as a Type I review.

17.16.030 - Townhouse design standards.

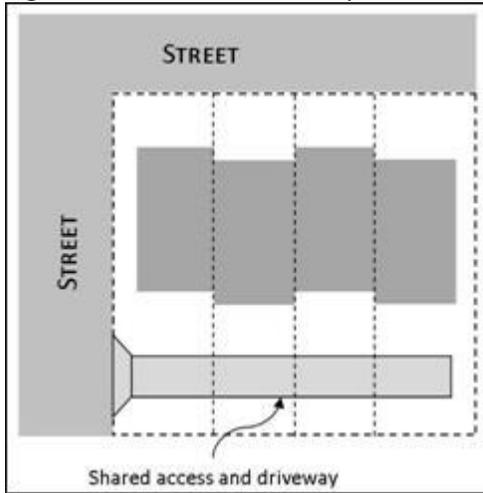
- A. Townhouses shall meet the dimensional standards of the underlying zoning designation.
- B. Six of the residential design elements in OCMC 17.14.040.A shall be included on the front facade of the structure.
- C. The garage shall not extend closer to the street than the furthest forward living space on the street-facing façade. Townhouses shall include an area of transition between the public realm of the right-of-way and the entry to the private dwelling with one of the options below.
 - 1. A covered porch or patio at least sixty square feet with a minimum depth of five feet between the main entrance and the street.
 - 2. Uncovered stairs that lead to the front door or front porch of the dwelling. The stairs shall rise at least three feet, and not more than six feet, from grade.
- E. No more than six consecutive townhouses that share a common wall are allowed.
- F. Driveway and access parking shall comply with OCMC 17.16.040.
- G. Outdoor space and tree requirements shall comply with OCMC 17.16.050.

17.16.040 - Driveway access and parking.

- A. Garages on the front façade, off-street parking areas in the front yard, and driveway accesses in front of a dwelling are permitted in compliance with the following standards:
 - 1. Each townhouse lot has a street frontage of at least twenty-five feet on a street identified as a Local Street in the Transportation System Plan;
 - 2. Development of two townhouses shall have one shared access, development of three or four townhouses shall have a maximum of two total accesses, or development of five or six townhouses shall have a maximum of three total accesses.

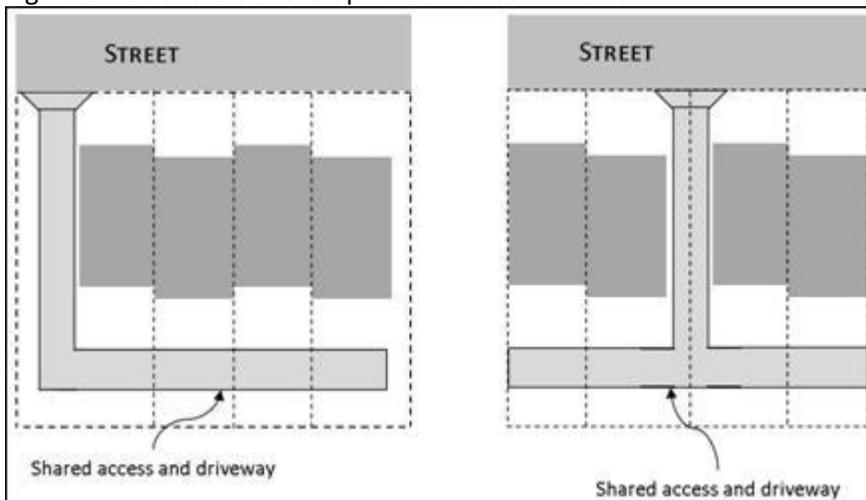
3. Outdoor on-site parking and maneuvering areas shall not exceed twelve feet wide on any lot; and
 4. The garage width shall not exceed twelve feet, as measured from the inside of the garage door frame.
- B. Garages not on the front façade and townhouses which do not include off-street parking in the front yard are permitted in compliance with the following standards:
1. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard.
 2. Development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The City Engineer may alter this requirement based on street classifications, access spacing, or other provisions. See Figure 17.16.040.B.2.

Figure 17.16.040.B.2: Development with Corner Lot Access



3. Development that does not include a corner lot shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front façade and front lot line of any of the townhouses. See Figure 17.16.040.B.3.

Figure 17.16.040.B.3: Development with Consolidated Access



4. A development that includes consolidated access or shared driveways shall record access easements to allow normal vehicular access and emergency access.
- C. Development served by an alley providing access to the rear yard are exempt from compliance with OCMC 17.16.040.A and 17.16.040.B.

17.16.050 – Outdoor space and tree requirements.

- A. Every dwelling unit shall provide a minimum of two hundred square feet of private outdoor living area including landscaping, porches, balconies or decks, to be located in the front, rear or side yard. Outdoor space may be split between front, rear and side yards provided that each space meets a minimum size of one hundred square feet and minimum dimension of ten feet, except for:
 1. Balconies provided to meet outdoor space requirements shall be a minimum of forty-eight square feet with a minimum width or depth of five feet.
 2. Front porches shall meet the minimum requirements of section 17.14.030.D.1.
- B. Residential lot tree requirements in 17.14.080 shall apply at time of construction.
- C. All new townhouse and/or 3-4 plex or additions of 25 percent or more of the existing square footage of the home (including the living space and garage(s)) shall install one street tree in accordance with OCMC 12.08 if there is not at least one street tree for every thirty-five feet of frontage.

17.16.060 – 3-4 plex development requirements.

- A. 3-4 plexes shall meet the following:
 1. Units that are horizontally attached shall meet the townhouse design standards of Section 17.16.030 and 17.16.050.
 2. 3-4 plexes that include any vertically attached units shall meet the multifamily design standards of OCMC 17.62.055 and 17.16.050, with the exception of OCMC 17.62.055.D.9 and 17.62.055.I.2.m.
- B. A minimum of two off-street parking spaces are required for a 3-4 plex. Access and location shall comply with either
 1. OCMC 17.16.040; or
 2. Access and driveway standards of OCMC 16.12.035.

For purposes of determining whether the site meets the requirements in OCMC 17.16.040.A, total lot frontage divided by the number of units along the frontage shall be at least twenty-five feet to qualify for driveways across the front yards; otherwise, the site shall meet the standards of OCMC 17.16.040.B or C.

- C. Outdoor space and tree requirements shall comply with OCMC 17.16.050.



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~~Chapter 17.18 R-2 Multi-Family Dwelling District~~

Chapter deleted and integrated into 17.12.

Oregon City Municipal Code

Chapter 17.20 Accessory Dwelling Unit, Cluster Housing, Internal Conversion, Live/Work Dwelling, and Manufactured Home Park Design Standards

17.20.010 - Accessory dwelling units.

An accessory dwelling unit (ADU) is defined as a self-contained residential dwelling unit located on the same lot as a principal single-family dwelling, but is not a recreational vehicle. The habitable living unit provides basic living requirements including permanent cooking, and toilet facilities. It may be located either within the same building as the principal single-family dwelling unit and/or in a detached building, and may be created through conversion of an existing structure or new construction.

- A. The purpose of allowing an ADU is to:
 - 1. Provide homeowners with a means of obtaining rental income, companionship, security, services and flexibility in the use of their property as their household composition and needs evolve over time.
 - 2. Add affordable housing units to the existing housing inventory.
 - 3. Support more efficient use of existing housing stock and infrastructure by offering environmentally friendly housing choices.
 - 4. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle that responds to changing family needs, smaller households, and increasing housing costs.
 - 5. Create new housing units while respecting the look and scale of single-family neighborhoods.
- B. Types of ADUs. There are two types of ADUs:
 - 1. Detached ADUs in an accessory structure detached from the principal dwelling. Examples include converted detached garages, new construction, or converting a small existing dwelling into an ADU while building a new principal dwelling on the property.
 - 2. Attached ADUs that are attached to or part of the principal dwelling. Examples include converted living space, attached garages, basements or attics, additions to the existing dwelling, or a combination thereof.
- C. Eligibility.
 - 1. One ADU is allowed per single-family detached residential unit. ADUs are not permitted with any housing units developed under the provisions of the Cluster Housing.
 - 2. ADUs may be added to any existing single-family detached residential unit or constructed simultaneously with any new single-family detached residential unit.
 - 3. ADUs are exempt from the density limits of the underlying zone.
- D. Design Standards.

An ADU shall meet the following standards and criteria. If not addressed in this section, base zone development standards apply.

- 1. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.

2. Setbacks.
 - a. For attached ADUs, any additions to the existing dwelling unit shall not encroach into the minimum setbacks in the underlying zone. However, access structures (e.g. stairs or ramps) may be allowed within the setback if no access can be provided to the unit without encroaching into the setback area.
 - b. For detached ADUs, structures shall be located behind the front building line of the principal dwelling or set back a minimum of forty feet, whichever is less, and shall meet all other rear and side yard setbacks for the underlying zone. Legally nonconforming detached structures that are converted into detached ADUs are exempt from this requirement, provided that modifications to the structure associated with the conversion do not cause it to encroach any farther into the existing setbacks.
 3. Height. The height of a detached ADU shall not exceed the greater of the height of the principal dwelling unit or twenty feet.
 4. Size. The gross floor area of an ADU shall not be more than eight hundred square feet or sixty percent of the gross floor area of the principal dwelling unit, whichever is less. Conversion of an existing basement to an ADU shall be exempt from these size limits provided that no new floor area may be added with the conversion.
 5. Lot Coverage. The property shall comply with the lot coverage of the zoning designation.
 6. The property owner, which shall include title holders and contract purchasers, shall occupy either the principal dwelling unit or the ADU as their permanent residence, for at least seven months out of the year, and at no time receive rent for the owner-occupied unit.
 7. Design.
 - a. The exterior finish materials shall be similar in type, size and placement as those on the principal dwelling unit.
 - b. All windows shall include the same trim type and size as those on the principal dwelling unit, provided that the size of the trim shall be a minimum of two inches in width.
 - c. Eaves shall project from the building walls at the same distance as the eaves on the principal dwelling unit.
 8. Parking. One off-street parking space is required. The space shall be a minimum of eight feet in width and eighteen feet in length.
- E. Application Procedure. Applications are processed as a Type I review.

17.20.020 – Cluster Housing

A. Applicability.

These guidelines apply to all cluster developments in any applicable zone within the city. Cluster developments are subject to all the applicable sections of OCMC 17.62 Site Plan and Design Review and OCMC 17.52 Off Street Parking and Loading. The proposed development shall be processed under the Type II Land Use process and may be proposed concurrent with a land division under OCMC Title 16 to create units on individual lots. Where there is a conflict between these standards and the standards elsewhere in the code, the Cluster Housing standards shall apply.

B. Intent.

1. To provide a variety of housing types that respond to changing household sizes and ages, including but not limited to retirees, small families, and single-person households.
2. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards.

3. To ensure that the overall size and visual impact of the cluster development be comparable to standard residential development, by balancing bulk and mass of individual residential units with allowed intensity of units.
 4. To provide centrally located and functional common open space that fosters a sense of community and a sense of openness in cluster housing developments.
 5. To ensure minimal visual impact from vehicular use and storage areas for residents of the cluster housing development as well as adjacent properties.
- C. Density Standards.
1. For developments in, R-6, R-8 and R-10 zoning districts: Maximum net density shall be two dwelling units for each regular dwelling unit allowed under existing standards in applicable zoning districts.
 2. For developments in the R-3.5 and R-5 zoning district: Maximum net density shall be 1.5 dwelling units for each regular dwelling unit allowed under existing standards in the applicable zoning district.
 3. For development in the R-2 zoning district: Maximum net density shall be the same as allowed under the existing standards in the applicable zoning district.
 4. Minimum net density in all zones shall be the same as allowed under the existing standards in the applicable zoning district.
- D. Dimensional Standards for Cluster Housing.
1. Maximum average gross floor area: One thousand square feet per dwelling unit.
 2. Maximum gross floor area: 1,500 square feet per dwelling unit.
 3. Maximum height: Twenty-five feet.
 4. Minimum setbacks from site perimeter: Same as the underlying zone.
 5. Minimum setbacks for single-family and duplex dwellings on individual lots within a Cluster Housing development:
 - a. Ten feet front, porch may project five feet into setback
 - b. Five feet rear
 - c. feet side, except zero feet for attached dwellings
 6. Setbacks for accessory buildings shall comply with OCMC 17.54.010.
 7. Maximum building coverage: same as the underlying zone.
 8. Minimum distance separating dwelling units (excluding attached dwellings and accessory structures): Ten feet.
 9. Minimum roof slope of all structures 4:12.
 10. Cluster developments shall contain a minimum of four and a maximum of twelve dwelling units located in a cluster group to encourage a sense of community among the residents. A development site may contain more than one group.
 11. Minimum Lot size for a cluster development is found in Table 17.20.020.D.11

Table 17.20.020.D.11

Base zone	Minimum Lot Size for development on a single lot	Minimum Lot size for development on individual lots ¹
R-10	10,000 square feet	3,500 square feet
R-8	10,000 square feet	3,000 square feet
R-6	10,000 square feet	2,500 square feet
R-5 and R-3.5	10,000 square feet	2,000 square feet
R-2	8,000 square feet	1,500 square feet

Notes:

1. Cluster developments shall not utilize lot size reductions through the land division process.
12. Minimum lot width for individual lots twenty feet, with a minimum lot depth fifty feet.
13. Flag lots for individual units are permitted provided that a shared joint accessway is provided in accordance with OCMC 16.08.050 A-F, as applicable and all other standards of this section are met.
14. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.

E. Open Space Design Standards:

1. The required minimum open space is four hundred square feet per dwelling unit, which may be a combination of common and private open space provided that a minimum of fifty percent of the required space is provided as common open space.
2. Common open space requirements for cluster developments:
 - a. A minimum of fifty percent of the total required open space, or two-hundred square feet per dwelling, shall be provided in a single compact, contiguous, central open space that:
 - i. Has a minimum dimension of twenty feet.
 - ii. Abuts at least fifty percent of the dwellings in a cluster housing development.
 - iii. Has dwellings abutting on at least two sides.
 - b. Dwellings abutting the common open space shall be oriented around and have an entry facing the common open space.
 - c. The common open space shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, or a community building built for the sole use of the cluster housing residents. Impervious elements of the common open space, excluding community buildings, shall not exceed 30 percent of the total open space.
2. If private open space is provided for dwelling units, it shall be located on the same lot as each dwelling unit or adjacent to each dwelling unit. Private open space may include landscaping, porches and decks. The minimum dimension for private open spaces shall be ten feet, except that porches meeting the provisions of OCMC 17.20.020.F may be counted towards the requirement and shall have a minimum dimension of five feet.
3. Alternative open space configurations may be permitted by the Community Development Director provided they incorporate usable semi-private and/or public open spaces that meet the intent of the guidelines.

F. Porches and covered entry standards for dwellings:

1. Every dwelling unit shall have at least one exterior entrance.
2. Residential facades facing the common open space, common pathway, or street shall feature a porch at least sixty square feet in size with a minimum dimension of five feet. The front porch shall be covered.
3. *Exemption:* House styles that do not contain porches or that require a reduction in the size of the porch or its location may request an exemption from the Community Development Director from (2) above, if another type of pronounced entryway is provided. Pronounced entrances may include a rounded, recessed or enlarged front door, canopy or other entrances projecting from the main building facade, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.

G. Dwelling Types.

1. In the R-10, R-8 and R-6 zones detached, and groups of up to two units attached together and duplex dwelling units are permitted in a cluster housing development.
 2. In the R-5 and R-3.5 zones detached units, and groups of up to four units attached together, duplexes, and 3-4 plex residential dwelling units are permitted in a cluster housing development.
 3. In the R-2 zone detached units groups of up to six units attached together, duplexes, 3-4 plex residential, and multifamily residential dwelling units are permitted in a cluster housing development.
 4. Accessory dwelling units are not permitted as part of a cluster housing development.
- H. Architectural Details. Dwelling units shall contain architectural details.
1. Each of the types of details listed below are worth one point unless otherwise noted. Each dwelling unit shall achieve the equivalent of five points worth of architectural details on front and corner side façades and two points worth of architectural details on rear and side façades. For multiple attached dwelling units, each unit shall achieve the equivalent of five points worth of architectural details though details may be shared with attached units, e.g. a paint scheme for the entire building would be counted as a detail for each unit within it.
 - a. Stonework detailing on columns or across foundation.
 - b. Brick or stonework covering more than ten percent of the facade.
 - c. Wood, clad wood, or fiberglass windows covering more than ten percent of the façade.
 - d. All windows include a minimum of four-inch trim.
 - e. Decorative roofline elements including roof brackets or multiple dormers.
 - f. Decorative porch elements including scrolls, or brackets, or railings.
 - g. Decorative shingle designs.
 - h. Decorative paint schemes (three or more colors).
 - i. Other architectural detailing may be approved by the by the Community Development Director if they are constructed with quality material, have a high level of craftsmanship and are consistent with the architectural style of the dwelling.
 2. Approved siding materials.
 - a. Brick or brick veneer.
 - b. Stone or stone veneer.
 - c. Horizontal wood, fiber cement or composite siding (eight inches wide or less); wider siding may be considered where there is a historic precedent.
 - d. Board and batten siding solely as an accent element unless the design has historic precedent and is approved by the Community Development Director through the exemption process.
 - e. Wood, fiber cement or composite shingle or shake siding.
 3. Other materials may be approve by the Community Development Director if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.
- J. Parking shall be:
1. Provided at a ratio of one parking space per dwelling unit minimum and 2.5 spaces per dwelling unit maximum.
 2. Parking plan may include shared parking or on-street spaces as allowed by OCMC 17.52.020.B.
 3. Screened from public streets and adjacent residential uses by landscaping or architectural screening in compliance with OCMC 17.52.060.
 4. Located in clusters of not more than five adjoining spaces (except where parking areas are adjacent to an alley).

5. Parking spaces are prohibited in the front, interior or and side yard setback areas. Drive aisles and access driveways may be allowed in the side or rear yard setback.
 6. Detached parking structures/garages shall be six-hundred square feet or less and are not counted as part of the gross floor area of the dwellings.
 7. Garages may be attached to individual dwellings provided all other design standards have been met and the footprint of the garage is included as part of the gross floor area calculations. Such garages shall be located away from common open spaces, shall not gain access off a public street and shall have garage doors of ten feet or less in width and be architecturally subordinate to the dwelling.
- K. Fences.
1. All fences shall be no more than forty-two inches in height, except that fences within one foot of the side or rear property line and outside of the front setback area may be no more than six feet in height.
 2. Chain link fences shall not be allowed.
- L. Existing Dwelling Unit Onsite.
- One existing single-family home incorporated into a Cluster Housing Development that does not meet the requirements of this chapter is permitted to remain on a site developed for cluster housing and shall be considered a dwelling in the development. The size of the existing single family dwelling unit may be over the square foot maximum and shall not be part of the average gross floor area calculations. Modifications or additions to the existing dwelling unit not consistent with the provisions of this chapter shall not be permitted.

17.20.030 - Internal Conversions

- A. Purpose. Internal conversions provide opportunities to adaptively reuse existing dwellings in a manner that preserves existing residences, adds additional dwelling units, maintains building scale and design compatible with surrounding neighborhoods, and makes efficient use of existing housing and infrastructure resources.
- B. Eligibility. Single-family detached dwellings constructed at least twenty years prior to application for an internal conversion are eligible for internal conversions.
- c. Units Created. An internal conversion may create multiple dwelling units within an existing residence at a maximum ratio of one dwelling unit for each 2,500 square feet of site area, up to a maximum of four units. An internal conversion may be located on the same property as an ADU, provided that the total number of dwelling units, including all internally converted units and ADUs, shall not exceed four and shall not exceed the maximum ratio of one dwelling unit per 2,500 square feet of site area. The internal conversion shall not be subject to the density standards for the underlying zone in which it is located.
- D. Size. Limited expansion of the existing single-family detached dwelling is permitted as part of an internal conversion. Total expanded square footage shall not exceed 500 square feet. This maximum expansion size shall apply to the cumulative effects of any expansions completed within two years before or after the internal conversion is completed.
- E. Dimensions. The internally converted structure shall comply with all dimensional standards of the underlying zone in which it is located.
- F. Design.
 - a. Any expansion or modification completed with the internal conversion shall be constructed with similar exterior building materials as that of the existing dwelling, or an acceptable substitute to be approved by the Community Development Director.

- b. Only one entrance may be located on the primary street-facing facade.
- c. Fire escapes or exterior stairs for access to an upper-level unit created through an internal conversion shall not be located on the front of the dwelling.
- G. Parking. One off-street parking space is required for internal conversions with two units, and two off-street parking spaces are required for internal conversions with three or four units.
- H. Review. Applications are processed as a Type I review.

17.20.040 - Live/work dwellings.

Live/work dwellings provide important flexibility by combining residential and commercial uses and allowing for commercial uses on the ground floor when the market is ready to support them. These standards apply to all new live/work dwellings. Live/work dwellings shall be reviewed through a Type II decision. For all zones where live/work dwellings are permitted, the following standards shall apply:

- A. The ground floor business shall provide visibility, signage and access from the primary street. The building in which the live/work dwelling is located shall architecturally differentiate the ground floor from the upper floors by meeting the following requirements on the ground floor:
 - 1. The main front elevation shall provide at least fifty percent windows. The transparency is measured in lineal fashion and required between 3.5 feet and six feet from the ground (for example, a twenty-five-foot long building elevation shall have at least 12.5 feet (fifty percent of twenty-five feet) of transparency in length).
 - 2. Large single paned windows over ten feet in width shall be divided into multiple panes to add human scale by dividing the vertical plane into smaller parts.
 - 3. Highly reflective or glare-producing glass with a reflective factor of .25 or greater is prohibited on all building façades. Exceptions to this prohibition may be granted for LEED certified buildings when documented as part of the application and requested as part of the land use application.
- B. A live/work dwelling is allowed instead of, or in addition to, a home occupation as defined by OCMC 17.04. The business portion of the dwelling shall be limited to the ground floor and may not exceed fifty percent of the square footage of the entire dwelling, excluding the garage, or one thousand square feet, whichever is the smaller number.
- C. The primary entrance to the business shall be located on the primary street frontage. Alley access is required to provide refuse and recycling service and residential parking. If alley access cannot be provided, an alternative parking and refuse and recycling service plan may be approved by the Community Development Director if it meets the intent of the standards.
- D. The applicant shall show that there is adequate on street or off-street parking for the proposed use. One parking space is required for every five-hundred square feet of commercial, personal service, or office use or a portion thereof. For example, seven hundred square feet of commercial use requires two parking spaces. Adequate parking can be shown by meeting one of the following:
 - 1. Shared Parking. Required parking may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature) or the live/work use is utilizing a parking space that is above the minimum parking requirement of the shared use, and that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

2. On-Street Parking. On-street parking dimensions for live/work units shall conform to the standards set forth in OCMC 17.52.010.C.
 3. Onsite Parking. Parking spaces are provided onsite and meet the requirements of OCMC 17.52—Off-Street Parking and Loading.
- E. The number of employees permitted onsite for employment purposes shall be limited to five persons at one time.
- F. All live/work dwellings shall be subject to ongoing compliance with the following performance standards:
1. The work use shall not generate noise exceeding fifty-five-decibel level as measured at the lot line of the lot containing the live/work dwelling.
 2. No outside storage of materials or goods related to the work occupation or business shall be permitted. Solid waste associated with the work use shall be stored inside the building.
 3. No dust or noxious odor shall be evident off the premises.
 4. If the business is open to the public, public access shall be through the front door and the business may not be open to clients or the public before 7:00 a.m. or after 8:00 p.m.

17.20.050 - Manufactured Home Park

- A. Purpose. Manufactured home parks provide locational opportunities for manufactured dwellings, to support a variety of affordable housing options. These manufactured home park requirements provide standards for orderly development, adequate vehicle circulation, parking, pedestrian circulation, open areas, and landscaping.
- B. Review Required.
1. New manufactured home parks and modifications to existing parks shall be subject to a Type II Land Use Review to determine compliance with OCMC 17.20.050.
 2. Placement of a single manufactured home within an existing space or lot shall require Type I Minor Site Plan and Design Review pursuant to OCMC 17.62.035.A.
 3. Applications for new or modified manufactured home parks shall include a site plan drawn to scale of the specific layout of the entire park. The site plan shall include both the dimensions and the existing and proposed locations of all utilities, roadways, structures, parking, landscaping and open areas, and manufactured home spaces on the site. In addition, the location of structures on adjacent properties shall be shown.
- C. Development Requirements. All manufactured home parks shall meet the following minimum requirements:
1. The minimum size of a manufactured home park shall be two acres.
 2. The number of units allowed in the manufactured home park shall be subject to the density requirements of the underlying zone after area used for public and private streets and access drives has been deducted.
 3. A minimum setback of fifteen feet is required around the outer boundary of the manufactured home park. Exterior boundaries of the park shall be screened to a height of six feet by a sight-obscuring solid wall, fence, or evergreen or other suitable hedge planting, exclusive of required openings, except where height is limited pursuant to OCMC 17.54.100. Chain link fences are prohibited unless screened with vegetation.
 4. Each manufactured home or accessory structure shall maintain a minimum 10-foot setback from the private street and the nearest point of the unit or accessory structure. If the manufactured dwelling space is on the side of a private street bounded by a sidewalk, the unit or accessory structure shall be set back ten feet from the sidewalk. Each unit or accessory

structure shall be separated from any unit or accessory structure on an adjacent space by a minimum of fifteen feet.

5. A minimum of fifteen percent of the gross site area shall be landscaped, which may include landscaped setbacks and common open space required in subsection (6) below. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five-hundred square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the Landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.
 6. A minimum of two hundred square feet of open space for each unit in the park, or a minimum of five thousand square feet, whichever is greater, shall be provided in common open space. Streets, access drives and parking lots shall not be considered open space. Open space shall be a mix of landscaping and lawn area, recreational amenities, and hard-surfaced pedestrian paths. Open space areas shall have no dimension less than twenty feet, and shall be landscaped and maintained by the park owner according to the approved master site plan.
 7. A manufactured home park shall have an entrance drive from a public street. Access to individual units shall be from private streets within the site which have a minimum width of twenty-four feet of paving from curb to curb. A paved sidewalk shall be provided along at least one side of each private street in the park and shall be a minimum of four feet in width. Parking shall be permitted on one side of those private streets constructed with a minimum width of thirty feet of paving.
 8. Off-street parking. An onsite paved parking area shall be provided for each manufactured home, either within the park or adjacent to each unit.
 9. Except for a structure which conforms to the State definition of a manufactured dwelling accessory structure, no other extension shall be attached to a manufactured dwelling, except a garage or carport constructed to the specifications of the Oregon State Structural Specialty Code.
 10. Standards of the underlying zone also apply except where otherwise provided for in this subsection.
- D. In addition to conformance with these standards, all parks, including any alteration and expansion thereof, shall comply with the manufactured dwelling park and mobile home park rules adopted by OAR 918-600-0005 through 918-600-0030, including the Oregon Manufactured Dwelling and Park Specialty Code, as amended.

Oregon City Municipal Code

Chapter 17.21 Single-Family Residential Design Standards – Park Place Concept Plan Area

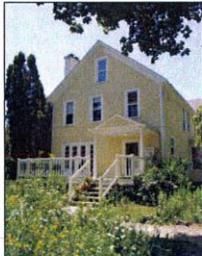
17.21.010 - Purpose.

The intent of this chapter is to ensure new development implements the goals and policies of the Park Place Concept Plan area and the historic architectural styles of Oregon City. Appropriate architectural styles include: Western Farmhouse/Vernacular, Bungalow, Queen Anne Vernacular and Foursquare. The 2006 Historic Review Board's Design Guidelines for New Construction include additional architectural descriptions of historic single-family structures in Oregon City.

17.21.020 - Applicability.

This chapter applies to all new detached single-family and two-family homes, accessory dwelling units, and cottages located within the Park Place Concept Plan areas. Additions to homes existing prior to the adoption of this chapter in the concept plan area or new single-family homes outside of the Concept Plan areas may choose review under this section or Oregon City Municipal Code 17.14.

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



Western Farmhouse/Vernacular



Bungalow (Craftsman)



Foursquare



Queen Anne Vernacular

17.21.030 - Roof design.

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

17.21.040 - Modulation and massing.

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

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

17.21.050 - Porches and entries.

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

17.21.060 - Architectural details.

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

- A. Stonework detailing on columns or across foundation.
- B. Brick or stonework covering more than ten percent of the front façade.
- C. Wood, clad wood, or fiberglass windows on all four elevations of the building (two points).
- D. Decorative roofline elements (choose two): roof brackets, rake board at edge of all roof and porch, eaves, roof eaves that extend at least eighteen inches.

- E. Decorative siding elements (choose two): barge board/frieze boards (minimum eight inches) under eaves, waterboard at foundation line and between floors (minimum six inches), corner board at all corners.
- F. Decorative porch elements (choose one): scrolls, brackets, or wrapped and finished porch railings and posts.
- G. Decorative shingle design covering ten percent of the façade.
- H. Exemption: Other architectural detailing may be approved by the by the Community Development Director if they are constructed with quality material, have a high level of craftsmanship and are consistent with the architectural style of the dwelling.

17.21.070 - Approved siding materials.

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

17.21.080 - Windows.

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

17.21.090 - Garages and accessory structures.

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

Oregon City Municipal Code

Chapter 17.22 Single-Family Residential Standards – South End Concept Plan Area

17.22.010 - Purpose.

The intent of this chapter is to ensure new development is compatible with the goals and policies of the South End Concept Plan area. Specifically, these standards achieve the following objectives:

- A. Enhance the quality of the streetscape by providing a welcoming and safe area for pedestrians at the front of homes.
- B. Encourage private outdoor space primarily in the rear or side yards of houses.
- C. Locate new homes relatively close to the street to provide "eyes on the street" and encourage neighborly interaction and safety.
- D. Where alleys are required pursuant to Chapter 16.12, assure convenient garage placement, vehicle access and parking.

17.22.020 - Applicability.

These standards apply in addition to the Oregon City Municipal Code Chapter 17.14. This chapter applies to all new detached single-family and two-family homes, accessory dwelling units, and cottages located within the South End Concept Plan area.

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

17.22.030 - Alley loaded garages.

- A. Garages on an alley may be attached to or detached from the house.
- B. Detached garages on an alley shall be set back no further than five feet from the alley.
- C. Attached garages on an alley shall meet the principal building setback of the zone district.
- D. Additional parking outside of an attached or detached garage shall be located beside the detached garage, not in front of the garage doors.

17.22.040 - Modulation and massing.

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

- A. Houses with footprints over one thousand two hundred square feet (not including porch or deck areas) shall provide for secondary massing (such as cross gabled wings or sunroom/kitchen/dining room extensions) under separate rooflines. Each secondary mass shall not have a footprint larger than six hundred square feet.

- B. Exemption: An exemption from the massing standard of subsection A above may be approved by the Community Development Director through a Type II process, upon a finding that the resulting plan continues to provide for a pedestrian friendly design and provides sufficient architectural details to mitigate the impact of a house with a large mass on the surrounding neighborhood.

17.22.050 - Porches and entries.

- A. Homes within twenty feet of the public sidewalk or front property line, whichever is closer, shall contain a front porch with a front door that faces the street that is a minimum of twenty-four inches above average grade with skirting and is at least eighty square feet in area with no dimension under six feet with the wider dimension parallel to the street. Porch railings are required. The front porch shall be covered.
- B. Exemption: House styles that do not contain porches or require a reduction in the size of the porch or its location may be granted an exemption pursuant to a Type II Land Use process from subsection A above if another type of pronounced entryway is provided. Pronounced entrances may include a rounded front door, canopy or other articulated entrances, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.
- C. Each dwelling unit shall have a separate delineated pedestrian connection (including duplexes, cottages and ADUs) from the front door of the unit to the public sidewalk with a minimum width of three feet. At the front of the house, the pedestrian connection shall be separate from any driveway.

17.22.060 - Architectural details.

Dwelling units shall contain architectural details. Each architectural detail listed below is worth one point unless otherwise noted. Dwelling units must achieve the equivalent of five points' worth of architectural details.

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

17.22.070 - Approved siding materials.

Dwelling units shall have approved siding materials of one or more [of] the types listed below:

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

17.22.080 - Windows.

- A. All windows on all elevations must be recessed at least two inches from the façade and incorporate window trim at least four inches in width. All elevations must provide an average of one window every fifteen feet of linear elevation on each floor of each elevation. If shutters are used, they shall be half of the window opening each such that the entire window opening is covered when they are closed.
- B. Exemption: An exemption may be granted through a Type II process from the window standard of subsection A above if the proposed windows provide for some amount of recess depth and the side elevation is consistent architecturally with the front elevation of the house in window prominence.

17.22.090 - Garages and accessory structures.

- A. All detached garages and accessory structures larger than two hundred square feet shall be designed consistent with the primary residence. Consistency of design includes the use of similar roofing, siding, and trim.
- B. Detached garages connected by a breezeway will be subject to the setbacks of the underlying zone. Exceptions to this standard shall be processed as a Type II Land Use decision at time of land division or building permit application.

Oregon City Municipal Code

Chapter 17.24 NC Neighborhood Commercial District

17.24.010 - Designated.

The Neighborhood Commercial District is designed for small-scale commercial and mixed-uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. Land uses consist of small and moderate sized retail, service, office, multi-family residential uses or similar. This district may be applied where it is appropriate to reduce reliance on the automobile for the provision of routine retail and service amenities, and to promote walking and bicycling within comfortable distances of adjacent residential infill neighborhoods, such as within the Park Place and South End Concept Plan areas. Approval of a site plan and design review application pursuant to OCMC 17.62 is required.

17.24.020 - Permitted Uses—NC.

The following uses are permitted within the Neighborhood Commercial District:

- A. Any use permitted in the Mixed-Use Corridor, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed ten thousand square feet, unless otherwise restricted in this chapter;
- B. Grocery stores, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed forty thousand square feet;
- C. Live/work;
- D. Residential that does not exceed fifty percent of the total building square footage onsite;
- E. Outdoor sales that are ancillary to a permitted use on the same or abutting property under the same ownership.

17.24.025 - Conditional uses.

The following conditional uses may be permitted when approved in accordance with the process and standards contained in OCMC 17.56:

- A. Any use permitted in the Neighborhood Commercial District that has a building footprint in excess of ten thousand square feet;
- B. Emergency and ambulance services;
- C. Drive-through facilities;
- D. Outdoor markets that are operated before six p.m. on weekdays;
- E. Public utilities and services such as pump stations and sub-stations;
- F. Religious institutions;
- G. Public and or private educational or training facilities;
- H. Gas stations;

- I. Hotels and motels, commercial lodging;
- J. Veterinary clinic or pet hospital.

17.24.035 - Prohibited uses.

The following uses are prohibited in the NC District:

- A. Distributing, wholesaling and warehousing;
- B. Outdoor storage;
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
- D. Hospitals;
- E. Kennels;
- F. Motor vehicle sales and incidental service;
- G. Motor vehicle repair and service;
- H. Self-service storage facilities;
- I. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- J. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- K. Shelter;
- L. Outdoor Mobile Food Carts, except with a special event permit.

17.24.040 - Dimensional standards.

Dimensional standards in the NC district are:

- A. Maximum building height: Forty feet or three stories, whichever is less.
- B. Maximum building footprint: 10,000 square feet.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: Ten feet plus one foot additional yard setback for every one foot of building height over thirty-five feet.
- E. Maximum Allowed Setback.
 - 1. Front yard setback: Five feet.
 - 2. Interior yard setback: None.
 - 3. Corner side yard setback abutting a street: Thirty feet.
 - 4. Rear yard setback: None.
- F. Standards for residential uses: Residential uses shall meet the minimum net density standards for the R-3.5 district, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings. Any new lots proposed for exclusive residential use shall meet the minimum lot size and setbacks for the R-3.5 zone for the proposed residential use type.
- G. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.

Oregon City Municipal Code

Chapter 17.26 HC Historic Commercial District

17.26.010 - Designated.

The Historic Commercial District is designed for limited commercial use. Allowed uses should facilitate the re-use and preservation of existing buildings and the construction of new architecturally compatible structures. Land uses are characterized by high-volume establishments such as retail, service, office, residential, lodging, recreation and meeting facilities, or a similar use as defined by the Community Development Director. Additional design requirements or adjustments to dimensional standards may be required to comply with OCMC 17.40 Historic Overlay District.

17.26.020 - Permitted uses.

- A. Single-family detached residential units;
- B. Duplexes;
- C. Internal conversions;
- D. Multifamily residential units;
- E. Accessory uses, buildings and dwellings;
- F. Banquet, conference facilities and meeting rooms;
- G. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities for up to ten guests per night;
- H. Child care centers and/or nursery schools;
- I. Indoor entertainment centers and arcades;
- J. Health and fitness clubs;
- K. Medical and dental clinics, outpatient; infirmary services;
- L. Museums, libraries and cultural facilities;
- M. Offices, including finance, insurance, real estate and government;
- N. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- O. Postal services;
- P. Parks, playgrounds, play fields and community or neighborhood centers;
- Q. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- R. Restaurants, eating and drinking establishments without a drivethrough;
- S. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- T. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar, provided the maximum footprint for a stand-alone

building with a single store or multiple buildings with the same business does not exceed 60,000 square feet;

- U. Seasonal sales;
- V. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- W. Studios and galleries, including dance, art, photography, music and other arts;
- X. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- Y. Veterinary clinics or pet hospitals, pet day care;
- Z. Home occupations;
- AA. Research and development activities;
- BB. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- CC. Residential care homes and facilities licensed by the state;
- DD. Transportation facilities;
- EE. Live/work dwellings.

17.26.030 - Conditional Uses.

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

- A. Drive-through facilities;
- B. Emergency service facilities (police and fire), excluding correctional facilities;
- C. Gas stations;
- D. Outdoor markets that do not meet the criteria of OCMC 17.29.020.1;
- E. Public utilities and services including sub-stations (such as buildings, plants, and other structures);
- F. Public and/or private educational or training facilities;
- G. Religious institutions;
- H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand-alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
- J. Hospitals;
- K. Parking not in conjunction with a primary use;
- L. Passenger terminals.

17.26.035 - Prohibited uses.

- A. Single-family attached dwellings;
- B. Marijuana businesses;
- C. Shelters;
- D. Mobile Food Carts, except with a special event permit.

17.26.050 - Dimensional standards.

- A. Residential uses:
 1. Single-family detached residential units shall comply with the dimensional and density standards required for the R-6 District.

2. Duplexes shall comply with the dimensional and density standards required for the R-3.5 District.

B. All other uses:

1. Minimum lot area: None.
2. Maximum building height: Thirty-five feet or three stories, whichever is less.
3. Minimum required setbacks if not abutting a residential zone: None.
4. Minimum required rear yard setback if abutting a residential zone: Twenty feet.
5. Minimum required side yard setbacks if abutting a single-family residential use: Five feet.
6. Maximum front yard setback: Five feet.
7. Maximum interior side yard: None.
8. Maximum rear yard: None.
9. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

Oregon City Municipal Code

Chapter 17.29 MUC Mixed Use Corridor District

17.29.010 - Designated.

The Mixed-Use Corridor (MUC) District is designed to apply along selected sections of transportation corridors such as Molalla Avenue, 7th Street Beaver Creek Road, and along Warner-Milne Road. Land uses are characterized by high-volume establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities, or a similar use as defined by the Community Development Director. A mix of high-density residential, office, and small-scale retail uses are encouraged in this District. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district. The area along 7th Street is an example of MUC-1, and the area along Warner-Milne Road is an example of MUC-2.

17.29.020 - Permitted uses—MUC-1 and MUC-2.

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;
- C. Child care centers and/or nursery schools;
- D. Indoor entertainment centers and arcades;
- E. Health and fitness clubs;
- F. Medical and dental clinics, outpatient; infirmary services;
- G. Museums, libraries and cultural facilities;
- H. Offices, including finance, insurance, real estate and government;
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- J. Postal services;
- K. Parks, playgrounds, playfields and community or neighborhood centers;
- L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- M. Multifamily and 3-4 plex residential;
- N. Restaurants, eating and drinking establishments without a drive-through;
- O. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- P. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;
- Q. Seasonal sales;

- R. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- S. Studios and galleries, including dance, art, photography, music and other arts;
- T. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- U. Veterinary clinics or pet hospitals, pet day care;
- V. Home occupations;
- W. Research and development activities;
- X. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- Y. Transportation facilities;
- Z. Live/work dwellings;
- AA. Shelters;
- BB. After-hours public parking.

17.29.030 - Conditional uses—MUC-1 and MUC-2 zones.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

- A. Drive-through facilities;
- B. Emergency service facilities (police and fire), excluding correctional facilities;
- C. Gas stations;
- D. Outdoor markets that do not meet the criteria of OCMC 17.29.020H.;
- E. Public utilities and services including sub-stations (such as buildings, plants and other structures);
- F. Public and/or private educational or training facilities;
- G. Religious institutions;
- H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand-alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
- I. Hospitals;
- J. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
- K. Passenger terminals.

17.29.040 - Prohibited uses in the MUC-1 and MUC-2 zones.

The following uses are prohibited in the MUC district:

- A. Distributing, wholesaling and warehousing;
- B. Outdoor storage;
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
- D. Correctional facilities;
- E. Heavy equipment service, repair, sales, storage or rentals (including but not limited to construction equipment and machinery and farming equipment);

- F. Kennels;
- G. Motor vehicle and recreational vehicle sales and incidental service;
- H. Motor vehicle and recreational vehicle repair/service;
- I. Self-service storage facilities;
- J. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- K. Mobile Food Carts, except with a special event permit.

17.29.050 - Dimensional standards—MUC-1.

- A. Minimum lot areas: None.
- B. Maximum building height: Forty feet or three stories, whichever is less.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.
- E. Maximum allowed setbacks.
 - 1. Front yard: Five feet.
 - 2. Interior side yard: None.
 - 3. Corner side setback abutting street: Thirty feet.
 - 4. Rear yard: None.
- F. Maximum lot coverage of the building and parking lot: Eighty percent.
- G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.
- H. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.

17.29.060 - Dimensional standards—MUC-2.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.25.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Sixty feet.
- E. Minimum required setbacks if not abutting a residential zone: None.
- F. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard: Five feet.
 - 2. Interior side yard: None.
 - 3. Corner side yard abutting street: Twenty feet.
 - 4. Rear yard: None.
- H. Maximum site coverage of building and parking lot: Ninety percent.
- I. Minimum landscaping requirement (including parking lot): Ten percent.
- J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.

17.29.070 - Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

- A. The minimum floor area ratios contained in OCMC 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.
- B. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
- C. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

Oregon City Municipal Code

Chapter 17.31 MUE Mixed Use Employment District

17.31.10 - Designated.

The MUE zone is designed for employment-intensive uses such as large offices and research and development complexes or similar as defined by the community development director. Some commercial uses are allowed, within limits. The county offices and Willamette Falls Hospital are examples of such employment-intensive uses.

17.31.020 - Permitted uses.

Permitted uses in the MUE district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Child care centers, nursery schools;
- C. Medical and dental clinics, outpatient; infirmary services;
- D. Distributing, wholesaling and warehousing;
- E. Health and fitness clubs;
- F. Hospitals;
- G. Emergency service facilities (police and fire), excluding correctional facilities;
- H. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;
- I. Offices;
- J. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- K. Postal services;
- L. Parks, playfields and community or neighborhood centers;
- M. Research and development offices and laboratories, related to scientific, educational, electronics and communications endeavors;
- N. Passenger terminals (water, auto, bus, train);
- O. Utilities. Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, water tanks, telephone exchange and cell towers;
- P. Transportation facilities;
- Q. Marijuana processors, processing sites, wholesaling and laboratories;
- R. Mobile food carts operating on a property for less than five hours in a 24-hour period.

17.31.030 - Limited uses.

The following permitted uses, alone or in combination, shall not exceed twenty percent of the total gross floor area of all of the other permitted and conditional uses within the MUE development site or complex. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the same development site, as determined by the community development director.

- A. Retail services, including but not limited to personal, professional, educational and financial services, marijuana, laundry and dry cleaning;
- B. Restaurants, eating and drinking establishments;
- C. Retail shops, provided the maximum footprint for a stand-alone building with a single store does not exceed sixty thousand square feet;
- D. Public and/or private educational or training facilities;
- E. Custom or specialized vehicle alterations or repair wholly within a building.

17.31.040 - Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the process and standards contained in OCMC 17.56.

- A. Correctional, detention and work release facilities;
- B. Drive-through facilities;
- C. Hotels, motels and commercial lodging;
- D. Outdoor markets that do not meet the criteria of OCMC 17.31.020.J;
- E. Public utilities and services such as pump stations and sub-stations;
- F. Religious institutions;
- G. Veterinary or pet hospital, dog day care.

17.31.050 - Prohibited uses.

The following uses are prohibited in the MUE district:

- A. Outdoor sales or storage;
- B. Kennels;
- C. Gas/Convenience stations;
- D. Motor vehicle parts stores;
- E. Motor vehicle sales and incidental service;
- F. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- G. Recreation vehicle, travel trailer, motorcycle, truck, manufactured home, leasing, rental or storage;
- H. Self-storage facilities;
- I. Marijuana production.

17.31.060 - Dimensional standards.

- A. Minimum lot areas: None.
- B. Minimum Floor Area Ratio: 0.25.
- C. Maximum building height: except as otherwise provided in subsection C.1. of this section building height shall not exceed sixty feet.
 - 1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.

- D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one-foot additional yard setback for every one foot of building height over thirty-five feet.
- E. Maximum allowed setbacks: None.
- F. Maximum site coverage of the building and parking lot: Eighty percent.
- G. Minimum landscape requirement (including the parking lot): Twenty percent.
The design and development of the landscaping in this district shall:
 1. Enhance the appearance of the site internally and from a distance;
 2. Include street trees and street side landscaping;
 3. Provide an integrated open space and pedestrian way system within the development with appropriate connections to surrounding properties;
 4. Include, as appropriate, a bikeway walkway or jogging trail;
 5. Provide buffering or transitions between uses;
 6. Encourage outdoor eating areas appropriate to serve all the uses within the development;
 7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.

17.31.070 - Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

A. Standards.

1. The minimum floor area ratios contained in OCMC 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.
2. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
3. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

Oregon City Municipal Code

Chapter 17.32 C General Commercial District

17.32.010 - Designated.

Uses in the general commercial district are designed to serve the city and the surrounding area. Land uses are characterized by a wide variety of establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities or a similar use as defined by the Community Development Director.

17.32.020 - Permitted uses.

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;
- C. Child care centers and/or nursery schools;
- D. Drive-in or drive-through facilities;
- E. Gas stations;
- F. Indoor entertainment centers and arcades;
- G. Health and fitness clubs;
- H. Motor vehicle and recreational vehicle sales and/or incidental service;
- I. Motor vehicle and recreational vehicle repair and/or service;
- J. Custom or specialized vehicle alterations or repair wholly within a building;
- K. Medical and dental clinics, outpatient; infirmary services;
- L. Museums, libraries and cultural facilities;
- M. Offices, including finance, insurance, real estate and government;
- N. Outdoor markets, such as produce stands, craft markets and farmers markets;
- O. Postal services;
- P. Passenger terminals (water, auto, bus, train);
- Q. Parks, playgrounds, play fields and community or neighborhood centers;
- R. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- S. Multifamily and 3-4 plex residential;
- T. Restaurants, eating and drinking establishments without a drive through;
- U. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- V. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;
- W. Seasonal sales;

- X. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- Y. Studios and galleries, including dance, art, photography, music and other arts;
- Z. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- AA. Veterinary clinics or pet hospitals, pet day care;
- BB. Home occupations;
- CC. Research and development activities;
- DD. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- EE. Residential care facility licensed by the state;
- FF. Transportation facilities;
- GG. Live/work dwellings.

17.32.030 - Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the standards contained in OCMC 17.56:

- A. Religious institutions;
- B. Hospitals;
- C. Self service storage facilities;
- D. Public utilities, including sub-stations (such as buildings, plants and other structures);
- E. Public and/or private educational or training facilities;
- F. Parking structures and lots not in conjunction with a primary use;
- G. Emergency service facilities (police and fire), excluding correctional facilities.

17.32.040 - Prohibited uses in the General Commercial District.

The following uses are prohibited in the General Commercial District:

- A. Distribution, wholesaling and warehousing;
- B. Outdoor sales or storage, except secured areas for overnight parking or temporary parking of vehicles used in the business. Sales of products not located under a roof may be allowed if they are located in an area that is architecturally connected to the primary structure, is an ancillary use and is approved through the Site Plan and Design Review process. This area may not exceed fifteen percent of the building footprint of the primary building.
- C. General manufacturing or fabrication;
- D. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- E. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- F. Shelter;
- G. Food carts, except with a special event permit.

17.32.050 - Dimensional standards.

- A. Minimum lot area: None.
- B. Maximum building height: Sixty feet.
- C. Minimum required setbacks if not abutting a residential zone: None.

- D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- E. Maximum Allowed Setbacks.
 - 1. Front yard setback: Five feet.
 - 2. Interior side yard setback: None.
 - 3. Corner side yard setback abutting street: None
 - 4. Rear yard setback: None.
- F. Maximum site coverage of building and parking lot: Eighty-five percent
- G. Minimum landscaping requirement (including parking lot): Fifteen percent.
- H. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.

Oregon City Municipal Code

Chapter 17.34 MUD Mixed Use Downtown District

17.34.010 - Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a Downtown Design District overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

17.34.020 - Permitted uses.

Permitted uses in the MUD district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;
- C. Child care centers and/or nursery schools;
- D. Indoor entertainment centers and arcades;
- E. Health and fitness clubs;
- F. Medical and dental clinics, outpatient; infirmary services;
- G. Museums, libraries and cultural facilities;
- H. Offices, including finance, insurance, real estate and government;
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- J. Postal services;
- K. Parks, playgrounds, play fields and community or neighborhood centers;
- L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- M. Multifamily and 3-4 plex residential;
- N. Restaurants, eating and drinking establishments without a drive through;
- O. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;

- E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);
- Q. Seasonal sales;
- R. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- S. Studios and galleries, including dance, art, photography, music and other arts;
- T. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- U. Veterinary clinics or pet hospitals, pet day care;
- V. Home occupations;
- W. Research and development activities;
- X. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- Y. Transportation facilities;
- Z. Live/work dwellings;
- AA. After-hours public parking;
- BB. Marinas;
- CC. Religious institutions.

17.34.030 - Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56.

- A. Drive-through facilities;
- B. Emergency services;
- C. Hospitals;
- D. Outdoor markets that do not meet the criteria of Section 17.34.020.I.;
- E. Parks, playgrounds, play fields and community or neighborhood centers;
- F. Parking structures and lots not in conjunction with a primary use on private property, excluding after-hours public parking;
- G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a footprint of sixty thousand square feet;
- H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- I. Public utilities and services such as pump stations and sub-stations;
- J. Distributing, wholesaling and warehousing;
- K. Gas stations;
- L. Public and or private educational or training facilities;
- M. Stadiums and arenas;
- N. Passenger terminals (water, auto, bus, train);
- O. Recycling center and/or solid waste facility;
- P. Shelter, except within the Downtown Design District.

17.34.040 - Prohibited uses.

The following uses are prohibited in the MUD district:

- A. Kennels;
- B. Outdoor storage and sales, not including outdoor markets allowed in Section 17.34.030;
- C. Self-service storage;
- D. Single-Family attached and detached residential units and duplexes;
- E. Motor vehicle and recreational vehicle repair/service;
- F. Motor vehicle and recreational vehicle sales and incidental service;
- G. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- H. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- I. Mobile food carts, except with a special event permit;
- J. Shelter within the Downtown Design District.

17.34.050 - Pre-existing industrial uses.

Tax lot 5400 located at Clackamas County Tax Assessors Map #22E20DD, Tax Lots 100 and two hundred located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for industrial uses. These properties may maintain and expand their industrial uses on existing tax lots. A change in use is allowed as long as there is no greater impact on the area than the existing use.

17.34.060 - Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.30.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Seventy-five feet, except for the following location where the maximum building height shall be forty-five feet:
 1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
 2. Property within five hundred feet of the End of the Oregon Trail Center property
 3. Property abutting a single-family detached or attached units.
- E. Minimum required setbacks, if not abutting a residential zone: None.
- F. Minimum required interior side yard and rear yard setback if abutting a residential zone: Fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 1. Front yard: Twenty feet.
 2. Interior side yard: No maximum.
 3. Corner side yard abutting street: Twenty feet.
 4. Rear yard: No maximum.
 5. Rear yard abutting street: Twenty feet.
- H. Maximum site coverage including the building and parking lot: Ninety percent.
- I. Minimum landscape requirement (including parking lot): Ten percent.
- J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.

17.34.070 - Mixed-use downtown dimensional standards—For properties located within the downtown design district.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.5.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Fifty-eight feet.
- E. Minimum required setbacks, if not abutting a residential zone: None.
- F. Minimum required interior and rear yard setback if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard setback: Ten feet.
 - 2. Interior side yard setback: No maximum.
 - 3. Corner side yard setback abutting street: Ten feet.
 - 4. Rear yard setback: No maximum.
 - 5. Rear yard setback abutting street: Ten feet.
- H. Maximum site coverage of the building and parking lot: Ninety-five percent.
- I. Minimum landscape requirement (including parking lot): 5 percent.
- J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.

17.34.080 - Explanation of certain standards.

- A. Floor Area Ratio (FAR).
 - 1. Purpose. Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.
 - 2. Standards.
 - a. The minimum floor area ratios contained in OCMC 17.34.060 and 17.34.070 apply to all non-residential and mixed-use building developments.
 - b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
 - c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.
- B. Building height.
 - 1. Purpose.
 - a. The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of fifty-eight feet measured from Main Street. The maximum building height limit of fifty-eight feet will ensure that no new building will be taller than the Masonic Hall.

- b. A minimum two-story (twenty-five feet) building height is established for the Downtown Design District Overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.

Oregon City Municipal Code

Chapter 17.35 Willamette Falls Downtown District

17.35.010 - Designated.

The Willamette Falls Downtown (WFD) District applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office and residential uses on upper floors. Allowed uses in the district will encourage pedestrian and transit activity. This district includes a downtown design overlay for the historic downtown area. Design guidelines for this sub-district require storefront facades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment.

17.35.020 - Permitted uses.

Permitted uses in the WFD district are defined as:

- A. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, marijuana pursuant to OCMC 17.54.110, and specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed forty thousand square feet (a freestanding building over forty thousand square feet is allowed as long as the building contains multiple tenant spaces or uses);
- B. Industrial uses including food and beverage production, limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, and not to exceed sixty thousand square feet;
- C. Research and development activities;
- D. Offices, including finance, insurance, real estate, software, engineering, design, and government;
- E. Restaurants, eating and drinking establishments without a drive-through, and mobile food carts;
- F. Parks, playgrounds, outdoor entertainment space, and community or neighborhood centers,
- G. Museums, libraries, and interpretive/education facilities;
- H. Outdoor markets, such as produce stands, craft markets and farmers markets;
- I. Indoor entertainment centers and arcades;
- J. Studios and galleries, including dance, art, film and film production, photography, and music;
- K. Hotel and motel, commercial lodging;
- L. Conference facilities and meeting rooms;
- M. Public and/or private educational or training facilities;

- N. Child care centers and/or nursery schools;
- O. Health and fitness clubs;
- P. Medical and dental clinics, outpatient; infirmary services;
- Q. Repair shops, except automotive or heavy equipment repair;
- R. Residential units—Multi-family and 3-4 plex;
- S. Services, including personal, professional, educational and financial services; laundry and dry cleaning;
- T. Seasonal sales, subject to OCMC 17.54.060;
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- V. Veterinary clinics or pet hospitals, pet day care;
- W. Home occupations;
- X. Religious institutions;
- Y. Live/work units;
- Z. Water-dependent uses, such as boat docks;
- AA. Passenger terminals (water, auto, bus, train);
- BB. Existing parking, storage and loading areas, as an interim use, to support open space/recreational uses;
- CC. After-hours public parking.

17.35.030 - Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

- A. Emergency services;
- B. Hospitals;
- C. Assisted living facilities; nursing homes, residential care facilities and group homes for over fifteen patients;
- D. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
- E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding forty thousand square feet;
- F. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- G. Industrial uses including food and beverage production, design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials that exceed sixty thousand square feet;
- H. Public utilities and services such as pump stations and sub-stations;
- I. Stadiums and arenas;
- J. Drive-through facilities.

17.35.040 - Prohibited uses.

The following uses are prohibited in the WFD district:

- A. Kennels;
- B. Outdoor sales or storage that is not accessory to a retail use allowed in OCMC 17.35.020 or 17.35.030;
- C. Self-service storage;

- D. Distributing, wholesaling and warehousing not in association with a permitted use;
- E. Single-family and two-family residential units;
- F. Motor vehicle and recreational vehicle repair/service;
- G. Motor vehicle and recreational vehicle sales and incidental service;
- H. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- I. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- J. Shelters.

17.35.050 - Temporary uses.

- A. Temporary activities are short-term or seasonal nature and do not fundamentally change the site. Examples of temporary activities include: movie and TV filming, construction and film staging, and general warehousing. Temporary activities are not considered primary or accessory uses and require a temporary use permit be obtained from the city. The city has a right to deny or condition any temporary use permit if it feels the proposal conflicts with the purpose of the district or to ensure that health and safety requirements are met. Temporary use permits are processed as a Type II land use action.
- B. The following uses may be allowed in the district on a temporary basis, subject to permit approval:
 - 1. Outdoor storage or warehousing not accessory to a use allowed in OCMC 17.35.020 or 17.35.030;
 - 2. Movie and television filming. On-site filming and activities accessory to on-site filming that exceed two weeks on the site are allowed with a city temporary use permit. Activities accessory to on-site filming may be allowed on site, and include administrative functions such as payroll and scheduling, and the use of campers, truck trailers, or catering/craft services. Accessory activities do not include otherwise long-term uses such as marketing, distribution, editing facilities, or other activities that require construction of new buildings or create new habitable space. Uses permitted in the district and not part of the temporary use permit shall meet the development standards of the district;
- C. General Regulations for Temporary Uses.
 - 1. The temporary use permit is good for one year and can be renewed for a total of three years.
 - 2. Temporary activities that exceed time limits in the city permit are subject to the applicable use and development standards of the district.
 - 3. These regulations do not exempt the operator from any other required permits such as sanitation permits, erosion control, building or electrical permits.

17.35.060 - Willamette Falls Downtown District dimensional standards.

- A. Minimum lot area: None.
- B. Minimum floor area ratio (as defined in OCMC 17.34.080): 1.0.
- C. Minimum building height: Two entire stories and twenty-five feet, except for:
 - 1. Accessory structures or buildings under one thousand square feet; and
 - 2. Buildings to serve open space or public assembly uses.
- D. Maximum building height: Eighty feet.
- E. Minimum required setbacks: None.
- F. Maximum allowed setbacks: Ten feet.

- G. Maximum site coverage: One hundred percent.
- H. Minimum landscape requirement: None for buildings. Landscaping for parking areas required per OCMC 17.52.

Oregon City Municipal Code

Chapter 17.36 GI General Industrial District

17.36.010 - Designated.

The general industrial district is designed to allow uses relating to manufacturing, processing, production, storage, fabrication and distribution of goods or similar as defined by the community development director. The uses permitted in the general industrial district are intended to protect existing industrial and employment lands to improve the region's economic climate and protect the supply of sites for employment by limiting new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees, and residents of the industrial areas.

17.36.020 - Permitted uses.

In the GI district, the following uses are permitted:

- A. Manufacturing and/or fabrication;
- B. Distributing, wholesaling and warehousing, excluding explosives and substances which cause an undue hazard to the public health, welfare and safety;
- C. Heavy equipment service, repair, sales, rental or storage (includes but is not limited to construction equipment and machinery and farming equipment);
- D. Veterinary or pet hospital, kennel;
- E. Necessary dwellings for caretakers and watchmen (all other residential uses are prohibited);
- F. Retail sales and services, including but not limited to eating establishments for employees (i.e. a cafe or sandwich shop) or marijuana, located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of twenty thousand square feet or five percent of the building square footage, whichever is less and the retail sales and services shall not occupy more than ten percent of the net developable portion of all contiguous industrial lands;
- G. Emergency service facilities (police and fire), excluding correctional facilities;
- H. Outdoor sales and storage;
- I. Recycling center and solid waste facility;
- J. Wrecking yards;
- K. Public utilities, including sub-stations (such as buildings, plants and other structures);
- L. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- M. Storage facilities;
- N. Transportation facilities;
- O. Marijuana production, processing, wholesaling, and laboratories;
- P. Mobile food carts operating on a property for less than five hours in a twenty-four hour period.

17.36.030 - Conditional uses.

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

- A. Any use in which more than half of the business is conducted outdoors;
- B. Hospitals.

17.36.035 – Prohibited Uses

The following uses are prohibited in GI:

- A. Shelter

17.36.040 - Dimensional standards.

Dimensional standards in the GI district are:

- A. Minimum lot area, minimum not required;
- B. Maximum building height, three stories, not to exceed forty feet;
- C. Minimum required setbacks:
 - 1. Front yard, ten feet minimum setback;
 - 2. Interior side yard, no minimum setback;
 - 3. Corner side yard, ten feet minimum setback;
 - 4. Rear yard, ten feet minimum setback;
- D. Buffer Zone. If a use in this zone abuts or faces a residential or commercial use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential use and commercial uses in order to provide a buffer area, and sight obscuring landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if he/she determines that the requirement is unnecessary in the particular case.
- E. Outdoor storage within building or yard space other than required setbacks and such occupied yard space shall be enclosed by a sight-obscuring wall or fence of sturdy construction and uniform color or an evergreen hedge not less than six feet in height located outside the required yard, further provided that such wall or fence shall not be used for advertising purposes.
- F. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.

Oregon City Municipal Code

Chapter 17.41 Tree Protection, Preservation, Removal and Replanting Standards

17.41.010 - Protection of trees—Intent.

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

17.41.020 - Tree protection—Applicability.

1. Applications for development subject to OCMC 16.08 (Land Divisions) or OCMC 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments. Compliance with this Chapter is required from the date a land use application is filed until a land division is recorded or other development approval is final.
2. For public capital improvement projects, the City Engineer shall demonstrate compliance with these standards pursuant to a Type I process.
3. Tree canopy removal greater than twenty-five percent on areas with greater than twenty-five percent slope, unless exempted under OCMC 17.41.040, shall be subject to these standards.
4. A heritage tree or grove which has been designated pursuant to the procedures of OCMC 12.08.050 shall be subject to the standards of this section.
5. Trees that have been preserved or planted pursuant to this section remain subject to the standards of this section.

17.41.030 - Tree protection—Conflicting code provisions.

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

17.41.040 - Exemptions.

These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of OCMC 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930. 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.

17.41.050 - Compliance options.

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

- A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to OCMC 17.41.060 or 17.41.070.
- B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to OCMC 17.41.080—17.41.100; or
- C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to OCMC 17.41.110—17.41.120; or
- D. Option 4—Cash-in-lieu of planting pursuant to OCMC 17.41.130.

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

- A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in OCMC 17.04 to the extent practicable. Preserved trees are subject to Option 3 of this Chapter. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Tree inventories for the purposes of mitigation calculations may be prepared by a licensed surveyor. At the applicant's expense, the city may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in stormwater facilities on site, and any trees planted in pedestrian and bicycle accessways.
- B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:
 - 1. Trees that are removed outside of the construction area shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or

2. Dying, diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definitions in OCMC 17.04, may be removed from the tree replacement calculation. Dead trees may also be removed from the calculation, with the condition of the tree verified either by the Community Development Director or by a certified arborist at the applicant's expense, when the Community Development Director cannot make a determination. To the extent that the Community Development Director determines that the dead, dying, hazardous or diseased condition of the tree is the result of intentional action, the removal of that tree shall require mitigation pursuant to Column 2 of Table 17.41.060-1.

Table 17.41.060-1
Tree Replacement Requirements

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

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate the size (DBH) of all trees pursuant to accepted industry standards.
3. Document (in certified arborists report) any trees that are currently dead, dying, diseased or hazardous.
4. Subtract the number of dead, dying, diseased or hazardous trees in step 3 from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5. through 8.

5. Identify the construction area (as defined in OCMC 17.04.230).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6 and 7.

C. Planting area priority for mitigation (Option 1).

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

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

D. Replacement tree planting standards (Option 1).

1. All replacement trees shall be either two-inch caliper deciduous or six-foot high conifer.
2. Replacement tree species shall be approved by a landscape architect or certified arborist or shall be found on the City's Native Plant or Street Tree lists.

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 in OCMC 17.49.190.

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

- A. An applicant for a new subdivision and partition may delineate and show the regulated trees or groves as either a separate tract or part of a larger tract that meets the requirements of

subsection D. of this section. All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the City.

B. The standards for land divisions subject to this section shall apply in addition to the requirements of the City land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to OCMC 17.41.080.F below.

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

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

1. Private open space held by the owner or a 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. 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).

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

1. The purpose of this section is to allow dimensional adjustments within a regulated tree protection tract to be transferred outside said tract to the remainder of the site. Density shall not be transferred beyond the boundaries of the development site.

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

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

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

F. Permitted modifications to dimensional standards (Option 2 only).

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

Table 17.41.100 A
Lot Size Reduction

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

Table 17.41.100 B
Reduced Dimensional Standards for Detached Single-Family Residential Units

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

4,000—5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%
1,800—3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%

Table 17.41.100 C

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

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

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

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 reduced to less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.

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.

17.41.125 - Cash-in-lieu of planting (tree bank/fund) (Option 4).

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

The cash-in-lieu payment per required mitigation tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index. The price shall include 150% of the cost of materials, transportation and planting.

17.41.130 - Regulated tree protection procedures during construction.

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

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

1. Except as otherwise determined by the Community Development Director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.
2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the Community Development Director.
3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Community Development Director.
4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.
5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.

6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the Community Development Director.
 7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.
 8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the Community Development Director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.
 9. The Community Development Director may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.
 10. The Community Development Director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.
- C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

Oregon City Municipal Code

Chapter 17.49 Natural Resources Overlay District

17.49.010 - Purpose.

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

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

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

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

17.49.020 - NROD identifying documents.

- A. The NROD protects as one connected system the habitats and associated functions of the streams, riparian corridors, wetlands and the regulated upland habitats found in Oregon City. These habitats and functions are described in the following documents upon which the NROD is based:
 - 1. The 1999 Oregon City Local Wetland Inventory.
 - 2. The Oregon City Water Quality Resource Area Map (Ord. 99-1013).

3. 2004 Oregon City slope data and mapping (LIDAR).
4. Metro Regionally Significant Habitat Map (Aerial Photos taken 2002).
5. National Wetland Inventory (published 1992).
6. Beavercreek Road Concept Plan (adopted September 2008).
7. Park Place Concept Plan (adopted April 2008).
8. South End Concept Plan (Adopted April 2014).

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

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

17.49.030 - Map as reference.

1. This chapter applies to all development within the Natural Resources Overlay District as shown on the NROD Map, which is a regulatory boundary mapped ten feet beyond the required vegetated corridor width specified in OCMC 17.49.110. The mapped NROD boundary is based on a GIS-supported application of the adopted documents, plans and maps listed in OCMC 17.49.020A.1.—17.19.020A.8., however the adopted map may not indicate the true location of protected features.

2. Notwithstanding changing field conditions or updated mapping approved by the City (and processed as a Type I Verification per OCMC 17.49.255), the applicant may choose to either accept the adopted NROD boundary or provide a verifiable delineation of the true location of the natural resource feature pursuant to the Type I or Type II procedure in accordance with this chapter.

3. The NROD boundary shall be shown on all development permit applications 4. The official NROD map can only be amended by the City Commission.

5. Verification of the map shall be processed pursuant to OCMC 17.49.250.

17.49.035 - Addition of wetlands to map following adoption.

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

17.49.040 - NROD permit.

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

17.49.050 - Emergencies.

The provisions of this ordinance do not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies. After the emergency has passed, any disturbed native vegetation areas shall be replanted with similar vegetation found in the Oregon City Native Plant List pursuant to the mitigation standards of OCMC 17.49.180. For purposes of this section emergency shall mean any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

17.49.060 - Consistency and relationship to other regulations.

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

17.49.070 - Prohibited uses.

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

- A. Any new gardens, lawns, structures, development, other than those allowed outright (exempted) by the NROD or that is part of a regulated use that is approved under prescribed conditions. Note: Gardens and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to continue but cannot expand further into the overlay district.
- B. New lots that would have their buildable areas for new development within the NROD are prohibited.
- C. The dumping of materials of any kind is prohibited except for placement of fill as provided in subsection D. below. The outside storage of materials of any kind is prohibited unless they existed before the overlay district was applied to a subject property. Uncontained areas of

hazardous materials as defined by the Oregon Department of Environmental Quality (ORS 466.005) are also prohibited.

- D. Grading, the placement of fill in amounts greater than ten cubic yards, or any other activity that results in the removal of more than ten percent of the existing native vegetation on any lot within the NROD is prohibited, unless part of an approved development activity.

17.49.080 - Uses allowed outright (exempted).

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

- A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the City.
- B. Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.
- C. Utility service using a single utility pole.
- D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.
- E. Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the community development director.
- F. Trails meeting all of the following:
 - 1. Construction shall take place between May 1 and October 30 with hand held equipment;
 - 2. Widths shall not exceed forty-eight inches and trail grade shall not exceed twenty percent;
 - 3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;
 - 4. Located no closer than twenty-five feet to a wetland or the top of banks of a perennial stream, or no closer than ten feet of an intermittent stream;
 - 5. No impervious surfaces; and
 - 6. No native trees greater than one-inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least two-inch diameter and planted within ten feet of the trail.
- G. Land divisions provided they meet the following standards, and indicate the following on the final plat:
 - 1. Lots shall have their building sites (or buildable areas) entirely located at least five feet from the NROD boundary shown on the City's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at 3,500 square feet with minimum dimensions of forty feet wide by forty feet deep;
 - 2. All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) are located outside the NROD;
 - 3. Impervious streets, driveways and parking areas shall be located at least ten feet from the NROD; and
 - 4. The NROD portions of all lots are protected by:
 - a. A conservation easement; or
 - b. A lot or tract created and dedicated solely for unimproved open space or conservation purposes.

- H. Site Plan and Design Review applications where all new construction is located outside of the NROD boundary shown on the City's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the City.
- I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.
- J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.
- K. Measures approved by the City of Oregon City to remove or abate nuisances or hazardous conditions.
- L. Tree Removal. The Community Development Director may permit the removal of any tree determined to be a dead, hazardous, or diseased tree as defined in OCMC 17.04. Any tree that is removed in accordance with this Section (L) shall be replaced with a new tree of at least ½-inch caliper or at least six foot overall height after planting. An exception to this requirement may be granted if the applicant demonstrates that a replacement tree has already been planted in anticipation of tree removal, or if the existing site conditions otherwise preclude tree replacement (due to existing dense canopy coverage or other ecological reasons). The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within NROD on the property. The replacement tree(s) shall be identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland). The property owner shall ensure that the replacement tree(s) survives at least two years beyond the date of its planting.
- M. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry), and removal of refuse and fill, provided that:
 - 1. All work is done using hand-held equipment;
 - 2. No existing native vegetation is disturbed or removed; and
 - 3. All work occurs outside of wetlands and the top-of-bank of streams.
- N. Activities in which no more than one hundred square feet of ground surface is disturbed outside of the bankfull stage of water bodies and where the disturbed area is restored to the pre-construction conditions, notwithstanding that disturbed areas that are predominantly covered with invasive species shall be required to remove the invasive species from the disturbance area and plant trees and native plants pursuant to this Chapter.
- O. New fences meeting all of the following:
 - 1. No taller than three and a half feet and of split rail or similar open design;
 - 2. Two feet width on both sides of fence shall be planted or seeded with native grasses, shrubs, herbs, or trees to cover any bare ground;
 - 3. Six inches of clearance from ground level;
 - 4. Fence posts shall be placed outside the top-of-bank of streams and outside of delineated wetlands.
- P. Gardens, fences and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to be maintained but cannot expand further into the overlay district.

17.49.090 - Uses allowed under prescribed conditions.

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

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

17.49.100 - General development standards.

The following standards apply to all Uses Allowed under Prescribed Conditions within the NROD with the exception of rights of ways (subject to OCMC 17.49.150), trails (subject to OCMC 17.49.170), utility lines (subject to OCMC 17.49.140), land divisions (subject to OCMC 17.49.160), and mitigation projects (subject to OCMC 17.49.180 or 17.49.190):

- A. Native trees must be preserved unless they are located within ten feet of any proposed structures or within five feet of new driveways, or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;
- B. The community development director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the Natural Resource Overlay District.
- C. All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry);
- D. Grading is subject to installation of erosion control measures required by the City of Oregon;
- E. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;

- F. Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;
- G. Fences in compliance with OCMC 17.49.080(N);
- H. Exterior lighting shall be placed or shielded so that they do not shine directly into resource areas;
- I. If development will occur within the one hundred-year floodplain, the standards of OCMC 17.42 shall be met; and
- J. Mitigation of impacts to the regulated buffer is required, subject to OCMC 17.49.180 or 17.49.190.

17.49.110 - Width of vegetated corridor.

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

Table 17.49.110

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

Notes:

1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of OCMC 17.49.120.
2. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.

3. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the ≥ 25 percent slope.
- B. Habitat Areas within City Parks. For habitat and water features identified by Metro as regionally significant which are located within city parks, the NROD Boundary shall correspond to the Metro Regionally Significant Habitat Map.
- C. Habitat Areas outside city limit/within UGB. For habitat and water features identified by Metro as regionally significant which are located outside of the city limits as of the date of adoption of this ordinance, the minimum corridor width from any non-anadromous fish bearing stream or wetland shall be fifty feet.

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

In addition to the General Development Standards of OCMC 17.49.100, the following standards apply to a vacant lot of record that is highly constrained by the NROD, per OCMC 17.49.90(B) and 17.49.90(F):

- A. Standard for Residential Development. In the NROD where the underlying zone district is zoned Residential (R-10, R-8, R-6, R-5, R-3.5): the maximum disturbance area allowed for new residential development within the NROD area of the lot is three thousand square feet.
- B. Standard for all developments not located in R-10, R-8, R-6, R-5, and R-3.5. For all other underlying zone districts, the maximum disturbance area allowed for a vacant, constrained lot of record development within the NROD is that square footage which when added to the square footage of the lot lying outside the NROD portion equals twenty-five percent of the total lot area.
 - [1] Lots that are entirely covered by the NROD will be allowed to develop twenty-five percent of their area.
 - [2] Note: This can be determined by (1) Multiplying the total square footage of the lot by .25; (2) Subtracting from that amount the square footage of the lot that is located outside the NROD; (3) The result is the maximum square footage of disturbance to be allowed in the NROD portion of the lot. If the result is $<$ or $=$ to 0, no disturbance is permitted and the building shall be located outside of the boundary.
- C. In all areas of Oregon City, the disturbance area of a vacant, highly constrained lot of record within the NROD shall be set back at least fifty feet from the top of bank on Abernethy Creek, Newell Creek, or Livesay Creek or twenty-five feet from the top of bank of any tributary of the aforementioned Creeks, other water body, or from the delineated edge of a wetland located within the NROD area.
- D. If the highly constrained lot of record cannot comply with the above standards, a maximum one thousand five hundred square foot disturbance within the NROD area may be allowed.

17.49.130 - Existing development standards.

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

Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.

17.49.140 - Standards for utility lines.

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

- A. The disturbance area for private connections to utility lines shall be no greater than ten feet wide;
- B. The disturbance area for the upgrade of existing utility lines shall be no greater than fifteen feet wide;
- C. New utility lines shall be within the right-of-way, unless reviewed under subsection D.
- D. New utility lines that cross above or underneath a drainage way, wetland, stream, or ravine within the NROD but outside of a right-of-way shall be processed as a Type III permit pursuant to OCMC 17.49.200, Adjustment from Standards.
- E. No fill or excavation is allowed within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;
- F. The Division of State Lands must approve any work that requires excavation or fill in a wetland;
- G. Native trees more than ten inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and
- H. Each six to ten-inch diameter native tree cut shall be replaced at a ratio of three trees for each one removed. Each eleven-inch or greater diameter native tree shall be replaced at a ratio of five trees for each removed. The replacement trees shall be a minimum one-half inch diameter and selected from the Oregon City Native Plant List. All trees shall be planted within the NROD on the subject property. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees shall be planted between the utility line and the stream channel.
- I. Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.

17.49.150 - Standards for vehicular or pedestrian paths and roads.

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

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

17.49.155 - Standards for stormwater facilities.

Approved facilities that infiltrate stormwater on-site in accordance with Public Works Low-Impact Development standards, including but not limited to; vegetated swales, rain gardens, vegetated filter

strips, and vegetated infiltration basins, and their associated piping, may be placed within the NROD boundary pursuant to the following standards:

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

17.49.160 - Standards for land divisions.

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

- A. For a lot for an existing residence currently within the NROD. This type of lot is allowed within the NROD for a residence that existed before the NROD was applied to a subject property. A new lot for an existing house may be created through a partition or subdivision process when all of the following are met:
 - 1. There is an existing house on the site that is entirely within the NROD area; and
 - 2. The existing house will remain; and
 - 3. The new lot is no larger than required to contain the house, minimum required side setbacks, garage, driveway and a twenty-foot deep rear yard, with the remaining NROD area beyond that point protected by a conservation easement, or by dedicating a conservation tract or public open space.
- B. Protection and ownership of NROD areas in land divisions:
 - 1. New partitions shall delineate the NROD area either as a separate tract or conservation easement that meets the requirements of subsection 2. of this section.
 - 2. Prior to final plat approval, ownership and maintenance of the NROD area shall be identified to distinguish it from the buildable areas of the development site. The NROD area may be identified as any one of the following:
 - a. A tract of private open space held by the homeowners association; or
 - b. For residential land divisions, a tract of private open space held by a homeowners association subject to an easement conveying stormwater and surface water management rights to the City and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
 - c. Public open space where the tract has been dedicated to the City or other governmental unit;
 - d. Conservation easement area pursuant to OCMC 17.49.180G. and approved in form by the Community Development Director;
 - e. Any other ownership proposed by the owner and approved by the Community Development Director.
 - f. NROD tracts shall be exempt from minimum frontage requirements.

17.49.170 - Standards for trails.

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

17.49.180 - Mitigation standards.

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

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

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

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

Table 17.49.180E.1.a.—Required Planting - Option 1

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

- b. Option 1 - Plant Size. Replacement trees shall be at least one-half inch in caliper on average, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees. Oak, madrone, ash or alder may be one gallon size. Conifers shall be a minimum of six feet in height. Shrubs must be at least one-gallon container size or the equivalent in ball and burlap, and shall be at least twelve inches in height at the time of planting. All other species shall be a minimum of four-inch pots;
 - c. Option 1 - Plant Spacing. Except for the outer edges of mitigation areas, trees and shrubs shall be planted in a non-linear fashion. Plant spacing for new species shall be measured from the driplines of existing trees when present. Trees shall be planted on average between eight and twelve feet on center, and shrubs shall be planted on average between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted on average between eight and ten feet on center.
 - d. Option 1 - Mulching and Irrigation. Mulch new plantings a minimum of three inches in depth and eighteen inches in diameter. Water new plantings one inch per week from June 30th to September 15th, for the three years following planting.
 - e. Option 1 — Plant Species . Shrubs shall consist of at least two different species. If ten trees or more are planted, no more than one-half of the trees may be of the same genus. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses and ground cover species.
2. Mitigation Planting Option 2.
- a. Option 2 - Planting Quantity. In this option, the mitigation requirement is calculated based on the size of the disturbance area within the NROD. Native trees and shrubs are required to be planted at a rate of five trees and twenty-five shrubs per every five hundred square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by five hundred, and then multiplying that result times five trees and twenty-five shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be three hundred thirty square feet of disturbance area, then three hundred thirty divided by five hundred equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times twenty-five equals 16.5, so seventeen shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.
 - b. Option 2 - Plant Size. Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than twelve inches in height.
 - c. Option 2 - Plant Spacing. Trees shall be planted at average intervals of seven feet on center. Shrubs may be planted in single-species groups of no more than four plants, with clusters planted on average between eight and ten feet on center.
 - d. Option 2 — Mulching and Irrigation shall be applied in the amounts necessary to ensure eighty percent survival at the end of the required five-year monitoring period.
 - e. Option 2 — Plant Diversity. Shrubs shall consist of at least three different species. If twenty trees or more are planted, no more than one-third of the trees may be of the same genus.

An alternative planting plan using native plants may be approved in order to create a new wetland area, if it is part of a wetlands mitigation plan that has been approved by the DSL or the U.S. Army Corps of Engineers (USACE) in conjunction with a wetland joint removal/fill permit application.

- F. **Monitoring and Maintenance.** The mitigation plan shall provide for a five-year monitoring and maintenance plan with annual reports in a form approved by the Community Development Director. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the Planning Division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of eighty percent survival of trees and shrubs of those species planted is required at the end of the five-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind to meet the eighty percent survival requirement. Bare spots and areas of invasive vegetation larger than ten square feet that remain at the end the five-year monitoring period shall be replanted or reseeded with native grasses and/or ground cover species.
- G. **Covenant or Conservation Easement.** The applicant shall record a restrictive covenant or conservation easement, in a form provided by the City, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land, and permit the City to complete mitigation work in the event of default by the responsible party. Costs borne by the City for such mitigation shall be borne by the owner.
- H. **Financial Guarantee.** A financial guarantee for establishment of the mitigation area, in a form approved by the City, shall be submitted before development within the NROD disturbance area commences. The City will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that the mitigation plan has been satisfactorily implemented pursuant to this section.

17.49.190 - Alternative mitigation standards.

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

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

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

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

- C. The proposed mitigation shall result in a significant improvement to Good Existing Condition as determined by a qualified environmental professional;
- D. There shall be no detrimental impact on resources and functional values in the area designated to be left undisturbed;
- E. Where the proposed mitigation includes alteration or replacement of development in a stream channel, wetland, or other water body, there shall be no detrimental impact related to the migration, rearing, feeding or spawning of fish;
- F. Mitigation shall occur on the site of the disturbance to the extent practicable. If the proposed mitigation cannot practically occur on the site of the disturbance, then the applicant shall possess a legal instrument, such as an easement, sufficient to carry out and ensure the success of the mitigation.

17.49.200 - Adjustment from standards.

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

- A. There are no feasible alternatives for the proposed use or activity to be located outside the NROD area or to be located inside the NROD area and to be designed in a way that will meet all of the applicable NROD development standards;
- B. The proposal has fewer adverse impacts on significant resources and resource functions found in the local NROD area than actions that would meet the applicable environmental development standards;
- C. The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;
- D. Fish and wildlife passage will not be impeded;
- E. With the exception of the standard(s) subject to the adjustment request, all other applicable NROD standards can be met; and
- F. The applicant has proposed adequate mitigation to offset the impact of the adjustment.

17.49.210 - Type II development permit application.

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

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

17.49.220 - Required site plans.

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

- A. For the entire subject property (NROD and non-NROD areas):
 1. The NROD district boundary. This may be scaled in relation to property lines from the NROD Map;
 2. One hundred-year floodplain and floodway boundary (if determined by FEMA);

3. Creeks and other waterbodies;
 4. Any wetlands, with the boundary of the wetland that will be adjacent to the proposed development determined in a wetlands delineation report prepared by a professional wetland specialist and following the Oregon Division of State Lands wetlands delineation procedures;
 5. Topography shown by contour lines of two or one foot intervals for slopes less than fifteen percent and by tenfoot intervals for slopes fifteen percent or greater;
 6. Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.
 7. Extent of the required Vegetated Corridor required by Table 17.49.110.
- B. Within the NROD area of the subject property:
1. The distribution outline of shrubs and ground covers, with a list of most abundant species;
 2. Trees six inches or greater in diameter, identified by species. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;
 3. An outline of the disturbance area that identifies the vegetation that will be removed. All trees to be removed with a diameter of six inches or greater shall be specifically identified as to number, trunk diameters and species;
 4. If grading will occur within the NROD, a grading plan showing the proposed alteration of the ground at two foot vertical contours in areas of slopes less than fifteen percent and at five foot vertical contours of slopes fifteen percent or greater.
- C. A construction management plan including:
1. Location of site access and egress that construction equipment will use;
 2. Equipment and material staging and stockpile areas;
 3. Erosion control measures that conform to City of Oregon City erosion control standards;
 4. Measures to protect trees and other vegetation located outside the disturbance area.
- D. A mitigation site plan demonstrating compliance with OCMC 17.49.180 or 17.49.190, including:
1. Dams, weirs or other in-water features;
 2. Distribution, species composition, and percent cover of ground covers to be planted or seeded;
 3. Distribution, species composition, size, and spacing of shrubs to be planted;
 4. Location, species and size of each tree to be planted;
 5. Stormwater management features, including retention, infiltration, detention, discharges and outfalls;
 6. Water bodies or wetlands to be created, including depth;
 7. Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.

17.49.230 - Mitigation plan report.

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

- A. Written responses to each applicable Mitigation Standard [OCMC] 17.49.180 or 17.49.190 indicating how the proposed development complies with the mitigation standards;

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

17.49.240 - Density transfer.

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

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

- A. Density may be transferred from the NROD to non-NROD portions of the same property or of contiguous properties within the same development site;
- B. The residential transfer credit shall be as follows: for new residential partitions and subdivisions, one-third of the area of the NROD tract or conservation easement area may be added to the net developable area outside of the tract or conservation easement area within the boundary of the development site in order to calculate the allowable number of lots.
- C. Permitted Modifications to Residential Dimensional Standards. In order to allow for a transfer of density pursuant to subsection B. above, the dimensional standards of the base zone may be modified in order minimize disturbance to the NROD. The permissible reductions are specified in Tables 17.49.240C.—17.49.240D.
- D. The applicant shall demonstrate that the minimum lot size of the underlying zone has been met. The area of the NROD in subsection B. above that is used to transfer density may be included in the calculation of the average minimum lot size.
- E. The applicant may choose to make the adjustments over as many lots as required.

Table 17.49.240 A

Lot Size Reductions Allowed for NROD Density Transfers

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

Table 17.49.240 B

Reduced Dimensional Standards for Detached Single-Family Residential Units

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

feet					
6,000—7,999 square feet	10 feet	15 feet	5/7 feet	15 feet	40%
4,000—5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%
1,800—3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%

Table 17.49.240 C

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

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

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

- F. For density transfers on properties zoned Commercial, Institutional, Industrial or Multi-Family, the transfer credit ratio is ten thousand square feet per acre of land within the NROD;
- G. The area of land contained in the NROD area may be excluded from the calculations for determining compliance with minimum density requirements of the land division code.
- H. The owner of the transferring property shall execute a covenant that records the transfer of density. The covenant shall be found to meet the requirements of this section and be recorded before building permits are issued; and
- I. All other applicable development standards, including setbacks, building heights, and maximum lot coverage shall continue to apply when a density transfer occurs.

17.49.250 - Verification of NROD boundary.

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

17.49.255 - Type I verification.

- A. Applicants for a determination under this section shall submit a site plan meeting the requirements of OCMC 17.49.220, as applicable.
- B. An applicant may request a Type I Verification determination by the Community Development Director. Such requests may be approved provided that there is evidence substantiating that all the

requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:

1. No soil, vegetation, hydrologic features have been disturbed;
 2. No hydrologic features have been changed;
 3. There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.
 4. The property does not contain a wetland as identified by the City's local wetland inventory or water quality and flood management areas map.
 5. There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or manmade storm or surface water runoff structures or artificial water collection devices.
 6. Evidence of prior land use approvals that conform to the Natural Resource Overlay District, or to the Water Quality Resources Area Overlay District that was in effect prior to the current adopted NROD (Ord. 99-1013).
 7. There is an existing physical barrier between the site and a protected water feature, including:
 - a. Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the City storm sewer system, as approved by the City.
 - b. Walls, buildings, drainages, culverts, topographic features or other structures which form a physical barrier between the site and the protected water features, as approved by the City.
- C. If the City is not able to clearly determine, through the Type I verification process that the applicable criteria subsection B.1.—B.6. above are met, the verification application shall be denied. An applicant may then opt to apply for a verification through the Type II process defined below.

17.49.260. - Type II verification.

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

- A. Applicants for a determination under this section shall submit a site plan meeting the requirements of OCMC 17.49.220 as applicable.
- B. Such requests may be approved provided that there is evidence that demonstrates in an environmental report prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry, that a resource function(s) and/or land feature(s) does not exist on a site-specific area.
- C. Verification to remove a recently developed area from the NROD shall show that all of the following have been met:
 1. All approved development in the NROD has been completed;
 2. All mitigation required for the approved development, located within the NROD, has been successful; and
 3. The previously identified resources and functional values on the developed site no longer exist or have been subject to a significant detrimental impact.

17.49.265 - Corrections to violations.

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

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

Oregon City Municipal Code

Chapter 17.50 Administration and Procedures

17.50.010 - Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

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

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

**Table 17.50.030
PERMIT APPROVAL PROCESS**

PERMIT TYPE	I	II	III	IV	Expedited Land Division
Annexation				X	
Compatibility Review	X				
Code Interpretation			X		
Master Plan / Planned Unit Development - General Development Plan			X		

Master Plan / Planned Unit Development - General Development Plan Amendment	X	X	X		
Conditional Use			X		
Master Plan / Planned Unit Development - Detailed Development Plan ¹	X	X	X		
Extension	X				
Final Plat	X				
Geologic Hazards		X			
Historic Review	X		X		
Lot Line Adjustment and Abandonment	X				
Manufactured Home Park Review (New or Modification)		X			
Major Modification to a Condition of Approval or a Conditional Use Permit ²		X	X	X	X
Minor Modification to a Condition of Approval	X				
Minor Partition		X			
Nonconforming Use, Structure and Lots Review	X	X			
Plan or Code Amendment				X	
Revocation				X	
Site Plan and Design Review	X	X			
Subdivision		X			X
Variance		X	X		
Zone Change				X	

Natural Resource Overlay District Exemption	X				
Natural Resource Overlay District Review		X	X		

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

² A major modification to a prior approval shall be considered using the same process as would be applicable to the initial approval.

- A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The Community Development Director's decision is final and not appealable by any party through the normal City land use process.
- B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The Community Development Director accepts comments for a minimum of fourteen days and renders a decision. The Community Development Director's decision is appealable to the City Commission, by any party who submitted comments in writing before the expiration of the comment period. Review by the City Commission shall be on the record pursuant to OCMC 17.50.190 under ORS 227.175.10(a)(C). The City Commission decision is the City's final decision and is subject to review by the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.
- C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or the Historic Review Board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission or the Historic Review Board, all issues are addressed. The decision of the Planning Commission or Historic Review Board is appealable to the City Commission, on the record pursuant to OCMC 17.50.190. The City Commission decision on appeal from is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.

- D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the City Commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and Planning Commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission, all issues are addressed. If the Planning Commission denies the application, any party with standing (i.e., anyone who appeared before the Planning Commission either in person or in writing within the comment period) may appeal the Planning Commission denial to the City Commission. If the Planning Commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision then the action of the Planning Commission becomes the final decision of the City. If the Planning Commission votes to approve the application, that decision is forwarded as a recommendation to the City Commission for final consideration. In either case, any review by the City Commission is on the record and only issues raised before the Planning Commission may be raised before the City Commission. The City Commission decision is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.
- E. The expedited land division (ELD) process is set forth in ORS 197.360 to 197.380. To qualify for this type of process, the development must meet the basic criteria in ORS 197.360(1)(a) or (b). While the decision-making process is controlled by state law, the approval criteria are found in this code. The Community Development Director has twenty-one days within which to determine whether an application is complete. Once deemed complete, the Community Development Director has sixty-three days within which to issue a decision. Notice of application and opportunity to comment is mailed to the applicant, recognized neighborhood association and property owners within one hundred feet of the subject site. The Community Development Director will accept written comments on the application for fourteen days and then issues a decision. State law prohibits a hearing. Any party who submitted comments may call for an appeal of the Community Development Director's decision before a hearings referee. The referee need not hold a hearing; the only requirement is that the determination be based on the evidentiary record established by the Community Development Director and that the process be "fair." The referee applies the City's approval standards, and has forty-two days within which to issue a decision on the appeal. The referee is charged with the general objective to identify means by which the application can satisfy the applicable requirements without reducing density. The referee's decision is appealable only to the court of appeals pursuant to ORS 197.375(8) and 36.355(1).
- F. Decisions, completeness reviews, appeals, and notices in this Chapter shall be calculated according to OCMC 1.04.070 and shall be based on calendar days, not business days.

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

For any development subject to regulation of Geologic Hazards Overlay District under OCMC 17.44; Natural Resource Overlay District under OCMC 17.49; Willamette River Greenway Overlay District under OCMC 17.48; Historic Overlay District under OCMC 17.40, and Erosion and Sediment Control under

OCMC 17.47, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site.

17.50.050 – Pre-application conference.

- A. Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.
 - 1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.
 - 2. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.
 - 3. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.
- B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.
- C. Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

17.50.055 - Neighborhood association meeting.

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

- A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

- B. The applicant shall request via email or mail a request to meet with the neighborhood association to the chair of the neighborhood association describing the proposed project and copy or forward the notice to the chair of the Citizen Involvement Committee.
- C. A meeting shall be scheduled within thirty days of the notice. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall hold their own meeting after six p.m. or on the weekend, with notice to the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet. If the applicant holds their own meeting, a copy of the notice, transmitted by email or regular mailing, requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall occur within the boundaries of the neighborhood association or in a City facility.
- D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.
- E. To show compliance with this section, the applicant shall submit a copy of the email or mail correspondence between the neighborhood association and the applicant, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

17.50.060 - Application requirements.

A permit application may only be initiated by the record property owner or contract purchaser, the City Commission or Planning Commission. If there is more than one record owner, then the City will not complete a Type II-IV application without signed authorization from all record owners. All permit applications must be submitted on the form provided by the City, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be, met.

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

- A. Upon submission, the Community Development Director shall date stamp the application form and verify that the appropriate application fee has been submitted. The Community Development Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application, the Community Development Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information must be submitted to make the application complete.
- B. The applicant has one hundred eighty days from the date the application was made to submit the missing information or the application shall be rejected and the unused portion of the application

fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A. of this section.

The application will be deemed complete for the purpose of this section upon receipt by the Community Development Director of:

1. All the missing information;
 2. Some of the missing information and written notice from the applicant that no other information will be provided; or
 3. Written notice from the applicant that none of the missing information will be provided.
- C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:
1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.
 2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.
 3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.
 4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.
- D. A one-hundred-day period applies in place of the one-hundred-twenty-day period for affordable housing projects where:
1. The project includes five or more residential units, including assisted living facilities or group homes;
 2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and
 3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.
- E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.
- F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

17.50.080 - Complete application—Required information.

Unless stated elsewhere in City code Titles 16 or 17, a complete application includes all the materials listed in this subsection. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the City will not deem the application complete until all information required by the Community Development Director is submitted. At a minimum, the applicant must submit the following:

- A. One copy of a completed application form that includes the following information:
 - 1. An accurate address and tax map and location of all properties that are the subject of the application;
 - 2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);
- B. A complete list of the permit approvals sought by the applicant;
- C. A complete and detailed narrative description of the proposed development;
- D. A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;
- E. One copy of all architectural drawings and site plans shall be submitted for Type II-IV applications. One paper copy of all application materials shall be submitted for Type I applications;
- F. For all Type II – IV and Legislative applications, the following is required:
 - 1. An electronic copy of all materials;
 - 2. Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls;
 - 3. Documentation indicating there are no liens favoring the City on the subject site;
 - 4. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year;
 - 5. A current preliminary title report or trio for the subject property(ies);
- G. All required application fees;
- H. Annexation agreements, traffic or technical studies (if applicable);

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

17.50.090 - Public notices.

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

- A. Notice of Type II Applications. Once the Community Development Director has deemed a Type II application complete, the City shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the City shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. The City's Type II notice shall include the following information:
1. Street address or other easily understood location of the subject property and city-assigned planning file number;
 2. A description of the applicant's proposal, along with citations of the approval criteria that the City will use to evaluate the proposal;
 3. A statement that any interested party may submit to the City written comments on the application during a fourteen-day comment period prior to the City's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;
 4. A statement that any issue which is intended to provide a basis for an appeal must be raised in writing during the fourteen-day comment period with sufficient specificity to enable the City to respond to the issue;
 5. A statement that the application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;
 6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application.
 7. The notice shall state that a City-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290C. must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.
- B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any City-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080H., the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in

accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:

1. The time, date and location of the public hearing;
 2. Street address or other easily understood location of the subject property and city-assigned planning file number;
 3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;
 4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
 5. A statement that any issue which is intended to provide a basis for an appeal to the City Commission must be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;
 6. The notice shall state that a City-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290C. must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.
 7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the Planning Division offices during normal business hours; and
 8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.
- C. Notice of Public Hearing on a Legislative Proposal. At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the City's land use regulations or Comprehensive Plan is to be considered, the Community Development Director shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published in a newspaper of general circulation within the City. Notice issued under this subsection shall include the following information:
1. The time, date and location of the public hearing;
 2. The City-assigned planning file number and title of the proposal;
 3. A description of the proposal in sufficient detail for people to determine the nature of the change being proposed;
 4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing; and
 5. The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information.

17.50.100 - Notice posting requirements.

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

- A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.
- B. Number and Location. The applicant must place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

17.50.110 - Assignment of decision-makers.

The following city entity or official shall decide the following types of applications:

- A. Type I Decisions. The Community Development Director shall render all Type I decisions. The Community Development Director's decision is the City's final decision on a Type I application.
- B. Type II Decisions. The Community Development Director shall render the City's decision on all Type II permit applications, which are then appealable to the City Commission with notice to the Planning Commission. The City's final decision is subject to review by LUBA.
- C. Type III Decisions. The Planning Commission or Historic Review Board, as applicable, shall render all Type III decisions. Such decision is appealable to the City Commission, on the record. The City Commission's decision is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.
- D. Type IV Decisions. The Planning Commission shall render the initial decision on all Type IV permit applications. If the Planning Commission denies the Type IV application, that decision is final unless appealed in accordance with OCMC 17.50.190. If the Planning Commission recommends approval of the application, that recommendation is forwarded to the City Commission. The City Commission decision is the City's final decision on a Type IV application and is subject to review LUBA.
- E. Expedited Land Division (ELD). The Community Development Director shall render the initial decision on all ELD applications. The Community Development Director's decision is the City's final decision unless appealed in accordance to ORS 197.375 to a City-appointed hearings

referee. The hearings referee decision is the City's final decision which is appealable to the Oregon Court of Appeals.

17.50.120 - Quasi-judicial hearing process.

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

- A. Once the Community Development Director determines that an application for a Type III or IV decision is complete, the Planning Division shall schedule a hearing before the Planning Commission or Historic Review Board, as applicable. Once the Community Development Director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under OCMC 17.50.190, the Planning Division shall schedule a hearing pursuant to OCMC 17.50.190.
- B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with OCMC 17.50.090B.
- C. Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.
- D. The Community Development Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.
- E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:
 1. That the hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;
 2. That all testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;
 3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue, will preclude appeal on that issue to the state land use board of appeals;
 4. Any party wishing a continuance or to keep open the record must make that request while the record is still open; and

5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item.
 6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.
- F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.

17.50.130 - Conditions of approval and notice of decision.

- A. All city decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards, including standards set out in city overlay districts, the City's master plans, and city public works design standards, are, or can be met.
- B. Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to OCMC 1.20 of this code and ORS 30.315.
- C. Notice of Decision. The City shall send, by first class mail, a notice of all decisions rendered under this chapter to all persons with standing, i.e., the applicant, all others who participated either orally or in writing before the close of the public record and those who specifically requested notice of the decision. The notice of decision shall include the following information:
 1. The file number and date of decision;
 2. The name of the applicant, owner and appellant (if different);
 3. The street address or other easily understood location of the subject property;
 4. A brief summary of the decision, and if an approval, a description of the permit approved;
 5. A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal;
 6. The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.
- D. Modification of Conditions. Any request to modify a condition of permit approval is to be considered either minor modification or a major modification. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

17.50.140 – Financial guarantees.

When conditions of permit approval require a permittee to construct certain public improvements, the City shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.

- A. Form of Guarantee. Guarantees shall be in a form approved by the City Attorney. Approvable forms of performance guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.
- B. Performance Guarantees. A permittee shall be required to provide a performance guarantee as follows.
 - 1. After Final Approved Design By The City: The City may request the Permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a Performance Guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.
 - 2. Before Complete Design Approval and Established Engineered Cost Estimate: The City may request a permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.
- C. Release of Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the City. Once the City has inspected and accepted the improvement, the City shall release the guarantee to the permittee. If the improvement is not completed to the City's satisfaction within the time limits specified in the permit approval, the City Engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the City in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the City, any remaining funds shall be refunded to the permittee. The City shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the City, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the City may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.

- D. Fee-in-lieu. When conditions of approval or the City Engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer. The fee-in-lieu must be submitted as cash, certified check, or other negotiable instrument acceptable by the City Attorney.

17.50.141 – Public improvements – Warranty

All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City Engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

- A. Duration of Warranty. Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.
- B. Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.
- C. Amount of Warranty. The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two year maintenance period), and shall be supported by a verified engineering estimate and approved by the City Engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.
- D. Transfer of Maintenance. The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements must be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two year warranty period.

17.50.150 - Covenant with the City.

- A. The City may impose as a condition of final approval of a quasi-judicial permit, the requirement that the applicant execute a covenant with the City agreeing to comply with all conditions of approval. Any such covenant shall include the following elements:
 - 1. An agreement that the applicant will comply with all applicable code requirements, conditions of approval and any representations made to the City by the applicant or the applicant's agents during the application review process, in writing. This commitment shall be binding on the applicant and all of the applicant's successors, heirs and assigns;
 - 2. If the owner fails to perform under the covenant, the City may immediately institute revocation of the approval or any other enforcement action available under state law or this code. The covenant may also provide for payment of attorney fees and other costs associated with any such enforcement action; and
 - 3. Where the development rights of one site are dependent on the performance of conditions by the owner of another property (such as joint access), the covenants are judicially enforceable by the owner of one site against the owner of another.
- B. Adopting the covenant: The form of all covenants shall be approved by the City Attorney. The covenant shall run with the land and shall be placed in the county deed records prior to the issuance of any permits or development activity pursuant to the approval. Proof of recording shall be made prior to the issuance of any permits and filed with the planning division. Recording shall be at the applicant's expense. Any covenant required under this section shall be properly signed and executed within thirty days after permit approval with conditions; provided, however, that the Community Development Director may grant reasonable extensions, not to exceed an additional thirty days, in cases of practical difficulty. Failure to sign and record the covenant within the prescribed period shall require a new application for any use of the subject property.

17.50.160 - Ex parte contact, conflict of interest and bias.

The following rules shall govern any challenges to a decision-maker's participation in a quasi-judicial action:

- A. Ex parte Contacts. Any factual information obtained by a decision-maker outside the context of a quasi-judicial hearing shall be deemed an ex parte contact. Prior to the close of the record in any particular matter, any decision-maker that has obtained any materially factual information through an ex parte contact shall declare the content of that contact and allow any interested party to rebut the substance of that contact. This rule does not apply to legislative proceedings.
- B. Conflict of Interest. Whenever a decision-maker, or any member of a decision-maker's immediate family or household, has a financial interest in the outcome of a particular quasi-judicial or legislative matter, that decision-maker shall not participate in the deliberation or decision on that matter.
- C. Bias. All decisions in quasi-judicial matters shall be fair, impartial and based on the applicable approval standards and the evidence in the record. Any decision-maker who is unable to render a decision on this basis in any particular matter shall refrain from participating in the deliberation or decision on that matter. This rule does not apply to legislative proceedings.

17.50.170 - Legislative hearing process.

- A. Purpose. Legislative actions involve the adoption or amendment of the City's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire City or large portions of it. Legislative actions which affect land use must begin with a public hearing before the Planning Commission.
- B. Planning Commission Review.
 - 1. Hearing Required. The Planning Commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The Community Development Director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.
 - 2. The Community Development Director's Report. Once the Planning Commission hearing has been scheduled and noticed in accordance with OCMC 17.50.090(C) and any other applicable laws, the Community Development Director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.
 - 3. Planning Commission Recommendation. At the conclusion of the hearing, the Planning Commission shall adopt a recommendation on the proposal to the City Commission. The Planning Commission shall make a report and recommendation to the City Commission on all legislative proposals. If the Planning Commission recommends adoption of some form of the proposal, the Planning Commission shall prepare and forward to the City Commission a report and recommendation to that effect.
- C. City Commission Review.
 - 1. City Commission Action. Upon a recommendation from the Planning Commission on a legislative action, the City Commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the City Commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the Planning Commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the City's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the City Commission decision shall be enacted as an ordinance.
 - 2. Notice of Final Decision. Not later than five days following the City Commission final decision, the Community Development Director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

17.50.180 - Objections to procedure.

Any party who objects to the procedure followed in any particular matter, including bias, conflict of interest and undisclosed ex parte contacts, must make a procedural objection prior to the City rendering

a final decision. Procedural objections may be raised at any time prior to a final decision, after which they are deemed waived. In making a procedural objection, the objecting party must identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person's substantial rights.

17.50.190 - Appeals.

Appeals of any non-final decisions by the City must comply with the requirements of this section.

- A. Type I decisions by the Community Development Director are not appealable to any other decision-maker within the City.
- B. A notice of appeal of any Type II, III or IV decision must be received in writing by the planning division within fourteen calendar days from the date notice of the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.
- C. The following must be included as part of the notice of appeal:
 1. The planning file number and date the decision to be appealed was rendered;
 2. The name, mailing address and daytime telephone number for each appellant;
 3. A statement of how each appellant has an interest in the matter and standing to appeal;
 4. A statement of the specific grounds for the appeal;
 5. The appropriate appeal fee. Failure to include the appeal fee, with the exception of actual attorney fees, within appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed. If a City-recognized neighborhood association with standing to appeal has voted to request a fee waiver pursuant to OCMC 17.50.290C., no appeal fee shall be required for an appeal filed by that association. In lieu of the appeal fee, the neighborhood association shall provide a duly adopted resolution of the general membership or board approving the request for fee waiver.
- D. Standing to Appeal. The following rules prescribe who has standing to appeal:
 1. For Type II decisions, only those persons or recognized neighborhood associations who submitted comments in writing before the expiration of the comment period have standing to appeal a Community Development Director decision. Review by the City Commission shall be on the record, limited to the issues raised in the comments and no new evidence shall be considered.
 2. For Type III and IV decisions, only those persons or recognized neighborhood associations who have participated either orally or in writing have standing to appeal the decision of the Planning Commission or Historic Review Board, as applicable. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. No new evidence shall be allowed.
- E. Notice of the Appeal Hearing. The planning division shall mail notice of the appeal hearing to all parties who participated either orally or in writing and provided their mailing address before

the close of the public record in accordance with OCMC 17.50.090B and post notice on the City website. Notice of the appeal hearing shall contain the following information:

1. The file number and date of the decision being appealed;
 2. The time, date and location of the public hearing;
 3. The name of the applicant, owner and appellant (if different);
 4. The street address or other easily understood location of the subject property;
 5. A description of the permit requested and the applicant's development proposal;
 6. A brief summary of the decision being appealed and the grounds for appeal listed in the notice of appeal;
 7. A statement that the appeal hearing is confined to the issues raised in the notice of appeal;
 8. A general explanation of the requirements for participation and the City's hearing procedures.
- F. Appeal Hearing—Scope of Review. Appeal hearings shall comply with the procedural requirements of OCMC 17.50.120. Appeal hearings shall be conducted by the City Commission. The decision shall be on the record and the issues under consideration shall be limited to those listed in the notice of appeal.

17.50.200 - Expiration of an approval.

- A. When approvals become void: All Type I—IV approvals, except for zone changes, comprehensive plan map amendments, conditional uses and master plans automatically become void if any of the following events occur:
 1. If, within two years of the date of the final decision, a building permit has not been submitted. For projects involving the submittal of multiple building permits, all building permits shall be submitted within two years of the initial building permit submittal date.
 2. If, within two years of the date of the final decision for all land divisions, the activity approved in the permit has not been submitted to the Clackamas County Surveyors Office for recording.
 3. Annexations become void if a vote of the citizens rejects the application.
- B. New application required: Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.
- C. Deferral of the expiration period due to appeals: If a permit decision is appealed beyond the jurisdiction of the City, the expiration period shall not begin until review before the land use board of appeals and the appellate courts has been completed, including any remand proceedings before the City. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

17.50.210 - Extension of an approval.

- A. The Community Development Director may extend, prior to its expiration, any approved permit for a period of 1 year provided that the applicant has provided evidence of implementation of the permit. Any request for an extension shall be reviewed and decided upon by the Community Development Director as a Type I decision.
- B. Substantial implementation of a permit shall require at a minimum, demonstrable evidence in a written application showing:
 - 1. The permit holder has applied for the permits required as a condition of the land use or limited land use permit;
 - 2. The request for an extension is not sought for purposes of avoiding any responsibility imposed by this code or the permit or any condition thereunder; and
 - 3. There have been no changes in circumstances or the law likely to necessitate significant modifications of the development approval or conditions of approval.

17.50.230 - Interpretation.

Where a provision of Title 12, 14, 15, 16, or Title 17 conflicts with another city ordinance or requirement, the provision or requirement that is more restrictive or specific shall control.

17.50.240 - Conformity of permits.

The City shall not accept any application for a permit, certificate or other approval, including building permit applications, for any property that is not in full compliance with all applicable provisions of Title 16 and Title 17 and any permit approvals previously issued by the City. The City shall not issue a Type II-IV permit, permit recordation of a land division with the Clackamas County Surveyor's Office, or allow finalization of a project for a Type II-IV development, until any pending liens in favor of the City filed against the property have been fully resolved.

17.50.270 - Revocation of a previously approved permit.

In the event an applicant, or the applicant's successor in interest, fails to fully comply with all conditions of permit approval or otherwise does not comply fully with the City's approval, the City may institute a revocation or modification proceeding under this section.

- A. Situations when Permit Approvals May Be Revoked or Modified. All quasi-judicial permits may be revoked or modified if the Planning Commission determines a substantial likelihood that any of the following situations exists:
 - 1. One or more conditions of the approval have not been implemented or have been violated;

2. The activities of the use, or the use itself, are substantially different from what was approved; or
 3. The use is subject to the nonconforming use regulations, the applicant has not obtained approval, and has substantially changed its activities or substantially increased the intensity of its operations since the use became nonconforming.
- B. Process for Revocation and Modification. Revocation or modification shall be processed as a Type IV decision. The planning division or any private complaining party shall have the burden of proving, based on substantial evidence in the whole record, that the applicant or the applicant's successor has in some way violated the City's approval.
- C. Possible Actions at the Revocation Hearing. Depending on the situation, the Planning Commission may take any of the actions described below. The Planning Commission may not approve the new use or a use that is more intense than originally approved unless the possibility of this change has been stated in the public notice. Uses or development which are alleged to have not fulfilled conditions, violate conditions or the use is not consistent with the City's approval may be subject to the following actions:
1. The Planning Commission may find that the use or development is complying with the conditions of the approval. In this case, the use or development shall be allowed to continue.
 2. The Planning Commission may modify the approval if it finds that the use or development does not meet the standards for revocation and that the use can comply with the original approval criteria if certain conditions are met. In this case, the Planning Commission may modify the existing conditions, add new conditions to ensure compliance with the approval criteria, or refer the case to the code compliance officer for enforcement of the existing conditions.
 3. The Planning Commission may revoke the approval if it finds there are substantial violations of conditions or failure to implement conditions of prior land use decisions, such that the original approval criteria for the use or development are not being met.
- D. Effect of Revocation. In the event permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date the revocation final order is approved by the Planning Commission, unless the decision provides otherwise. In the event the decision-maker's decision on a revocation request is appealed, the revocation action shall be stayed pending a final, unappealed decision.

17.50.280 - Transfer of approval rights.

Unless otherwise stated in the City's permit decision, any approval granted under Title 16 or Title 17 of this code runs with the land and is transferred with ownership of the land. Any conditions, time limits or other restrictions imposed with a permit approval shall bind all subsequent owners of the property for which the permit was granted.

17.50.290 - Fees.

The city may adopt by resolution, and revise from time to time, a schedule of fees for applications and appeals. Fees shall be based upon the City's actual or average cost of processing the application or conducting the appeal process. The only exception shall be the appeal fee for a Type II decision, which shall be limited by ORS 227.175.10.b. The requirements of this section shall govern the payment, refund and reimbursement of fees.

- A. Payment. All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be completed without the proper fee being paid.
- B. Refunds. Fees will only be refunded as provided in this subsection:
 - 1. When a fee is paid for an application which is later found to not be required, the City shall refund the fee.
 - 2. Errors. When an error is made in calculating a fee, overpayment will be refunded.
 - 3. Refund upon Withdrawal of an Application. In the event an applicant withdraws an application, the planning department shall refund the unused portion of the fee. In this case, the planning department will deduct from the fee the City's actual costs incurred in processing the application prior to withdrawal.
- C. Fee Waivers. The planning division may waive all or any portion of an application fee if, in the opinion of the director, a particular application must be resubmitted because of an error made by the City. Appeal fees may be waived, wholly or in part, by the City Commission, if the City Commission finds that, considering fairness to the applicant and to opposing parties, a full or partial waiver of the appeal fee is warranted. Appeal fees shall not be charged for an appeal filed by a City-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting.
- D. Major Projects. The fees for a major project shall be the City's actual costs, which shall include, but not be limited to, the actual costs for staff time, as well as any consultants, including contract planners, attorneys and engineers. The costs of major projects will not be included in any average used to establish other fees under this section.

Oregon City Municipal Code

Chapter 17.52 Off-Street Parking and Loading

17.52.010 - Applicability.

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

17.52.015 - Planning commission adjustment of parking standards.

- A. Purpose: The purpose of permitting a planning commission adjustment to parking standards is to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would adversely impact the surrounding or planned neighborhood. The purpose of an adjustment is to provide flexibility to those uses which may be extraordinary, unique or to provide greater flexibility for areas that can accommodate a denser development pattern based on existing infrastructure and ability to access the site by means of walking, biking or transit. An adjustment to a minimum or maximum parking standard may be approved based on a determination by the planning commission that the adjustment is consistent with the purpose of this Code, and the approval criteria can be met.
- B. Procedure: A request for a planning commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in Chapter 17.50.
- C. Approval criteria for the adjustment are as follows:
 - 1. Documentation: The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.
 - 2. Parking analysis for surrounding uses and on-street parking availability: The applicant must show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the Community Development Director.
 - a. For the purposes of demonstrating the availability of on street parking as defined in OCMC 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the Community Development Director. The time periods shall include those during

which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the Community Development Director.

- b. The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:
 - i. Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and
 - ii. Vacant on-street parking spaces between three hundred and six hundred feet of the site will reduce onsite parking requirements by 0.2 parking spaces.
- 3. Function and Use of Site: The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.
- 4. Compatibility: The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.
- 5. Safety: The proposal does not significantly impact the safety of adjacent properties and rights-of-way.
- 6. Services: The proposal will not create a significant impact to public services, including fire and emergency services.

17.52.020 - Number of automobile spaces required.

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

Table 17.52.020		
LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Multifamily Residential	1.00 per unit	2.5 per unit
3-4 Plex Residential	2.00	4
Hotel, Motel	1.0 per guest room	1.25 per guest room
Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes and Shelter	1 per 7 beds	1 per 5 beds

Hospital	2.00	4.00
Preschool Nursery/Kindergarten	2.00	3.00
Elementary/Middle School	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High School, College, Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater,	.25 per seat	0.5 per seat
Retail Store, Shopping Center, Restaurants	4.10	5.00
Office	2.70	3.33
Medical or Dental Clinic	2.70	3.33
Sports Club, Recreation Facilities	Case Specific	5.40
Storage Warehouse, Freight Terminal	0.30	0.40
Manufacturing, Wholesale Establishment	1.60	1.67
Light Industrial, Industrial Park	1.3	1.60

1. Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
 2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Community Development Director, based upon the requirements of comparable uses listed.
 3. Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
 4. The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use.
 5. A change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.
- B. Parking requirements can be met either onsite, or offsite by meeting the following conditions:
1. Parking may be located on the same site as the associated use which it is supporting.
 2. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for

all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the Community Development Director.

2. Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.
 3. On-Street Parking. On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses shall conform to the following standards:
 - a. Dimensions. The following constitutes one on-street parking space:
 1. Parallel parking: twenty-two feet of uninterrupted and available curb;
 2. Forty-five and/or sixty degree diagonal parking: Fifteen feet of curb;
 3. Ninety degree (perpendicular) parking: Twelve feet of curb.
 4. Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.
- C. Reduction of the Number of the Minimum Automobile Spaces Required. Any combination of the reductions below is permitted unless otherwise noted.
1. Downtown Parking Overlay. The minimum required number of parking stalls is reduced within the Downtown Parking Overlay is reduced by fifty percent.
 2. Transit Oriented Development. For projects not located within the Downtown Parking Overlay District, the minimum required number of parking stalls is reduced up to twenty-five percent when :
 - a. In a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred foot radius) or
 - b. When adjacent to multi-family development with over eighty units or
 - c. Within 1,320 feet of an existing or planned public transit street and within 1,320 feet of the opposite use (commercial center or multi-family development with over eighty units).
 3. Tree Preservation. The Community Development Director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a designated heritage tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition.
 4. Transportation Demand Management. The Community Development Director shall reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer demonstrates alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip

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

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

17.52.030 - Standards for automobile parking.

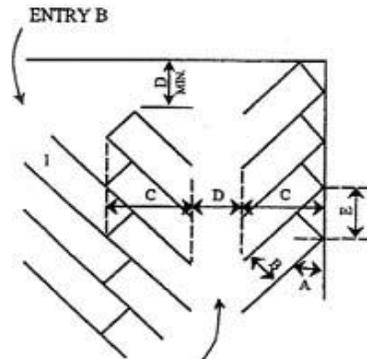
- A. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety and meet requirements of OCMC 16.12.035. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- B. Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the City's stormwater and low impact development design standards are encouraged.
- C. Drainage. Drainage shall be designed in accordance with the requirements of OCMC 13.12 and the City public works stormwater and grading design standards.
- D. Dimensional Standards.
 1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The Community Development Director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.
 2. Alternative parking/plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the Community Development Director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.

PARKING STANDARD

PARKING ANGLE SPACE DIMENSIONS

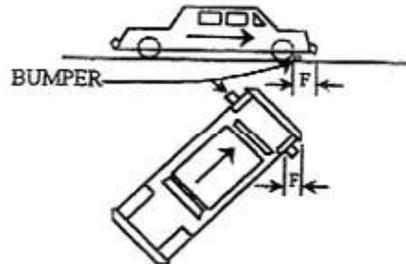
A Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9.0	12	20	0
30 degrees	Standard Compact	9' 8'	17.3' 14.9'	11' 11'	18' 16'	
45 degrees	Standard Compact	8.5 8.5	19.8' 17.0'	13' 13'	12.7' 11.3'	1.4
60 degrees	Standard Compact	9' 8'	21' 17.9'	18' 16'	10.4'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

All dimensions are to the nearest tenth of a foot.



TYPICAL PARKING LAYOUT

ENTRY A



NOTE: SPACE 1 CONTINGENT UPON ENTRY B

OVERHANG

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

- E. Carpool and Vanpool Parking. New developments with seventy-five or more parking spaces, excluding projects where seventy-five percent or more of the total floor area is residential, and new hospitals, government offices, group homes, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

17.52.040 - Bicycle parking standards.

- A. Purpose-Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than exclusively residential use with less than four dwellings onsite (excluding cluster housing).
- B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the Community Development Director, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in OCMC 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

TABLE A Required Bicycle Parking Spaces*

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

USE	MINIMUM BICYCLE PARKING	MINIMUM BICYCLE PARKING - COVERED - The following percentage of bicycle parking is required to be covered
Multi-family (five or more units)	1 per 10 units (minimum of 2)	50% (minimum of 1)
Institutional		
Correctional institution	1 per 15 auto spaces (minimum of 2)	30% (minimum of 1)
Nursing home or care facility and Shelter	1 per 30 auto spaces (minimum of 2)	30% (minimum of 1)
Hospital	1 per 20 auto spaces (minimum of 2)	30% (minimum of 1)

Park-and-ride lot	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Transit center	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Parks and open space	1 per 10 auto spaces (minimum of 2)	0%
Public parking lots	1 per 10 auto spaces (minimum of 2)	50% (minimum of 1)
Automobile parking structures	1 per 10 auto spaces (minimum of 4)	80% (minimum of 2)
Religious institutions, movie theater, auditorium or meeting room	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)
Libraries, museums	1 per 5 auto spaces (minimum of 2)	30% (minimum of 1)
Preschool, nursery, kindergarten	2 per classroom (minimum of 2)	50% (minimum of 1)
Elementary	4 per classroom (minimum of 2)	50% (minimum of 1)
Junior high and High school	2 per classroom (minimum of 2)	50% (minimum of 2)
College, business/commercial schools	2 per classroom (minimum of 2)	50% (minimum of 1)
Swimming pools, gymnasiums, ball courts	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)
Retail stores and shopping centers	1 per 20 auto spaces (minimum of 2)	50% (minimum of 2)
Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental	1 per 40 auto spaces (minimum of 2)	0%
Bank, office	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)

Medical and dental clinic	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)
Eating and drinking establishment	1 per 20 auto spaces (minimum of 2)	0%
Gasoline service station	1 per 10 auto spaces (minimum of 2)	0%

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

C. Design Standards.

1. Bicycle parking facilities shall be in the form of a lockable enclosure onsite, secure room in a building onsite, a covered or uncovered rack onsite, bicycle parking within the adjacent right-of-way or another form of secure parking where the bicycle can be stored, as approved by the decision maker.
2. All bicycle racks and lockers shall be securely anchored to the ground or to a structure.
3. Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign must be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings.
4. All bicycle racks shall be designed so that:
 - a. The bicycle frame is supported horizontally at two or more places.
 - b. The frame and at least one wheel of the bicycle can be locked to the rack with a standard U-type lock.
 - c. The user is not required to lift the bicycle onto the bicycle rack.
 - d. Each bicycle parking space is accessible without moving another bicycle.
 - e. It is a minimum of thirty inches tall and eighteen inches wide between the two points of contact.
 - f. Provides an area of six feet by two feet per bicycle.

17.52.060 - Parking lot landscaping.

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

1. To enhance and soften the appearance of parking lots;
2. To limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas;
3. To shade and cool parking areas;
4. To reduce air and water pollution;

5. To reduce storm water impacts and improve water quality; and
 6. To establish parking lots that are more inviting to pedestrians and bicyclists.
- A. Applicability. Unless otherwise specified, construction of new parking lots and alterations of existing parking lots shall comply with parking lot landscaping standards. Parking lot landscaping requirements within this section do not apply to parking structures or parking garages, except landscaping as required in OCMC 17.62.
- B. Development Standards.
1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.
 2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.
 3. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping.
 4. Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List or approved by an arborist;
 5. At maturity all of the landscaped area shall be planted in ground cover plants, which includes grasses. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.
 6. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the Community Development Director, that can demonstrate adequate maintenance;
 7. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.
- C. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots shall include a five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the Community Development Director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.
1. The perimeter parking lot are[a] shall include:
 - a. Trees spaced a maximum of thirty feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
 - b. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.
- D. Parking Area/Building Buffer. Except for parking lots with fewer than five parking stalls, parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:

1. Minimum five foot wide landscaped planter strip (excluding areas for pedestrian connection) meeting the standards for perimeter parking lot area landscaping; or
 2. Minimum seven foot sidewalks with shade trees spaced a maximum of thirty feet apart in three-foot by five-foot tree wells.
- E. Interior Parking Lot Landscaping. Surface parking lots with more than five parking stalls shall include at least forty-five square feet of interior parking lot landscaping per parking stall to improve the water quality, reduce storm water runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Fractions shall be rounded up when calculating the required number of plantings. Interior parking lot landscaping shall include:
- a. A minimum of one tree per four parking spaces.
 - b. A minimum of 1.5 shrubs per parking space.
 - c. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.

F. Alternative landscaping plan.

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

1. General Review Standard. The alternative shall meet the standards in section 17.62.015 - Modifications that will better meet design review requirements.
2. Credit for Pervious/Low Impact Development. The Community Development Director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the City's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc.).

17.52.080 - Maintenance.

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

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

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

17.52.090 - Loading areas.

A. Purpose.

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

B. Applicability.

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

C. Standards.

1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the City Engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.
2. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.
3. The City Engineer and decision maker, through site plan and design review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:
 - a. Short in duration (i.e., less than one hour);
 - b. Infrequent (less than three operations daily between 5:00 a.m. and 12:00 a.m. or all operations between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);
 - c. Does not obstruct traffic during peak traffic hours;
 - d. Does not interfere with emergency response services; and
 - e. Is acceptable to the applicable roadway authority.



Oregon City Municipal Code Chapter 17.54 Supplemental Zoning Regulations and Exceptions

17.54.010 - Accessory structures and uses.

Accessory structures and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following standards:

- A. Signs. Signs shall be permitted as provided in Chapter 15.28.
- B. Residential Accessory Structures, not including Accessory Dwellings Units. The section applies to accessory structures within the R-10, R-8, R-6, R-5 and R-3.5 zoning districts and accessory structures on properties with a residential use with less than five units but within a zoning designation not listed above.
 1. Accessory Structures with a Footprint Less than Two Hundred Square Feet.
 - a. Shall be located behind the front line of the primary structure; and
 - b. Shall comply with the dimensional standards of the zoning designation including height, lot coverage and setbacks unless modified pursuant to subsection c.; and
 - c. Side and rear setbacks may be reduced to not less than three feet for the accessory structure and its projections if the height does not exceed seventeen feet as defined in Section 17.04.550.
 2. Accessory Structures with a Footprint from Two Hundred to Six Hundred Square Feet.
 - a. Shall be located behind the front line of the primary structure; and
 - b. Shall comply with the dimensional standards of the zoning designation, including height, setbacks, and lot coverage unless modified pursuant to subsection c.; and
 - c. Side and rear setbacks may be reduced to not less than three feet for one accessory structure and its projections if the height does not exceed seventeen feet as defined in Section 17.04.550.
 3. Accessory Structures with a Footprint Over Six Hundred Square Feet.
 - a. Shall not exceed more than one accessory structure with a footprint in excess of six hundred square feet per parcel; and
 - b. The parcel shall be in excess of twenty thousand square feet; and
 - c. The footprint shall not exceed the footprint of the primary structure; and
 - d. Shall not exceed eight hundred square feet; and
 - e. Shall not exceed the height of the primary structure; and
 - f. Shall be located behind the front line of the primary structure; and
 - g. Shall comply with the dimensional standards of the zoning designation including height, setbacks, and lot coverage.
 4. Prohibited.
 - a. Cargo containers.
 - b. Membrane and fabric covered storage areas visible from the adjacent right-of-way.

- c. Metal structures within a historic district, or on an individually designated historic property, unless otherwise authorized by OCMC Chapter 17.40.
- 5. An accessory structure housing a hooved animal shall be located a minimum of twenty-five feet from any property line.
- 6. Accessory structures constructed prior to January 1, 2017 which are located behind the front building line of the primary structure are exempt from the setback and height requirements in this chapter, except as otherwise limited through an applicable overlay district.
- 7. Swimming Pools. In-ground and above-ground swimming pools shall be constructed not less than three feet from the side or rear yard lines. Swimming pools shall comply with the front yard setback requirements for the principal structure. A pool must be surrounded by a fence no less than four feet in height or a suitable alternative such as a locked or electric cover, approved by the building official.
- C. Temporary Structures in the Right-of-Way. This section applies to temporary structures associated with permitted events in the right-of-way. Temporary structures:
 - 1. May be constructed of any building material; and
 - 2. Shall comply with all provisions of the Americans with Disabilities Act; and
 - 3. Shall be exempt from all sections of Chapters 12.04, 12.08, 16.12, 17.52 and 17.62.

17.54.100 Fences, Hedges, Walls, and Retaining Walls.

- A. A fence, hedge, wall, retaining wall, or combination thereof may be located on real property subject to all of the following:
 - 1. A fence, hedge, wall, retaining wall, or combination thereof located in front of a building may be up to 3.5-feet in total height as seen from the front property line.
 - 2. A fence, hedge, wall, located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less may be up to:
 - a. Six feet in total height for residential properties with less than five units; or
 - b. Eight feet in total height for all other uses.
 - 3. A retaining wall or combination of a fence, hedge, wall located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less may be up to (as seen from the property line by which it is facing): 8½ feet in height from the finished grade.
 - 4. Fences, hedges, and/or walls located within two feet above a retaining wall, as measured on a horizontal plane, shall be measured together for the purposes of determining height.
 - 5. Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.
- B. When no other practicable alternative exists a fence, hedge, wall, retaining wall, or combination thereof may be located within the right-of-way subject to all of the following:
 - 1. A Revocable Permanent Obstruction in the Right of Way permit is granted per OCMC 12.04.120;
 - 2. Retaining walls, fences, or hedges comply with OCMC 17.54.100.A, unless determined to be impracticable by the City Engineer.
 - 3. The abutting property owner shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.
- C. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the City Manager.

17.54.110 - Marijuana businesses.

For the purpose of zoning regulation pursuant to this section, recreational and medical marijuana facilities are considered the same by Oregon City.

- A. Applicability. These standards apply to all marijuana businesses in Oregon City.
- B. Restrictions on Location—Zoning.
 - 1. Please refer to individual zone districts elsewhere in this title to determine whether marijuana businesses including production, laboratories, processing, wholesale, and retail use are permitted, prohibited or otherwise regulated.
 - 2. Marijuana businesses are prohibited abutting any "R" residentially zoned area, except that this provision shall not apply where the subject property abuts a road that has a freeway, expressway, major arterial, minor arterial, or collector functional classification as shown on Figure 8, Multi-Modal Street System, of the Oregon City Transportation System Plan and;
 - 3. Home Occupation. A marijuana business may not be operated as a home occupation and;
 - 4. The sale or distribution of marijuana is prohibited for mobile vendors and at all special events and outdoor markets.
- C. Restrictions on Location: Marijuana Dispensary or Retailer. A marijuana retailer shall not locate:
 - 1. Within two hundred fifty feet of any public parks, licensed child care and day care facilities, and public transit centers.
 - 2. Within one thousand feet of a public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), or the property located at Clackamas County Map 3-2E-09C, Tax Lot 800.
 - 3. Within one thousand feet of another marijuana retailer.
 - 4. If a new protected property or use described in this section should be established within the aforementioned separation distance of an existing legally established marijuana dispensary or retailer, the existing marijuana dispensary or retailer may remain in place and the separation requirement shall not be applied.
 - 5. The spacing distance specified in this section is a straight line measurement from the closest points between property lines of the affected properties.
- D. Standards of Operation.
 - 1. Compliance with Other Laws. All marijuana businesses shall comply with all applicable laws and regulations, including, but not limited to, the development, land use, zoning, building and fire codes.
 - 2. Registration and Compliance with State Law. The marijuana business's state license or authority shall be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission and the marijuana business shall comply with all applicable laws and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.
 - 3. No portion of any marijuana business shall be conducted outside, including but not limited to outdoor storage, production, processing, wholesaling, laboratories and retail sale, except for temporary ingress and egress of vehicles, persons and materials associated with the permitted use.

4. Hours of Operation. Operating hours for a marijuana business shall be in accordance with the applicable license issued by the OLCC or OHA.
5. Odors. A marijuana business shall use an air filtration and ventilation system that is certified by an Oregon Licensed mechanical engineer to ensure that all odors associated with the marijuana is confined to the licensed premises to the extent practicable. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.
6. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
7. Secure Disposal. The facility must provide for secure disposal of marijuana remnants or by-products; marijuana remnants or by-products shall not be placed within the marijuana business's exterior refuse containers.
8. Drive-Through, Walk-Up. A marijuana business may not have a walk-up window or a drive-through.
9. The facility shall maintain compliance with all applicable security requirements of the OLCC including alarm systems, video surveillance, and a restriction on public access to certain facilities or areas within facilities.

17.54.115 Mobile Food Carts

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

B. General Requirements

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

C. Design Standards.

1. Transitory Mobile Food Carts. Three or fewer mobile food carts operating on a property for less than 5 hours in a 24-hour period shall comply with all of the following:
 - i. Maintain the minimum number of parking stalls and minimum drive aisle widths onsite;
 - ii. Not result in the reduction of landscaping less than the minimum site and parking lot requirements;
 - iii. Maintain continuous compliance with applicable federal, state, and city standards;
 - iv. Comply with the Stormwater and Grading Design Standards;
 - v. Screen mechanical equipment per OCMC 17.62.050.H;
 - vi. Comply with materials standards in OCMC 17.62.050.I;
 - vii. Comply with OCMC 17.62.050.J for all temporary structures associated with the Mobile food cart units (except for the unit itself);
 - viii. Connect to individual wastewater holding tanks at all times;
 - a. Mobile food unit waste water tanks must be at least ten percent larger in capacity than the water supply tank and sloped to a drain that is one inch in inner diameter or greater, equipped with a shut-off valve. However, if a mobile food unit only sells beverages, such as coffee, espresso, or soda, where most of the potable water

supply is used in the product, they may have a waste water retention tank that is at least half of the volume of the potable water storage tank.

- b. All connections on the mobile food unit for servicing the mobile food unit waste disposal facilities must be of a different size or type than those used for supplying potable water to the mobile food unit.
 - ix. Connect to a potable water tank at all times; and
 - x. Communal discharge tanks shall be owned and serviced by an Oregon Department of Environmental Quality licensed pumper.
 2. Permanent Mobile Food Carts. Mobile food carts which do not comply with OCMC 17.54.115.C.1 shall comply with all of the following: Maintain the minimum number of parking stalls and minimum drive aisle widths onsite;
 - i. Not result in the reduction of landscaping less than the minimum site and parking lot requirements;
 - ii. Maintain continuous compliance with applicable federal, state, and city standards;
 - iii. Comply with the Stormwater and Grading Design Standards;
 - iv. Screen mechanical equipment per OCMC 17.62.050.H;
 - v. Comply with materials standards in OCMC 17.62.050.I;
 - vi. Comply with OCMC 17.62.050.J for all temporary structures associated with the Mobile food cart units (except for the unit itself);
 - vii. Connect to a permanent water source, unless exempted by the City Engineer if utilities are not available;
 - viii. Connect to public sewer. This may be achieved through a communal system; and
 - ix. Connect to a permanent power source.
 3. Discharge or leakage draining into the storm water system is prohibited. Wastewater shall not be dumped onto the ground, onto the streets, or into a storm a drain. All liquid waste from the waste tank or from cleaning activities such as cleaning the mobile food cart must be captured and properly disposed of in the sanitary sewer.
 4. All permanent utility lines shall be placed underground. Temporary utilities, lines and tanks shall be placed underground or otherwise screened, covered, or hidden from view from the right of way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.
 5. Power connections may not be connected by overhead wires to the individual mobile food carts.
 6. The mobile food carts shall comply with the minimum setbacks and maximum height of the zoning designation.
 7. Mobile food carts, equipment, customer service areas, or any associated item may not be located within the right of way.
 8. Sites with more than ten mobile food carts at any time shall have a designated loading area.
- D. Process
1. Temporary mobile food carts in compliance with Section 17.54.115.C.1 shall be processed as a Type I Minor Site Plan and Design Review including a wastewater / water operations and maintenance plan.
 2. Permanent mobile food carts and vendors which do not comply with 17.54.115.C.1 shall be processed as a Type II Minor Site Plan and Design Review including a wastewater / water operations and maintenance plan.

17.54.120 - Home Occupations

Home occupations shall comply with all of the following:

- A. No employees reporting to work onsite who are not residences unless otherwise required by State law. The business may have off-site employees or partners provided that they do not report for work at the subject residence;
- B. All business shall be within the home or accessory structure.
- C. No outdoor storage of materials or commercial vehicles associated with the business shall occur on-site.
- D. Not more than one-half of the square-footage is devoted to such use.

**Oregon City Municipal Code
Chapter 17.56 Conditional Uses**

17.56.010 - Permit—Authorization—Standards—Conditions.

A conditional use listed in this title may be permitted, enlarged or altered upon authorization of the Planning Commission in accordance with the standards and procedures of this title. A conditional use permit listed in this section may be permitted, enlarged or altered upon authorization of the Planning Commission in accordance with the standards and procedures of this section. Any expansion to, alteration of, or accessory use to a conditional use shall require Planning Commission approval of a modification to the original conditional use permit.

- A. The following conditional uses, because of their public convenience and necessity and their effect upon the neighborhood shall be permitted only upon the approval of the Planning Commission after due notice and public hearing, according to procedure as provided in Chapter 17.50. The Planning Commission may allow a conditional use, provided that the applicant provides evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:
1. The use is listed as a conditional use in the underlying district;
 2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;
 3. Development shall demonstrate compliance with Chapter 16.12;
 4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;
 5. The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.
- B. Permits for conditional uses shall stipulate restrictions or conditions which may include, but are not limited to, a definite time limit to meet such conditions, provisions for a front, side or rear yard greater than the minimum dimensional standards of the zoning ordinance, suitable landscaping, off-street parking, and any other reasonable restriction, condition or safeguard that would uphold the spirit and intent of the zoning ordinance, and mitigate adverse effect upon the neighborhood properties by reason of the use, extension, construction or alteration allowed as set forth in the findings of the Planning Commission.
- C. Any conditional use shall meet the dimensional standards of the zone in which it is to be located pursuant to subsection B. of this section unless otherwise indicated, as well as the minimum conditions listed below.
- D. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change of use expansion of lot area or expansion of structure shall conform with the requirements for conditional use.

- E. The Planning Commission may specifically permit, upon approval of a conditional use, further expansion to a specified maximum designated by the Planning Commission without the need to return for additional review.

17.56.020 - Permit—Application.

- A. A property owner or authorized agent shall initiate a request for a conditional use by filing an application with the city recorder. The applicant shall submit a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The application shall be accompanied by the filing fee listed in Section 17.50.080 to defray the costs of publication, investigation and processing.
- B. Before the Planning Commission may act on a conditional use application, it shall hold a public hearing thereon, following procedure as established in Chapter 17.50.

17.56.025 - Minor modifications to legal conditional uses.

Minor modifications to an approved conditional use permit may be permitted. If permitted, the modification shall be reviewed as a minor site plan and design review. A minor modification to an approved conditional use permit is considered one of the following:

- A. Modification to a structure for the purpose of enhancing the aesthetics of the building and there is no increase in the interior usable space;
- B. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage; or
- C. Revisions to parking alignment and/or related vehicle circulation patterns.

17.56.040 - Criteria and standards for conditional uses.

In addition to the standards listed herein in Section 17.56.010, which are to be considered in the approval of all conditional uses and the standards of the zone in which the conditional use is located, the following additional standards shall be applicable:

- A. Building Openings. The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the Planning Commission.
- B. Additional Street Right-of-Way. The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.
- C. Public Utility or Communication Facility. Such facilities as a utility substation, water storage tank, radio or television transmitter, tower, tank, power transformer, pumping station and similar structures shall be located, designed and installed with suitable regard for aesthetic values. The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure. Hydroelectric generation facilities shall not exceed ninety megawatts of generation capacity.
- D. Schools. The site must be located to best serve the intended area, must be in conformance with the city plan, must have adequate access, and must be in accordance with appropriate State standards.
- E. Helipad Landing Facility.

1. Size of runways and landing areas;
 2. Approaches and obstructions within the runways and landing areas;
 3. Fencing and/or screening to provide visual and noise buffering and to deflect winds or blast due to aircraft operation;
 4. Fire protection measures and equipment;
 5. Night illumination adequate for operations, and its effects upon surrounding property;
 6. Landing markers;
 7. Structural adequacy of runways, pads and other structures;
 8. Paving and ground cover materials in relation to noise and down wash.
- F. Residential Care Facilities.
1. In addition to the general provisions of Section 17.56.020, any application shall include a description of the proposed use, including the number of residents and the nature of the condition or circumstances for which care, or a planned treatment or training program will be provided, the number of staff and the estimated length of stay per resident and the name of the agency responsible for regulating or sponsoring the use.
 2. Approval of a conditional use application for a residential care facility shall include the following minimum standards where applicable:
 - a. The proposed facility shall maintain all applicable licenses required by the appropriate agencies for the use described in the application.
 - b. All residential care facilities shall be subject to design review. Special considerations for this use are:
 - i. Compatibility in appearance with the surrounding area;
 - ii. Provisions of usable on-site open space appropriate to the needs of the residents and the nature of the care, treatment or training provided;
 - iii. Clearly defined property boundaries.
- G. Bed and Breakfast Inns.
1. The bed and breakfast inn shall maintain all applicable licenses required by governmental agencies for the use described in the application.
 2. All bed and breakfast inns shall be subject to design review. Special considerations for this use are:
 - a. Compatibility of the structure in appearance with the surrounding area;
 - b. Compatibility of the parking facilities in appearance and circulation of traffic with the surrounding area. Parking facilities shall also comply with Chapter 17.52;
 - c. Compatibility of the signage in appearance with the surrounding area. Signage shall also comply with Chapter 15.28;
 - d. The number of rooms to be used as overnight public accommodations shall not exceed four rooms in an underlying residential zone, or seven rooms in an underlying nonresidential zone;
 - e. The owner/operators shall reside in the bed and breakfast inn, or in a residence adjacent to the bed and breakfast inn.
 - f. The Planning Commission may allow up to an additional six non-guests to be served along with the guests at a meal.
- H. Shelters.
1. The shelter shall maintain a written community engagement plan include the following information:
 - a. Description of purpose and scope of services of the shelter;
 - b. Population to be housed at the shelter and the process and criteria for the selection of guests;

- c. Bed capacity for nightly guests;
 - d. Hours of operations and curfew, if applicable;
 - e. 24 hour contact information; and
 - f. Explanation of how the shelter will address concerns/complaints.
2. Shelters shall hold a meeting with the community prior to commencing operation, and a minimum of once a year each year thereafter. The purpose of the meeting is to discuss the community engagement plan and provide an opportunity for greater communication. Mailed notice of the meeting shall be provided to property owners within 300 feet, the neighborhood association, and the City. The meeting shall be open to the public.

17.56.060 - Revocation of conditional use permits.

The Planning Commission or the City Commission may initiate administrative action under Chapter 17.50 to revoke any conditional use permit previously issued by the city or, with regard to lands annexed by the city, those such permits issued by the county. The Planning Commission or, on review, the City Commission, may revoke such permit upon determining:

- A. One or more conditions attached to the grant of the conditional use permit have not been fulfilled; and
- B. The unfulfilled condition is substantially related to the issuance of the conditional use permit.

17.56.070 - Periodic review of conditional use permits.

- A. The City Commission may provide for the periodic review of some or all of the conditional use permits previously issued by the city, or, with regard to lands annexed by the city, those such permits issued by the county. In providing for such review, the City Commission may designate classes of such previously issued permits for which periodic review shall be undertaken.
- B. Such review shall be accomplished as an administrative action under Chapter 17.50 and shall be limited to the question of whether additional conditions should be imposed on a conditional use in the light of changing circumstances and more efficient implementation of the city's comprehensive plan.
- C. Notwithstanding the provisions of Chapter 17.58, any additional conditions shall be met as a requirement for continued operation of the conditional use.

Oregon City Municipal Code

Chapter 17.58 Lawful Nonconforming Uses, Lots, Structures, and Sites

17.58.010 - Purpose.

Nonconforming situations are created when the application of zoning district to a site changes or the zoning regulations change. As part of the change, existing uses, density, or development might no longer be allowed or are further restricted. Nonconforming uses, structures and lots are those uses, structures and lots that were lawfully established but do not conform to the provisions of this title or the provisions of the zoning district in which the use, structure or lot is located. The intent of these provisions is not to force all nonconforming situations immediately to be brought into conformance. Instead, the intent is to guide nonconforming situations in a new direction consistent with city policy, and, eventually, bring them into conformance.

17.58.015 - Applicability.

The regulations of this chapter apply only to those nonconforming situations that were lawfully established or that were approved through a land use decision. All nonconforming structures, uses or lots shall have been maintained over time. These situations have lawful nonconforming status. Nonconforming situations that were not allowed when established or have not been maintained over time have no lawful right to continue.

17.58.020 - Lawful nonconforming lots of record.

Lots or parcels lawfully created but which do not now conform to the legal lot standards in this land use code may be occupied by uses otherwise permitted if those uses comply with all other provisions of this land use code.

17.58.030 - Lawful nonconforming use.

A use that was lawfully established on a particular development site but that no longer complies with the allowed uses or the standards for those uses in this title may be considered a lawful nonconforming use. Change of ownership, tenancy, or management of a lawfully established nonconforming use shall not affect its lawful nonconforming status. The continuation of a lawful nonconforming use is subject to the following:

- A. Discontinuance. If a lawful nonconforming use is discontinued for a period of one year, it shall lose its lawful nonconforming status and the use of the property thereafter shall conform with the existing provisions of this title. If a nonconforming use ceases operations, even if the structure or materials related to the use remain, the use shall be deemed to have been discontinued.

- B. Conformance. If a lawful nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
- C. Destruction of a Non-residential Use. When a structure containing a lawful nonconforming non-residential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be prohibited if the repair cost of the structure is more than sixty percent of its assessed value.
- D. Destruction of a Residential Use. When a structure containing a lawful nonconforming residential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be permitted.
- E. Intentional Destruction. When a structure containing a nonconforming use is removed or intentionally damaged by fire or other causes within the control of the owner, the re-establishment of the nonconforming use shall be prohibited.
- F. Expansion. No lawful nonconforming use may be replaced by a different type of nonconforming use, nor may any legal nonconforming use be expanded or intensified.

17.58.040 - Lawful nonconforming structure or site.

A structure or site that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered lawfully nonconforming. Notwithstanding development standard requirements in this Code, minor repairs and routine maintenance of a lawful nonconforming structure are permitted. The continuation of a lawful nonconforming structure or site is subject to the following:

- A. Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.
- B. Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.
- C. Expansion. An expansion of a lawful nonconforming structure or site may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.
 - 1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it must be found that the criteria identified in OCMC 17.58.060 have either been met, can be met by observance of conditions, or are not applicable.
 - 2. Increases in the square footage of a building and/or site improvements which include installation of any additional off-street parking stalls that exceed the threshold of subparagraph C.2.a. below shall comply with the development standards listed in subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.
 - a. Thresholds triggering compliance. The standards of subparagraph C.2.b. below shall be met when the value of the increase in square footage of a building and/or increase in off-street parking stalls, as determined by the Community Development Director, is more than seventy-five thousand dollars. The following alterations and improvements shall not be included in the threshold calculation:
 - 1. Proposed alterations to meet approved fire and life safety agreements;

2. Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
 3. Alterations required to meet Seismic Design Requirements; and
 4. Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.
- b. Standards that shall be met. Developments not complying with the development standards listed below shall be brought into conformance.
1. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;
 2. Minimum perimeter parking lot landscaping;
 3. Minimum interior parking lot landscaping;
 4. Minimum site landscaping requirements;
 5. Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with OCMC 17.52—Off-Street Parking and Loading;
 6. Screening; and
 7. Paving of surface parking and exterior storage and display areas.
- c. Area of required improvements.
1. Generally. Except as provided in C.2.c.2. below, required improvements shall be made for the entire site.
 2. Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant shall meet the following:
 - i. The signed ground lease — or excerpts from the lease document satisfactory to the city attorney — shall be submitted to the Community Development Director. The portions of the lease shall include the following:
 - A. The term of the lease. In all cases, there must be at least one year remaining on the ground lease; and
 - B. A legal description of the boundaries of the lease.
 - ii. The boundaries of the ground lease shall be shown on the site plan submitted with the application. The area of the lease shall include all existing and any proposed development that is required for, or is used exclusively by, those uses within the area of the lease; and
 - iii. Screening shall not be required along the boundaries of ground leases that are interior to the site.
- d. Timing and cost of required improvements. The applicant may choose one of the two following options for making the required improvements:
1. Option 1. Required improvements may be made as part of the alteration that triggers the required improvements. The cost of the standards that shall be met, identified in subparagraph C.2.b. above, is limited to ten percent of the value of the proposed alterations. It is the responsibility of the applicant to document to the Community Development Director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal. When all required improvements are not being made, the priority for the improvements shall be as listed in subparagraph C.2.b. above.

2. Option 2. Required improvements may be made over several years, based on the compliance period identified in Table 17.58—1 below. However, by the end of the compliance period, the site shall be brought fully into compliance with the standards listed in subparagraph C.2.b. Where this option is chosen, the following must be met:
 - i. Before a building permit is issued, the applicant shall submit the following to the Community Development Director:
 - A. A Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in Subparagraph C.2.b.
 - B. A covenant, in a form approved by the City Attorney, executed by the property owner that meets the requirements of OCMC 17.50.150. The covenant shall identify development on the site that does not meet the standards listed in Subparagraph C.2.b., and require the owner to bring that development fully into compliance with this title. The covenant shall also specify the date by which the owner will be in conformance. The date must be within the compliance periods set out in Table 17.58 — 1.
 - ii. The nonconforming development identified in the Nonconforming Development Assessment shall be brought into full compliance with the requirements of this Title within the following compliance periods. The compliance period begins when a building permit is issued for alterations to the site of more than seventy-five thousand dollars. The compliance periods are based on the size of the site (see Table 17.58—1 below).
 - iii. By the end of the compliance period, the applicant or owner shall request that the site be certified by the Community Development Director as in compliance. If the request is not received within that time, or if the site is not fully in conformance, no additional building permits will be issued.
 - iv. If the regulations referred to by subparagraph C.2.b. are amended after the Nonconforming Development Assessment is received by the Community Development Director, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant shall address the new nonconforming development using Option 1 or 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant and compliance period will be required for the new nonconforming development.

Table 17.58—1
Compliance Periods for Option 2

Square footage of site	Compliance Period
Less than 150,000 sq. ft.	2 years
150,000 sq. ft. or more, up to 300,000 sq. ft.	3 years
300,000 sq. ft. or more, up to 500,000 sq. ft.	4 years
More than 500,000 sq. ft.	5 years

17.58.060 - Process to confirm the legality of a nonconforming use, lot, structure, or site.

Any person may request a Type I or a Type II review to confirm the legality of a nonconforming use, lot, structure or site. In order to confirm that the nonconforming use, lot, structure or site is legal, sufficient evidence shall be submitted to the city determining the following:

- A. The nonconforming use, lot, structure or site was established lawfully; and
- B. The nonconforming use, lot, structure or site has not become more nonconforming within the past twenty years from the date of application.

The applicant shall provide sufficient evidence to allow the Community Development Director to review and confirm the legality of a nonconforming use, lot, structure or site. An applicant may request a Type I procedure, provided the applicant can provide sufficient evidence to confirm OCMC 17.58.060A. and B. without discretion. If the applicant cannot provide sufficient evidence to determine OCMC 17.58.060A. and B. without discretion, the applicant may apply for a Type II procedure. Applications for a Type II procedures shall be noticed to the public in a public comment period to gather additional information. If the applicant cannot show that the nonconforming use, lot, structure or site was lawfully established or has not been expanded pursuant to OCMC 17.58.060A. and B. above, the use, lot, structure or site shall be determined to be illegal.

Oregon City Municipal Code

Chapter 17.60 Variances

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.60.010 - Authority.

According to procedures set forth in Section 17.60.030, the planning commission or the community development director may authorize variances from the requirements of this title. In granting a variance, the planning commission or community development director may attach conditions to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

17.60.020 - Variances—Procedures.

- A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.
- B. A nonrefundable filing fee, as listed in Section 17.50.[0]80, shall accompany the application for a variance to defray the costs.
- C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in Section 17.60.030, Variances — Grounds.
- D. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in Section 17.50.030B., and shall address the criteria identified in Section 17.60.030, Variance — Grounds.

- E. For the purposes of this section, minor variances shall be defined as follows:
1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;
 2. Variances to width, depth and frontage requirements of up to twenty percent;
 3. Variances to residential yard/setback requirements of up to twenty-five percent;
 4. Variances to nonresidential yard/setback requirements of up to ten percent;
 5. Variances to lot area requirements of up to five percent;
 6. Variance to lot coverage requirements of up to twenty-five percent;
 7. Variances to the minimum required parking stalls of up to five percent; and
 8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.
 9. Variances to design and/or architectural standards for single family dwellings, duplexes, townhouses, internal conversions, accessory dwelling units, and 3-4 plexes in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.

17.60.030 - Variance—Grounds.

A variance may be granted only in the event that all of the following conditions exist:

- A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;
- B. That the request is the minimum variance that would alleviate the hardship;
- C. Granting the variance will equal or exceed the purpose of the regulation to be modified.
- D. Any impacts resulting from the adjustment are mitigated;
- E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and
- F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

**Oregon City Municipal Code
Chapter 17.62 Site Plan and Design Review**

17.62.010 - Purpose.

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

17.62.015 - Modifications that will better meet design review requirements.

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

A. Applicability.

1. This process shall apply to modifications to:

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

2. All other modifications require approval of a Variance or Master Plan Adjustment as applicable.

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

- 1. The modification will result in a development that better meets the applicable design guidelines; and
- 2. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

17.62.030 - When required.

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

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

Table 17.62.030

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

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

17.62.035 - Minor site plan and design review.

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

A. Type I Minor Site Plan and Design Review.

1. Applicability. Type I applications involve no discretion and are typically processed concurrently with a building permit application. The Type I process is not applicable for:
 - a. Any activity which is included with or initiates actions that require Type II-IV review;
 - b. Any increase in square footage of a conditional or nonconforming use (excluding nonconforming structures);
 - c. Any proposal in which nonconforming upgrades are required under Chapter 17.58;
 - d. Any proposal in which modifications are proposed under Section 17.62.015.
2. The following projects may be processed as a Type I application:
 - a. Addition of up to two hundred square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than two hundred square feet in a twelve-month period shall be processed as Type II;
 - b. Addition of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than one thousand square feet in a twelve-month period shall be processed as Type II;
 - c. Temporary structures, excluding mobile vendors;
 - d. Removal, replacement or addition of awnings, or architectural projections to existing structures;
 - e. Addition, modification, or relocation of refuse enclosure;
 - f. Changes to amount, location, or design of bicycle parking;
 - g. Installation of mechanical equipment;

- h. Repaving of previously approved parking lots with no change to striping;
 - i. Replacement of exterior building materials;
 - j. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met;
 - k. Addition or alteration of parapets or rooflines;
 - l. Modification of building entrances;
 - m. Addition to or alteration of a legal nonconforming single or two-family dwelling;
 - n. Change to parking lot circulation or layout, excluding driveway modifications;
 - o. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district;
 - p. Adoption of shared parking agreements;
 - q. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC 13.12;
 - r. New or changes to existing pedestrian accessways, walkways or plazas;
 - s. Installation of or alterations to ADA accessibility site elements;
 - t. Modification or installation of a fence, hedge, or wall, or addition of a fence, hedge or wall;
 - u. Addition of or alterations to outdoor lighting;
 - v. Demolition of any structure or portion of a structure;
 - w. Tree removal;
 - x. Type I master plan amendments under OCMC 17.65;
 - y. Mobile food carts in one location for five hours or less as identified in OCMC 17.54.115;
 - z. 3-4 plex, duplex, townhouse, single-family detached residential unit, internal conversions, live/work dwelling and accessory dwelling unit;
 - aa. Placement of a single manufactured home within an existing space or lot in a manufactured home park.
3. Submittal Requirements. A Type I application shall include:
- a. A narrative describing the project;
 - b. Site plan drawings showing existing conditions/uses and proposed conditions/uses;
 - c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed;
 - d. A completed application form;
 - e. Any other information determined necessary by the Community Development Director.
- B. Type II Minor Site Plan and Design Review.
1. Type II Minor site plan and design review applies to the following uses and activities unless those uses and activities qualify for Type I review per OCMC 17.62.035A.:
- a. Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.);
 - b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces;

- c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage;
 - d. Mobile food carts in OCMC 17.54.115;
 - e. Other land uses and activities may be added if the Community Development Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.
2. Application. The application for the Type II minor site plan and design review shall contain the following elements:
- a. The submittal requirements of OCMC 17.50;
 - b. A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in OCMC 17.62.035;
 - c. Site plan drawings showing existing conditions/uses and proposed conditions/uses;
 - d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed;
 - e. Additional submittal material may be required by the Community Development Director on a case-by-case basis;
3. Development standards for Type II minor site plan and design review;
- a. Development shall comply with this chapter. Other sections may apply, as directed by the Community Development Director when applicable, , such as overlay districts.

17.62.040 – Items required.

A complete application for site plan and design review shall be submitted. Except as otherwise in subsection I of this section, the application shall include the following:

- A. A site plan or plans, to scale, containing the following:
 - 1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;
 - 2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;
 - 3. Contour lines at two foot contour intervals for grades zero to ten percent, and five foot intervals for grades over ten percent;
 - 4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:
 - a. Areas indicated on floodplain maps as being within the one hundred year floodplain,
 - b. Unstable slopes, as defined in OCMC 17.44.020,
 - c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;
 - 5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;
 - 6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;

7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty five feet of the site, and the current or proposed uses of the structures;
 8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;
 9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;
 10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred feet of the boundaries of the site;
 11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in OCMC 17.52 ;
 12. Site access points for automobiles, pedestrians, bicycles and transit;
 13. On-site pedestrian and bicycle circulation;
 14. Outdoor common areas proposed as open space;
 15. Total impervious surface created (including buildings and hard ground surfaces);
 16. The proposed location, dimensions and materials of fences and walls.
- B. A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.
- C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction. The name of the adjacent street shall be identified on each applicable building elevation.
- D. An electronic materials board clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures.
- E. An erosion/sedimentation control plan, in accordance with the requirements of OCMC 17.47 and the Public Works Erosion and Sediment Control Standards, and a drainage plan developed in accordance with city drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/geotechnical development impact statement.
- F. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.
- G. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:
1. A letter or email from the Oregon State Historic Preservation Office Archeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office

and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and

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

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

- H. Such special studies or reports as the Community Development Director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The Community Development Director shall require an applicant to submit one or more development impact statements upon determination that there is a reasonable likelihood that traffic safety or capacity improvements may be required, studies are required per approved plans, the proposal could have significant adverse impacts on identified natural resource areas, including areas designated as being within the natural resources overlay district, or the proposal would be located on or could have significant adverse impacts on natural hazard areas, including the geologic hazard and flood plain overlay districts. The Community Development Director shall determine which types of development impact statements are necessary and provide written reasons for requiring the statement(s).
- I. The Community Development Director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:
 1. The Community Development Director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the Community Development Director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter is forwarded to the planning commission for initial review, the information required by this paragraph shall be included in the staff report;
 2. The Community Development Director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance. If additional information is required, the Community Development Director shall, in the decision, explain the reasons for requiring the additional information.
- J. One full-sized copy of all architectural and site plans.

17.62.050 - General Standards

All development shall comply with the following standards:

- A. Landscaping.
 - 1. Existing native vegetation shall be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.
 - 2. Except as allowed elsewhere in the zoning and land division chapters of this Code, all areas to be credited towards landscaping shall be installed with growing plant materials.
 - 3. Pursuant to OCMC 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.
 - 4. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five hundred square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will covering hundred percent of the Landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. The Community Development Department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.
 - 5. Landscaping shall be visible from public thoroughfares to the extent practicable.
 - 6. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of OCMC 10.32, Traffic Sight Obstructions.
- B. Vehicular Access and Connectivity.
 - 1. Parking areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings.
 - 2. Existing or future connections to adjacent properties through the use of vehicular and pedestrian access easements which provide connection from the right-of-way to the adjoining property shall be provided, where feasible and applicable.
 - 3. Parcels larger than three acres shall provide streets as required in OCMC 12.04. The streets shall connect with existing or planned streets adjacent to the site.
 - 4. Parking garage entries shall not dominate the streetscape. They shall be designed and situated to be ancillary to the use and architecture of the ground floor.
 - 5. Buildings containing above-grade structured parking shall screen such parking areas with landscaping or landscaped berms, or incorporate contextual architectural elements that complement adjacent buildings or buildings in the area.
- C. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:
 - 1. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct and not cross a drive aisle. Exceptions may be allowed by the director where steep slopes, a physically constrained site, or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.
 - 2. The pedestrian circulation system shall connect all main entrances, parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard.

3. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.
 4. Elevated external stairways or walkways shall not extend beyond the building facade except for external stairways or walkways located in, or facing interior courtyard areas that are not visible from the street or a public access easement. This standard does not apply to sky-bridges or sky-ways.
 5. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.
- D. All development shall maintain continuous compliance with applicable federal, state, and city standards.
- E. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.
- F. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the transportation system plan.
- G. All utility lines shall be placed underground.
- H. Screening of Mechanical Equipment:
1. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened from view from the adjacent street. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened. In the event such parapet wall does not fully screen all

rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening.

2. Wall-mounted mechanical equipment shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning or HVAC equipment and groups of multiple utility meters, that extends six inches or more from the outer building wall shall be screened from view from streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building.
 3. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view. Placement and type of screening shall be determined by the Community Development Director.
 4. This section shall not apply to the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.
- I. Building Materials.
1. Prohibited Materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the Community Development Director based on the integration of the material into the overall design of the structure.
 - i. Vinyl or plywood siding (including T-111 or similar plywood).
 - ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.
 - iii. Corrugated fiberglass.
 - iv. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, or within the General Industrial District).
 - v. Crushed colored rock/crushed tumbled glass.
 - vi. Non-corrugated and highly reflective sheet metal.
 - vii. Tarps, except for the protection of outside storage.
 2. Special Material Standards. The following materials are allowed if they comply with the requirements found below:
 - i. Concrete Block. When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.
 - ii. Metal Siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level) except when used for a temporary structure.
 - iii. Exterior insulation and finish system (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

- iv. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.
 - v. Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.
- J. Temporary Structures. Temporary structures are permitted pursuant to the following standards:
1. For structures up to two hundred square feet:
 - i. Shall not be on a property for more than three consecutive days; and
 - ii. Shall not be on a property more than six times per year; and
 - iii. Shall comply with the minimum dimensional standards of the zoning designation; and
 - iv. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - v. Shall not disturb ingress or egress to the site; and
 - vi. Shall be exempt from all sections of s OCMC 16.12, 12.08, 17.52 and 17.62 except subsections 17.62.050.I and J.
 2. Temporary structures larger than two hundred square feet may be permitted up to 2 times per year; and:
 - i. Structure larger than two hundred square feet up to eight hundred square feet:
 - a. Shall not be on a property for more than thirty consecutive days;
 - b. Shall comply with the minimum dimensional standards of the zoning designation;
 - c. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - d. Shall not disturb ingress or egress to the site; and
 - e. Shall be exempt from all sections of OCMC 16.12, 12.08, 17.52 and 17.62 except subsections 17.62.050.I and J.
 - ii. Structures larger than eight hundred square feet:
 - a. Shall not be on a property for more than seven consecutive days;
 - b. Shall comply with the minimum dimensional standards of the zoning designation;
 - c. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - d. Shall not disturb ingress or egress to the site; and
 - e. Shall be exempt from all sections of OCMC 16.12, 12.08, 17.52 and 17.62 except subsections 17.62.050.I and J.
 3. Government owned properties are exempt from all sections of OCMC 16.12, 12.08, 17.52 and 17.62 except subsections 17.62.050.I and J and the dimensional standards of the zoning designation.
- K. Development shall comply with requirements of the following Oregon City Municipal Code chapters, as applicable, including but not limited to:
1. 12.04 Streets, Sidewalks and Public Places
 2. 12.08 Public and Street Trees
 3. 13.04 Water Service System
 4. 13.08 Sewer Regulations
 5. 13.12 Stormwater Management
 6. 16.12 Minimum Improvements and Design Standards for Development

7. 17.20 Residential Design Standards for ADU's, Cluster Housing, Internal Conversions, Live/Work Units, and Manufactured Home Parks
8. 17.40 Historic Overlay District
9. 17.41 Tree Protection Standards
10. 17.42 Flood Management Overlay District
11. 17.44 Geologic Hazards
12. 17.47 Erosion and Sediment Control
13. 17.48 Willamette River Greenway
14. 17.49 Natural Resource Overlay District
15. 17.50 Administration and Procedures
16. 17.52 Off-Street Parking and Loading
17. 17.54 Supplemental Zoning Regulations and Exceptions
18. 17.58 Lawful Nonconforming Uses, Structures, and Lots
19. 17.65 Master Plans and Planned Unit Development

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

- A. Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved through this process are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety through informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.
- B. Applicability. This section applies to institutional, office, multi-family, retail and commercial buildings except accessory structures less than one thousand square feet and temporary structures.
- C. Conflicts. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.
- D. Siting of Structures. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property. Multi-family developments shall be placed no farther than twenty feet from the front property line. This section does not apply to properties with less than forty feet of frontage.

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

1. Tables, benches or other approved seating area.
2. Cobbled, patterned or paved stone or enhanced concrete.
3. Pedestrian scale lighting.
4. Sculpture/public art.
5. Fountains/Water feature.
6. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.

7. Outdoor café.
 8. Enhanced landscaping or additional landscaping.
 9. Other elements, as approved by the Community Development Director, that can meet the intent of this section.
- E. Building Orientation. All buildings along the street frontage shall face the front most architecturally significant facade toward the street and have a functional primary entrance facing the street. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
- F. Entryways. Entrances shall include a doorway and a minimum of four of the following elements: display windows, recesses, projections, peaked roof or raised parapet over the door, canopy of at least five feet in depth, porch, distinct materials, architectural details such as tile work and moldings, pedestrian amenities such as benches, planters or planter boxes, or landscape treatments integrating arbors, low walls, trellis work and/or similar elements. 6. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk.
- G. Corner Lots. For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:
1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.
 2. Chamfer the corner of the building (i.e. cut the corner at a forty-five degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.
- Standards 1. and 2. above do not apply to multi-family buildings or multi-family portions of residential mixed use buildings.
- H. Variation in Massing. For street facing facades greater than 120 feet in length a modulation is required which extends through all floors. Decks and roof overhangs may encroach up to three feet per side into the modulation.
- The modulation must meet one of the following dimensional requirements:
1. A minimum depth of two percent of the length of the façade and a minimum width of thirty percent of the length of the facade
 2. A minimum depth of three percent of the length of the façade and a minimum width of fifteen percent of the length of the facade
- I. Building Design Elements.
1. All facades shall provide a design element or architectural feature that add interest and detail such that there are no blank walls of thirty feet in length or more, measured horizontally. Features that can meet this requirement include:
 - a. Change in building material or texture
 - b. Window or door
 - c. Building projection or recess
 - d. Balcony
 - e. Pillar or post
 2. Street facing facades shall include additional design features. For every thirty feet of façade length, three of the following elements are required:

- a. Decorative materials on more than ten percent of the total wall area (e.g., brick or stonework, shingles, wainscoting, ornamentation, and similar features)
 - b. Decorative cornice and/or roof line (e.g., for flat roofs)
 - c. Roof gable
 - d. Recessed entry
 - e. Covered canopy entry
 - f. Cupola or tower
 - g. Dormer
 - h. Balcony
 - i. Pillars or posts
 - j. Repeating pattern of building materials
 - k. A change in plane of at least two feet in width and six inches in depth
 - l. Bay or oriel window
 - m. An alternative feature providing visual relief and detail as approved by the Community Development Director
3. Building Detail Variation. Architectural features shall be varied on different buildings within the same development unless a modification to this standard is approved pursuant to OCMC 17.62.015. At least two of the required features on each street-facing elevation shall be distinct from the street-facing elevations of other buildings within the same development.

J. Windows.

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

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

- 2. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.
- 3. Side walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.
- 4. Multi-family windows shall incorporate window trim at least four inches in width.

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

- L. Drive-through facilities. Drive-through facilities shall:
 - 1. Be located at the side or rear of the building.
 - 2. Be designed to maximize queue storage on site.

- M. Special development standards along transit streets.
 - 1. Purpose. This section is intended to provide direct and convenient pedestrian access to retail, office and institutional buildings from public sidewalks and transit facilities and to promote pedestrian and transit travel to commercial and institutional facilities.
 - 2. Applicability. Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.
 - 3. Development Standards.
 - a. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.
 - i. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.
 - ii. For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.
 - b. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.
 - 4. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection 3. of this section:
 - a. Heavy equipment sales;
 - b. Motor vehicle service stations, including convenience stores associated therewith; or
 - c. Solid waste transfer stations.

17.62.056 - Additional standards for large retail establishments.

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

- A. Patio/seating area;
- B. Pedestrian plaza with benches;
- C. Transportation center;
- D. Window shopping walkway;
- E. Outdoor playground area;
- F. Kiosk area, water feature;
- G. Clock tower;
- H. Or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and

public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.

17.62.057 – Multi-family Usable Open Space Requirements

- A. Intent. Creating areas of usable open space that are easily accessed by residents provides focal points for community recreation and interaction and adds to the overall quality of life for residents. Given the environmental and recreational benefits of common open space, it should be integrated purposefully into the overall design of a development and not merely be residual areas left over after buildings and parking lots are sited.
- B. Open Space Required. All new multi-family developments in all zones shall provide usable open space.
 - 1. In residential zones, each development shall provide a minimum of one hundred square feet of open space per dwelling unit.
 - 2. In non-residential, commercial and mixed-use zones, each development shall provide a minimum of fifty square feet of open space per dwelling unit.
 - 3. Required setback areas shall not count toward the open space requirement unless setback areas are incorporated into spaces that meet all other requirements of this section.
 - 4. Required open space areas may be counted towards both the open space requirements and the minimum landscaping requirements in OCMC 17.62.050.A, if the spaces meet the requirements of both sections.
- C. Usable Open Space Types.
 - 1. Common open spaces shall be accessible to all residents of the development and include landscaped courtyards, decks, gardens with pathways, children’s play areas, common rooftop decks and terraces, and other multipurpose recreational or green spaces. It may be used to meet one hundred percent of the usable open space requirement. Design standards:
 - a. Minimum dimensions for common open space shall be twelve feet with a minimum size of two hundred square feet for developments with twenty units or less, and twenty feet with a minimum size of four hundred square feet for developments with twenty-one or more units.
 - b. Common open space shall feature a mix of natural and recreational amenities to make the area more functional and enjoyable for a range of users. Sites with twenty units or less shall provide a minimum of twenty of the following amenities, and sites with twenty-one units or more shall provide a minimum of three of the following amenities and an additional amenity for every twenty units over forty, rounded up.
 - 1. Landscaping areas.
 - 2. Community gardening areas.
 - 3. Large trees expected to reach over eighteen inches dbh at maturity.
 - 4. Seating.
 - 5. Pedestrian-scaled lighting.
 - 6. Hard-surfaced pedestrian paths in addition to those required for internal pedestrian circulation.
 - 7. Paved courtyard or plaza.
 - 8. Gazebos or other decorative shelters.
 - 9. Play structures for children.

10. Sports courts.
11. An alternative amenity as approved by the Community Development Director.
- c. Common open space shall be separated from ground level windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the city that enhance safety and privacy for both the common open space and dwelling units.
- d. Common open space shall be accessible from the dwelling units and, as appropriate, from public streets and sidewalks. The space shall be oriented to encourage activity from local residents.
2. Private open space that is not open to all residents includes balconies, patios, and other outdoor multi-purpose recreational or green spaces. It may be used to meet up to fifty percent of the usable open space requirement. Design standards:
 - a. Minimum dimensions for private open space shall be five feet with a minimum size of forty square feet.
3. Indoor recreational space may be used to meet up to twenty-five percent of the usable open space requirement provided the space is:
 - a. Accessible to all dwelling units.
 - b. Designed for and includes equipment for a recreational use (e.g., exercise, group functions, etc.).

17.62.059 - Cluster housing.

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

..\..\iterway/AppData/Local/Microsoft/Windows/INetCache/IE/images/17.62.059c_1.png 17.62.065 - Outdoor lighting.

- A. Purpose. The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:
 1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;
 2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;
 3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;
 4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and
 5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.
- B. Applicability.
 1. General.
 - a. All exterior lighting for any type of commercial, mixed-use, industrial, ~~3-4-plex~~ or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.

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

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

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

 - a. Public street and right-of-way lighting.
 - b. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.
 - c. Temporary lighting for emergency or nighttime work and construction.
 - d. Temporary lighting for theatrical, television, and performance areas, or for special public events.
 - e. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
 - f. Lighting required and regulated by the Federal Aviation Administration.
- C. General Review Standard. If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. For purposes of this section, properties that comply with the design standards of subsection D. below shall be deemed to not adversely affect adjacent properties or the community.
- D. Design and Illumination Standards.

General Outdoor Lighting Standard and Glare Prohibition.

 - 1. Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line.
 - 2. Lighting shall be provided in parking lots and vehicular circulation areas.
 - 3. Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.
 - 4. Lighting shall be provided at all building entrances.
 - 5. With the exception of pedestrian scale lighting, all light sources shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.
 - 6. The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.
 - 7. Floodlights shall not be utilized to light all or any portion of a building facade between 10 p.m. and 6 a.m.
 - 8. Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.

9. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
10. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
11. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
12. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
13. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses are allowed a light post up to eighty feet in height.
14. Main building entrances shall be well lighted and visible from any transit street. The minimum lighting level for building entries fronting on a transit street shall be three foot-candles.

17.62.085 - Refuse and recycling standards for commercial, industrial, office, institutional, and multifamily developments.

The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses, other than single-family or duplex residences, townhouses, 3-4 plexes, internal conversions, or accessory dwelling units (ADUs), shall include a refuse and recycling enclosure. The area(s) shall be:

- A. Sized appropriately to meet the needs of current and expected tenants, including an expansion area if necessary;
- B. Designed with sturdy materials, which are compatible to the primary structure(s);
- C. Fully enclosed and visually screened;
- D. Located in a manner easily and safely accessible by collection vehicles;
- E. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;
- F. On a level, hard surface designed to discharge surface water runoff and avoid ponding;
- G. Maintained by the property owner;
- H. Used only for purposes of storing solid waste and recyclable materials;
- I. Designed in accordance with applicable sections of the Oregon City Municipal Code (including OCMC 8.20—Solid Waste Collection and Disposal) and city adopted policies.

17.62.090 – Implementation.

- A. Applications for site plan and design review shall be reviewed in the manner provided in OCMC 16.12 and 17.50. The city building official may issue a certificate of occupancy only after the improvements required by site plan and design review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the City.
- B. In performing site plan and design review, the review authority shall consider the effect of additional financial burdens imposed by such review on the cost and availability of needed housing types. Consideration of such factors shall not prevent the imposition of conditions of approval found necessary to meet the requirements of this section. The cost of such conditions of approval shall not unduly increase the cost of housing beyond the minimum necessary to achieve the provisions of this title, nor shall such cost prevent the construction of needed housing types.
- C. The site plan and design review provisions of this chapter shall not be applied to reduce the density or height of an application for a development project that reserves at least seventy-five percent of the

gross floor area for housing where the proposed density or height is at or below what is allowed in the base zone, except in the following situations:

1. Where the reduction in density is required for development subject to historic overlay provision in OCMC 17.40; or
2. Where the reduction in density is necessary to resolve a health, safety or habitability issue, or to comply with the Natural Resource Overlay District regulations of OCMC 17.49, the Geologic Hazard Overlay District regulations of OCMC 17.44, or the Floodplain Management Overlay District regulations of OCMC 17.42 or steep slope regulations.

Oregon City Municipal Code

Chapter 17.65 Master Plans and Planned Unit Developments

17.65.010 - Purpose and intent.

It is the intent of this chapter to foster the growth of major institutions, phased residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable housing options, services and/or employment opportunities that these developments bring to Oregon City residents. The master plan process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs. The master plan process is further intended to promote efficiency in land development, maintenance, street systems and utility networks while providing site layouts that integrate usable and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans.

17.65.020 - What is included in a master plan.

- A. A master plan is a two-step process that includes a general development plan and a detailed development plan.

A general development plan incorporates the entire area where development is planned for up to the next twenty years from the date of final approval, including the identification of one or more development phases. The general development plan may encompass land that is not currently under the applicant's control, but which eventually may be controlled by the applicant during the duration of the master plan. The plan shall have no effect for lands not currently controlled by the applicant. "Controlled" shall be defined as leased or owned by the applicant.

A detailed development plan is the phase or phases of the general development plan that are proposed for development within two-years.

- B. A master plan identifies the current and proposed uses of the development, proposed project boundaries, and proposed public and private infrastructure needed to serve the development. If approved, the general development plan may be used to allow existing legal non-conforming uses. If conditions of approval from a previous land use decision have not been completed, they must be modified through the general development plan or completed with new development.

- C. A master plan identifies future development impacts, thresholds for mitigation and mitigation improvements and implementation schedules.

A threshold for mitigation is the point that determines when or where a mitigation improvement will be required. Examples of "thresholds" include vehicle trips, square feet of impervious surface area, water usage measured in gallons per minute, construction of a building within a general development plan and construction of a building within a certain distance of a residential lot.

Mitigation improvements are improvements that will be made or constructed by an institution when a threshold for mitigation is reached. Examples include road dedication, intersection improvement, road widening, construction of a stormwater or water quality facility, installation of vegetative buffering and wetland restoration or enhancement.

17.65.030 - Applicability of the Master Plan Regulations.

- A. Required for Large Institutional Uses. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No Type II or III land use review other than a Type I or II Minor Site Plan and Design Review shall be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter. This requirement does not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.
- B. When Required as Part of Previous Land Use Review. The master plan regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.
- C. When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the Land Use section of the Oregon City Comprehensive Plan.
- D. Voluntarily. An applicant may voluntarily submit a master plan as part of a land use review, including for residential projects.

17.65.040 - Procedure.

- A. Preapplication Review. Prior to filing for either general development plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to Section 17.50.030.
- B. General Development Plan. An application for a general development plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant must have an approved general development plan before any detailed development plan may be approved, unless both are approved or amended concurrently. Amendments to an approved general development plan shall be reviewed under a Type III procedure pursuant to Section 17.65.080.
- C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to Section 17.65.080. Once a development has an approved detailed development plan, Chapter 17.62 Site Plan and Design Review is not required.

- D. Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan. Such a concurrent application is reviewed through the highest procedure that applies to any element of the combined application.
- E. Relationship to Other Reviews. It is the express policy of the city that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.
- F. Duration of General Development Plan. A general development plan shall involve a planning period of up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date, either as stated in the approved master plan application or decision of approval.
- G. Duration of Detailed Development Plan. Unless substantial expenditures have been made to implement the approved detailed development plan, defined as the submittal to the city of engineered plans for approval, a detailed development plan shall expire twenty-four months from the notice of decision date. The date of final approval includes the resolution of all appeals. In accordance with OCMC 17.50 the Community Development Director may grant, on a one-time basis, a one-year extension upon the receipt from the applicant of a written request and payment of the required fee prior to the expiration dated of the detailed development plan.

17.65.050 - General Development Plan.

A. Existing Conditions Submittal Requirements.

- 1. Narrative statement. An applicant must submit a narrative statement that describes the following:
 - a. Current uses of and development on the site .
 - b. For institutions, history or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan, and information about current programs or services.
 - c. A vicinity map showing the location of the General Development Plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map must be eight and one-half inches x eleven inches in size, and black and white reproducible.
 - d. Land uses that surround the development site. This may also reference submitted maps, diagrams or photographs.
 - e. Previous land use approvals within the General Development Plan boundary and related conditions of approval if applicable.
 - f. Existing utilization of the site.
 - g. Site description, including the following items. May also reference submitted maps, diagrams or photographs.
 - 1. Physical characteristics;

2. Ownership patterns;
 3. Building inventory;
 4. Vehicle/bicycle parking;
 5. Landscaping/usable open space;
 6. FAR/lot coverage;
 7. Natural resources that appear on the city's adopted Goal 5 inventory;
 8. Cultural/historic resources that appear on the city's adopted Goal 5 inventory; and
 9. Location of existing trees six inches in diameter or greater when measured four feet above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually.
 10. Geologic hazards pursuant to OCMC 17.44.
- h. Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.
1. Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;
 2. Transit routes, facilities and availability;
 3. Alternative modes utilization, including shuttle buses and carpool programs; and
 4. Baseline parking demand and supply study (may be appended to application or waived if not applicable).
- i. Infrastructure facilities and capacity, including the following items.
1. Water;
 2. Sanitary sewer;
 3. Stormwater management; and
 4. Easements.
2. Maps and Plans.
- a. Existing conditions site plan. Drawn at a minimum scale of one-inch equals one hundred feet (one inch=one hundred feet) that shows the following items. At least one copy must be eight and on-half inches × eleven inches in size, and black and white reproducible.
- (1) Date, north point, and scale of drawing.
 - (2) Identification of the drawing as an existing conditions site plan.
 - (3) Proposed development boundary.
 - (4) All parking, circulation, loading and service areas, including locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title.
 - (5) Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent.

(6) A site plan or plans, to scale, for the General Development Plan site and surrounding properties containing the required information identified in OCMC 17.62.040

b. Vicinity map. Depicting the location of the site sufficient to define its location, including identification of nearest cross streets. At least one copy of the vicinity map must be eight and one-half inches × eleven inches in size, and black and white reproducible.

c. Aerial photo. Depicting the subject site and property within two hundred fifty feet of the proposed development boundaries. At least one copy of the aerial photo must be eight and one-half inches × eleven in size, and black and white reproducible.

B. Proposed Development Submittal Requirements.

1. Narrative statement. An applicant shall submit a narrative statement that describes the following:

a. The proposed duration of the general development plan.

b. The proposed development boundary. May also reference submitted maps or diagrams.

c. A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.

d. An explanation of how the proposed development is consistent with the purposes of Section 17.65, the applicable zone district or districts, and any applicable overlay district.

e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within two hundred fifty feet of the proposed development boundary.

f. An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:

1. Transportation impacts as prescribed in subsection g. below;

2. Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within two hundred fifty feet of the development boundary;

3. Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems; including a phasing plan for all on-site and off-site public improvements, including but not limited to transportation, schools, parks, open space, trails, sewer, water and stormwater, with an analysis of the capacity and improvements required as a result of fully implementing the plan. This analysis shall reference any adopted parks and recreation, public facilities plans and concept plans and identify specific funding mechanisms to address the adequacy of public facilities.

4. Neighborhood livability impacts;

5. Natural, cultural and historical resource impacts within the development boundary and within two hundred fifty feet of the development boundary.

- g. A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan.
 - h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by city requirements. The transportation impact study shall either:
 - 1. Address the impacts of the development of the site consistent with all phases of the general development plan; or
 - 2. Address the impacts of specific phases if the City Engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.
 - i. If an applicant chooses to pursue option h.1., the applicant may choose among three options for implementing required transportation capacity and safety improvements:
 - 1. The General Development Plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.
 - 2. The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed general development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a general development plan is later amended in a manner so as to cause the projected average daily trips, the projected AM or PM peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.
 - 3. The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.
 - j. For residential and mixed-use projects:
 - a. Proposed minimum lot area, width, frontage and yard requirements.
 - b. Proposed project density in number of units per acre.
2. Maps and diagrams. The applicant must submit, in the form of scaled maps or diagrams, as appropriate, the following information:

- a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.
 - b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within two hundred fifty feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.
 - c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.
 - d. The approximate location, footprint and building square footage of buildings within of each phase of proposed development, and/or proposed lot patterns for each phase of future development.
 - e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.
- C. Approval Criteria for a General Development Plan. The Planning Commission may approve an application for general development plan only upon finding that the following approval criteria are met.
- 1. The proposed General Development Plan is consistent with the purposes of Section 17.65.
 - 2. Development shall demonstrate compliance with OCMC 12.04 and 16.12.
 - 3. Public services for transportation, water supply, police, fire, sanitary waste disposal, storm-water disposal, and any other needed public services and facilities including schools and parks for proposed residential uses, are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.
 - 4. The proposed General Development Plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.
 - 5. The proposed General Development Plan, including development standards and impact mitigation thresholds and improvements, adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.
 - 6. The proposed general development plan is consistent with the Oregon City Comprehensive Plan.

7. The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zones or concept plan.
8. For projects with a residential use component, the proposed general development plan includes common open space for the recreational needs of the development's residents.
 - a. Required open space shall be located either on-site or off-site within one-quarter mile of the development.
 - b. Minimum required open space shall be 100 square feet per residential unit in the development.
 - c. The open space area may be in private ownership or proposed for public dedication, at the City's discretion whether to accept.
 - d. The open space shall be developed with a unified design to provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird watching and natural areas. Active uses include, but are not limited to playgrounds, sports fields and courts, running and walking areas.
 - e. Land area to be used for the open space area that is required in this section shall not include required setback areas, required landscaping, streets, rights-of-way, driveways, or parking spaces.
 - f. Unless dedicated to the public, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.
9. For projects with a residential use component, the proposed general development plan includes a mix of residential uses such that no single residential use exceeds 75 percent of the total proposed units. The mix of residential uses shall provide variety of dwelling types and sizes that are integrated throughout the site, rather than isolated from one another, with smooth transitions between residential types including appropriate setbacks, landscaping or screening as necessary, while maintaining street and pedestrian connectivity between all residential uses. Tenancy (i.e. ownership versus rental) shall not be a consideration in determination of the mix of residential use. For the purposes of this section, residential uses include single family detached, single family attached, duplex, triplex/fourplex, and multifamily.

17.65.[0]60 - Detailed development plan.

A. Submittal Requirements.

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

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

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

B. Approval Criteria. The Community Development Director shall approve an application for detailed development plan approval only upon findings that:

1. All development standards and impact mitigation meet the requirements of the approved general development plan, including conditions of approval.
2. Any other applicable zoning regulations that are not addressed in the general development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan are contained in Section 17.65.070.
3. The detailed development plan conforms with the base zone standards, applicable residential design standards, and applicable standards contained in Chapter 17.62, unless adjusted as provided in Section 17.65.070.

17.65.070 - Adjustments to development standards.

- A. Purpose. In order to implement the purpose of the city's master plan process, which is to foster the growth of major institutions, major residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning process, and are not required to go through the Variance process pursuant to OCMC Chapter 17.60.
- B. Procedure. Requests for adjustments shall be processed concurrently with a general development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.
- C. Regulations That May be Adjusted. Adjustments may be allowed for the following items:
 - 1. Dimensional standards of the underlying zone of up to 20 percent, except the perimeter of the development shall meet the underlying zone's setbacks when adjacent to residentially zoned property.
 - 2. Site plan and design standards.
 - 3. Residential design standards.
 - 4. Increase in allowed maximum residential density of up to 10 percent.
 - 5. Standards for land division approval.
 - 6. Additional uses allowed with residential projects, or residential component of projects:
 - a. Notwithstanding the use provisions of the underlying zones, neighborhood commercial uses as defined in Chapter 17.24.020, including restaurants and eating and drinking establishments without a drive-through, retail trade, and services, are permitted on up to 10 percent of the net developable area. The neighborhood commercial uses shall be planned and constructed so as to support and be compatible with the entire development and shall not alter the character of the surrounding area so as to substantially preclude, impair or limit the use of surrounding properties for the primary uses listed in the underlying district.
 - b. Public or private parks and playgrounds, community buildings and/or outdoor recreational facilities, such as swimming pools and tennis courts;
 - c. Indoor recreational facilities, such as racquetball or tennis courts, fitness centers or swimming pools;
 - d. Common public and private open space including trails.
 - e. Primary or accessory uses that are not identified as a permitted or conditional use in the underlying zone but which are defined in the code.
- D. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:
 - 1. To allow a primary or accessory use that is not identified as a permitted, or conditional use in the underlying zone, with the exception of the additional uses permitted under Section 17.65.070.C.6 above;

2. To any regulation that contains the word "prohibited";
 3. As an exception to a threshold review, such as a Type III review process; and
 4. Minimum density for residential sites may not be reduced.
- E. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met.
1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;
 2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;
 3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;
 4. Any impacts resulting from the adjustment are mitigated such that the development does not create significant adverse impacts on adjacent properties;
 5. If an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; and
 6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and concept plan if applicable.

17.65.80 - Amendments to approved plans.

- A. When Required. An amendment to an approved General Development Plan or detailed development plan is required for any use or development that is not in conformance with the applicable plan, as provided below. The approval criteria contained in Section 17.65.050 will apply to general development plan amendments, the approval criteria contained in Section 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.
- B. Type III Procedure. Unless the approved general development plan or detailed development plan specifically provides differently, amendments to either plan that require a Type III procedure are:
1. A proposed expansion of the approved boundary;
 2. A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard;
 3. Proposals that increase the amount, frequency, or scale of a use over ten percent of what was approved (examples include the number of students, patients or members; the number of helicopter flights; the number or size of special events; transportation impacts);
 4. New uses not covered in the plan that will increase vehicle trips to the site greater than 10 percent of the original amount approved;
 5. Increases or decreases in overall floor area of development on the site or number of residential units of over ten percent;
 6. A increases/decrease greater than ten percent in the amount of approved or required parking; and

7. Proposed uses or development which were reviewed, but were denied because they were found not to be in conformance with an approved plan.
- C. Type II Procedure. Unless an approved plan specifically provides otherwise, amendments to a general development plan or detailed development plan not specifically stated in Subsection B or D are processed through a Type II procedure.
- D. Type I Procedure. Unless an approved plan specifically provides otherwise, the following amendments to a general development plan or detailed development plan shall be processed through a Type I procedure:
 1. Accessory uses and structures that meet applicable development regulations;
 2. Reconfiguration of approved parking or landscape designs that do not alter the points of ingress or egress, and do not change the number of parking spaces required, so long as the reconfiguration meets applicable development regulations; and
 3. Structures for approved uses that do not exceed one thousand five hundred square feet in size and that meet applicable development regulations.

17.65.090 - Regulations that apply.

An applicant is entitled to rely on land use regulations in effect on the date its general development plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a general development plan is approved, and so long as that General Development Plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its general development plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved general development plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.

**Oregon City Municipal Code
Chapter 17.68 Zoning Changes and Comprehensive Plan Amendments**

17.68.010 - Initiation of the amendment.

A text amendment to this title or the comprehensive plan, or an amendment to the zoning code or map or the Comprehensive Plan map, may be initiated by:

- A. A resolution request by the City Commission;
- B. An official proposal by the Planning Commission;
- C. An application to the Planning Division;
- D. A Legislative request by the Planning Division.

All requests for amendment or change in this title shall be referred to the Planning Commission.

17.68.015 –Procedures.

Comprehensive plan amendment and zoning code text or map amendments shall be reviewed pursuant to the procedures set forth in Chapter 17.50.17.68.020 - Criteria.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

- A. The proposal shall be consistent with the applicable 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 plan amendment, 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 or plan amendment.
- 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 or plan amendment.
- D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

17.68.025 - Zoning for land annexed into the city.

- A. Upon annexation into the City, the property shall be rezoned from County zoning to the corresponding City zoning designation as identified in Table 17.06.030.

17.68.040 - Approval by the Commission.

If the Planning Commission finds that the request or application for an amendment, or change, complies with the criteria of section 17.68.020, it shall forward its findings and recommendation to the City Commission for action thereon by that body.

17.68.050 - Conditions.

In granting a change in zoning classification or Comprehensive Plan map designation to any property, the Commission may attach such conditions and requirements to the zone change or map amendment as the Commission deems necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.