

Site Enhancement Services

6001 Nimtz Pkwy

South Bend IN 46628

City of Oregon City

625 Center St.

Oregon City OR 97045

To Whom it May Concern:

Please find the enclosed application for a Sign Variance at the McDonald's located at 2010 Clackamette Dr, Oregon City OR 97045. Also enclosed is a check for the cost of the variance as well as the cost to have the City provide the labels for owners within 300 feet of the site. We are most appreciative that you will provide that information.

With regards to the requirement of a Neighborhood Association Meeting, we were able to attend a meeting on 10/23. The Neighborhood Association was good enough to allow us to attend via phone. We discussed the proposal with the Association and they were very receptive to our plans. The Neighborhood Association indicated that their sign in sheet and meeting minutes would be submitted to the city as a matter of public records. They also stated they would e-mail us a copy of both, but as of this mailing, we have not received them. Once received we will submit them to you, but you should get a copy directly from them.

Should you require any additional information, please do not hesitate to contact me. You can reach me via e-mail at [dj@siteenhancementservices.com](mailto:djr@siteenhancementservices.com) or by phone at 574-485-1101. We thank you for your time, consideration and assistance throughout this process.

Sincerely,

David Ratliff

Project Coordinator

Site Enhancement Services



**OREGON  
CITY**

L/C 036-0125

**Community Development – Planning**

221 Molalla Ave. Suite 200 | Oregon City OR 97045  
Ph (503) 722-3789 | Fax (503) 722-3880

## LAND USE APPLICATION FORM

**Type I (OCMC 17.50.030.A)**

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

**Type II (OCMC 17.50.030.B)**

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

**Type III / IV (OCMC 17.50.030.C)**

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

**File Number(s):** \_\_\_\_\_

Proposed Land Use or Activity: Replace first of 2 existing menu boards with new menu board that has changeable copy more than 3 times a day.

Project Name: McDonald's Menu Board Number of Lots Proposed (If Applicable): \_\_\_\_\_

Physical Address of Site: 2010 Clackamette Dr Oregon City OR 97045

Clackamas County Map and Tax Lot Number(s): 2-2E-30 -00400

**Applicant(s):**

Applicant(s) Signature: 

Applicant(s) Name Printed: David Ratliff Date: 8/16/19

Mailing Address: 6001 Nimtz Pkwy South Bend IN 46628

Phone: 574-485-1101 Fax: \_\_\_\_\_ Email: djr@siteenhancementservices.com

**Property Owner(s):**

Property Owner(s) Signature:  as Senior Counsel

Property Owner(s) Name Printed: McDonald's Corporation Date: 8/16/19

Mailing Address: 110 N Carpenter St Chicago IL 60607

Phone: 630.623.3000 Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**Representative(s):**

Representative(s) Signature: \_\_\_\_\_

Representative (s) Name Printed: \_\_\_\_\_ Date: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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

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**Project Name:** McDonald's Menu Board **Number of Lots Proposed (If Applicable):** \_\_\_\_\_

**Physical Address of Site:** 2010 Clackamette Dr Oregon City OR 97045

**Clackamas County Map and Tax Lot Number(s):** 2-2E-30 -00400

**Applicant(s):**

**Applicant(s) Signature:**  \_\_\_\_\_

**Applicant(s) Name Printed:** David Ratliff **Date:** 10/24/19

**Mailing Address:** 6001 Nimtz Pkwy South Bend IN 46628

**Phone:** 574-485-1101 **Fax:** \_\_\_\_\_ **Email:** djr@siteenhancementservices.com

**Property Owner(s):**

**Property Owner(s) Signature:**  \_\_\_\_\_ **as Senior Counsel**

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## Statement of Justification

The McDonald's that is located at 2010 Clackamette Dr. Oregon City OR 97045 is respectfully relief from the code that will allow the property the ability to reflect the investment being made into the site and the community as well as improve the overall customer experience. As part of the investment into this location, McDonalds is seeking to replace its 2 existing menu boards with new menu boards using new digital technology.

The area that requires relief is as follows:

- Number of drive-through signs and size
  - Allowed: 1 freestanding sign NTE 150 SF, 1 incidental freestanding sign NTE 8 SF
  - Requested: 2
    - § 2 Menu Boards at approximately 20SF each
      - Replacing 2 existing menu boards at approximately 45SF
- Signs that contain, include or illuminated by flashing, revolving, rotating or moving light or moves or has any animated or moving parts with move or rotate or change more than 3 times a day are prohibited.
  - Requesting 2 menu boards that list a customer's order as they place it, including the total cost.

The requested signs all serve a purpose that work together to create an overall aesthetic balance as well as help to improve the customer experience. These signs will also help to ensure that motorists can easily navigate the site, entering and exiting quickly, yet safely.

The additions of these new signs will be beneficial to the site and will have no adverse effect to the site or the surrounding areas. These new signs do not change the use. The new signs serve the same purpose, but are smaller, more concise and easier for the consumer to use. The current menu boards are approximately 45SF. The proposed boards are approximately 20 SF and the proposed pre-menu boards are approximately 10SF. This is a significant decrease in overall sign square footage. Additionally, these signs do substantially not alter the appearance of the site. The new menu boards will be in the same location as the existing signs. The modification of the existing antiquated display with the new digital technology will only impact the direct user of the product. This user has made the choice to enter onto the commercial property and expects the transaction that they are seeking to be able to be accomplished in an expedited and concise manner. In addition, this corridor is primarily commercial in nature and modifications that will allow for services offered at these types of properties should be supported and approved.

The second area requiring relief has to do with the changeable copy on the sign. The menu portion of the sign will only change twice daily, once from breakfast to lunch/dinner and then back to breakfast. The portion of the sign that will change more than 3 times is a very small area. This area is specifically designed for only the user of the sign. This area will list the user's order as well as the total cost. This will only be visible to the user as their vehicle will be in front of the board. The order will not be visible to anyone else.

These new signs will have little to no impact on adjoining properties and the neighborhood. The signs are smaller and give off less illumination than the current signs. Included in this submission are statements showing the lumen output as well as a letter showing the adjustable nature of these signs. The default minimum brightness is 500 nits which is 20% of the maximum brightness, but it can be adjusted to by only 1% of maximum brightness. These signs also can be set to automatically dim in low light and nighttime environments. Whether its manual or automatic, the ability to adjust the brightness of the signs will make any impact on the adjoining properties or passing motorists will be negligible.

The new signs will not affect the provision of public services nor increase demand on public or private utilities. As previously stated, these signs will put off less illumination than the current signs. They are much more efficient and will require less energy to operate. Also, they will be in the same area as the current signs. This will not have any impact on the provision of public services.

The modifications do not diminish the intent of the originally approved plan. These new signs serve the same purpose as the original plans however, they utilize new digital technology. The new signs are designed to optimize development potential in ways that benefit current future citizens. This upgrade in technology will allow for a better overall customer experience at this site. The increase in customer experience directly relates to the viability and use of the site. A fully functioning, well run McDonald's property is a benefit to any community and this specific corridor.

The digital displays that are requested provide the customer with 100% up-to-date messaging in a clear and readily legible manner. The existing messaging is manually controlled which, unfortunately, often leads to inconsistent and out-of-date offerings in the display rotation. These inconsistencies lead to elongated time for the customers in the drive thru lanes and decreases to the overall experience during the transaction phase of the experience. The goal of the digital displays is to make sure that the customers have clear and concise messages so that time on site is focused, controlled, and expedited. A focused and satisfied motorist is more aware of their surrounding and less likely to cause vehicular infractions.

**TYPE II –SITE PLAN AND DESIGN REVIEW**  
**Applicant's Submittal**  
10/16/19

**APPLICANT:** David Ratliff  
Site Enhancement Services 6001 Nimitz Pkwy South Bend IN 46628

**OWNER:** McDonald's Corp  
110 N Carpenter St Chicago IL 60607

**REQUEST:** Replace Existing menu boards with new menu boards using digital technology.

**LOCATION:** 2010 Clackamette Dr, Oregon City OR 97045  
Map # 2-2E-30  
Tax Lot # 00400

**I. BACKGROUND:**

**1. Existing Conditions**

The site currently has 2 freestanding signs, 2 directional signs, 2 menu boards and 1 pre-menu board. The menu boards are approximately 45 SF in size.

**2. Project Description**

The property owner is seeking to replace the 2 existing menu boards with smaller menu boards that utilize digital technology.

**II. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:**

**CHAPTER 17.39 "I" INSTITUTIONAL DISTRICT**

*17.39.020 - Permitted uses.*

*Permitted uses in the institutional district are:*

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

**Applicant's Response:** Does not apply.

*17.39.030 - Accessory uses.*

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

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



*E. Religious institutions.*

**Applicant's Response: Does not Apply.**

*17.39.040 - Conditional uses.*

*Uses requiring conditional use permit are:*

*A. Any uses listed under Section 17.39.030 that are not accessory to the primary institutional use;*

*B. Boarding and lodging houses, bed and breakfast inns;*

*C. Cemeteries, crematories, mausoleums, and columbariums;*

*D. Correctional facilities;*

*E. Helipad in conjunction with a permitted use;*

*F. Parking lots not in conjunction with a primary use;*

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

*H. Fire stations.*

**Applicant's Response: Does not apply**

*17.39.045 - Prohibited uses.*

*Prohibited uses in the I district are:*

*A. Any use not expressly listed in Section 17.39.020, 17.39.030 or 17.39.040;*

*B. Marijuana businesses.*

**Applicant's Response: Does not apply.**

*17.39.050 - Dimensional standards.*

*Dimensional standards in the I district are:*

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

**Applicant's Response: Does not apply.**

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

**Applicant's Response: Does not apply.**

*17.39.060 - Relationship to master plan.*

*A. A master plan is required for any development within the I district on a site over ten acres in size that: 1. Is for a new development on a vacant property;*

*2. Is for the redevelopment of a property previously used as a non-institutional use; or*

*3. Increases the floor area of the existing development by ten thousand square feet over existing conditions*

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

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

**Applicant's Response: Does not apply.**

## **CHAPTER 17.34 "MUD" MIXED USE DOWNTOWN DISTRICT**

*17.34.020 - Permitted uses.*

*Permitted uses in the MUD district are defined as:*

*A. Any use permitted in the mixed-use corridor without a size limitation, unless otherwise restricted in Sections [17.34.020](#), [17.34.030](#) or [17.34.040](#);*

*B. Hotel and motel, commercial lodging;*

*C. Marinas;*

*D. Religious institutions;*

*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);*

*F. Live/work units.*

**Applicant's Response: Site is a Retail Trade.**

*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 [Chapter 17.56](#).*

*A. Ancillary drive-in or drive-through facilities;*

*B. Emergency services;*

*C. Hospitals;*

*D. Outdoor markets that do not meet the criteria of [Section 17.34.020](#);*

*E. Parks, playgrounds, play fields and community or neighborhood centers;*

*F. Parking structures and lots not in conjunction with a primary use;*

*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 foot print 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.*

**Applicant's Response: Site is a Retail Trade**

*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 and two-family residential units;*

*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<sup>2</sup> (including but not limited to construction equipment and machinery and farming equipment)*

**Applicant's Response: Does not apply.**

*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.*

**Applicant's Response: Does not apply. Site is not an industrial use site.**

*17.34.060 - Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.*

*A. Minimum lot area: None.*

**Applicant's Response: Site complies with this standard.**

*B. Minimum floor area ratio: 0.30.*

**Applicant's Response: Site complies with this standard.**

*C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.*

**Applicant's Response: Site complies with this standard.**

*D. Maximum building height: Seventy-five feet, except for the following locations 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; and*
- 3. Property within one hundred feet of single-family detached or detached units.*

**Applicant's Response: Site complies with this standard.**

*E. Minimum required setbacks, if not abutting a residential zone: None.*

**Applicant's Response: Site complies with this standard.**

*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.*

**Applicant's Response: Site complies with this standard.**

*G. Maximum Allowed Setbacks.*

- 1. Front yard: Twenty feet provided the site plan and design review requirements of [Section 17.62.055](#) are met.*

**Applicant's Response: Site complies with this standard.**

- 2. Interior side yard: No maximum.*

**Applicant's Response: Site complies with this standard.**

- 3. Corner side yard abutting street: Twenty feet provided the site plan and design review requirements of [Section 17.62.055](#) are met.*

**Applicant's Response: Site complies with this standard.**

- 4. Rear yard: No maximum.*

**Applicant's Response: Site complies with this standard.**

- 5. Rear yard abutting street: Twenty feet provided the site plan and design review requirements of [Section 17.62.055](#) are met.*

**Applicant's Response: Site complies with this standard.**

*H. Maximum site coverage including the building and parking lot: Ninety percent.*

**Applicant's Response: Site complies with this standard.**

*I. Minimum landscape requirement (including parking lot): Ten percent.*

**Applicant's Response: Site complies with this standard.**

*17.34.070 - Mixed-use downtown dimensional standards—For properties located within the downtown design district.*

*A Minimum lot area: None.*

**Applicant's Response: Does not apply.**

*B. Minimum floor area ratio: 0.5.*

**Applicant's Response: Does not apply.**

*C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.*

**Applicant's Response:**

*D. Maximum building height: Fifty-eight feet.*

**Applicant's Response:** Does not apply.

*E. Minimum required setbacks, if not abutting a residential zone: None.*

**Applicant's Response:** Does not apply.

*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.*

**Applicant's Response:** Does not apply.

*G. Maximum Allowed Setbacks.*

*1. Front yard setback: Ten feet provided the site plan and design review requirements of [Section 17.62.055](#) are met.*

**Applicant's Response:** Does not apply.

*2. Interior side yard setback: No maximum.*

**Applicant's Response:** Does not apply.

*3. Corner side yard setback abutting street: Ten feet provided the site plan and design review requirements of [Section 17.62.055](#) are met.*

**Applicant's Response:** Does not apply.

*4. Rear yard setback: No maximum.*

**Applicant's Response:** Does not apply.

*5. Rear yard setback abutting street: Ten feet provided the site plan and design review requirements of [Section 17.62.055](#) are met.*

**Applicant's Response:** Does not apply.

*H. Maximum site coverage of the building and parking lot: One hundred percent.*

**Applicant's Response:** Does not apply.

*I. Minimum Landscape Requirement. Development within the downtown design district overlay is exempt from required landscaping standards in [Section 17.62.050A.1](#). However, landscaping features or other amenities are required, which may be in the form of planters, hanging baskets and architectural features such as benches and water fountains that are supportive of the pedestrian environment. Where possible, landscaped areas are encouraged to facilitate continuity of landscape design. Street trees and parking lot trees are required and shall be provided per the standards of [Chapter 12.08](#) and [Chapter 17.52](#).*

**Applicant's Response:** Does not apply.

*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 sections [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.*

**Applicant's Response:** Does not apply.

**CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW**

***17.62.015 Modifications that will better meet design review requirements.***

*The review body may consider modification of site-related development standards. These modifications are done as part of design review and are not required to go through the Variance process pursuant to section 17.60.020.*

*Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the Variance process pursuant to section 17.60.020. Modifications that are denied through design review may be requested as Variance through the Variance process pursuant to section 17.60.020. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:*

**Applicant's Response:**

***17.62.015.A. The modification will result in a development that better meets design guidelines; and***

**Applicant's Response:**

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

**Applicant's Response:**

***17.62.030 - When required.***

*Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6, R-5 and R-3.5 zoning 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, cottage housing development, multi-family and non-residential uses in all zones. No building permit or other permit authorization for development shall be issued prior to site plan and design review approval. Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval. Site plan and design review shall not alter the type and category of uses permitted in zoning districts.*

**Applicant's Response:**

***17.62.050 - Standards.***

***A. All development shall comply with the following standards:***

***1. Landscaping, A minimum of fifteen percent of the lot shall be landscaped. 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.***

**Applicant's Response:** Site complies with this standard.

***a. Except as allowed elsewhere in the zoning and land division chapters of this Code, all areas to be credited towards landscaping must be installed with growing plant materials. A reduction of up to twenty-five percent of the overall required landscaping may be approved by the community development director if the same or greater amount of pervious material is incorporated in the non-parking lot portion of the site plan (pervious material within parking lots are regulated in OCMC [17.52.070](#)).***

**Applicant's Response:** Site complies with this standard.

*b. Pursuant to Chapter 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.*

**Applicant's Response:**

*c. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas. 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 500 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. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.*

**Applicant's Response:**

*d. For properties within the Downtown Design District landscaping shall be required to the extent practicable up to the ten percent requirement.*

**Applicant's Response:**

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

**Applicant's Response:**

*f. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum, unless otherwise permitted by the dimensional standards of the underlying zone district.*

**Applicant's Response:**

*2. Vehicular Access and Connectivity.*

*a. Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.*

**Applicant's Response:** Site complies with this standard.

*b. Ingress and egress locations on thoroughfares shall be located in the interest of public safety. Access for emergency services (fire and police) shall be provided.*

**Applicant's Response:**

*c. Alleys or vehicular access easements shall be provided in the following Districts: R-2, MUC-1, MUC-2, MUD and NC zones unless other permanent provisions for access to off-street parking and loading facilities are approved by the decision-maker. The corners of alley intersections shall have a radius of not less than ten feet.*

**Applicant's Response:**

*d. Sites abutting an alley shall be required to gain vehicular access from the alley unless deemed impracticable by the community development director.*

**Applicant's Response:**

*e. Where no alley access is available, the development shall be configured to allow only one driveway per frontage. On corner lots, the driveway(s) shall be located off of the side street (unless the side street is an arterial) and away from the street intersection. Shared driveways shall be required as needed to accomplish the requirements of this section. The location and design of pedestrian access from the sidewalk shall be emphasized so as to be clearly visible and distinguishable from the vehicular access to the site. Special landscaping, paving, lighting, and architectural treatments may be required to accomplish this requirement.*

**Applicant's Response:**

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

**Applicant's Response:**

*g. Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Such easements shall be required in addition to applicable street dedications as required in [Chapter 12.04](#).*

**Applicant's Response:**

*h. 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.*

**Applicant's Response:**

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

**Applicant's Response:**

*j. 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.*

**Applicant's Response:**

*k. Parcels larger than three acres shall provide streets as required in [Chapter 12.04](#). The streets shall connect with existing or planned streets adjacent to the site.*

**Applicant's Response:**

*l. 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. This standard applies to both public garages and any individual private garages, whether they front on a street or private interior access road.*

**Applicant's Response:**

*m. 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. Upper level parking garages shall use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.*

**Applicant's Response:**

*3. Building structures shall be complimentary to the surrounding area. All exterior surfaces shall present a finished appearance. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear facades or decking shall be prohibited.*

*a. Alterations, additions and new construction located within the McLoughlin Conservation District, Canemah National Register District, and the Downtown Design District and when abutting a designated Historic Landmark shall utilize materials and a design that incorporates the architecture of the subject building as well as the surrounding district or abutting Historic Landmark. Historic materials such as doors, windows and siding shall be retained or replaced with in kind materials unless the community development director determines that the materials cannot be retained and the new design and materials are compatible with the subject building, and District or Landmark. The community development director may utilize the Historic Review Board's Guidelines for New Construction (2006) to develop findings to show compliance with this section.*

*b. In historic areas and where development could have a significant visual impact, the review authority may request the advisory opinions of appropriate experts designated by the community development director from the design fields of architecture, landscaping and urban planning. The applicant shall pay the costs associated with obtaining such independent professional advice; provided, however, that the review authority shall seek to minimize those costs to the extent practicable.*

**Applicant's Response:**

*4. Grading shall be in accordance with the requirements of [Chapter 15.48](#) and the public works stormwater and grading design standards.*

**Applicant's Response:**



5. Development subject to the requirements of the Geologic Hazard overlay district shall comply with the requirements of that district.

**Applicant's Response:** Does not apply

6. Drainage shall be provided in accordance with city's drainage master plan, [Chapter 13.12](#), and the public works stormwater and grading design standards.

**Applicant's Response:** Site complies with this standard.

7. Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, [Chapter 17.52](#).

**Applicant's Response:** Site complies with this standard.

8. Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and street design standards. Upon application, the community development director may waive this requirement in whole or in part in those locations where there is no probable need, or comparable alternative location provisions for pedestrians are made.

**Applicant's Response:** Site complies with this standard.

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

a. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct. Exceptions may be allowed by the director where steep slopes or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.

**Applicant's Response:** Site complies with this standard.

b. The pedestrian circulation system shall connect all main entrances on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard. Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.

**Applicant's Response:** Site complies with this standard.

c. Elevated external stairways or walkways, that provide pedestrian access to multiple dwelling units located above the ground floor of any building are prohibited. The community development director may allow exceptions for external stairways or walkways located in, or facing interior courtyard areas provided they do not compromise visual access from dwelling units into the courtyard.

**Applicant's Response:** Site complies with this standard.

d. The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.

**Applicant's Response:** Site complies with this standard.

e. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent commercial and residential sites where practicable. Walkway linkages to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially-zoned land.

**Applicant's Response:** Site complies with this standard.

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

**Applicant's Response:** Site complies with this standard.

10. There shall be provided adequate means to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency.

**Applicant's Response:** Site complies with this standard.

11. Site planning shall conform to the requirements of OCMC [Chapter 17.41](#) Tree Protection.

**Applicant's Response:** Site complies with this standard.

12. Development shall be planned, designed, constructed and maintained to protect water resources and habitat conservation areas in accordance with the requirements of the city's Natural Resources Overlay District, Chapter 17.49, as applicable.

**Applicant's Response:** Site complies with this standard.

13. All development shall maintain continuous compliance with applicable federal, state, and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference. Prior to issuance of a building permit, the community development director or building official may require submission of evidence demonstrating compliance with such standards and receipt of necessary permits. The review authority may regulate the hours of construction or operation to minimize adverse impacts on adjoining residences, businesses or neighborhoods. The emission of odorous gases or other matter in such quantity as to be readily detectable at any point beyond the property line of the use creating the odors or matter is prohibited.

**Applicant's Response:** Site complies with this standard.

14. 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.

**Applicant's Response:** Does not apply

15. 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. Compliance with [\[Chapter\] 12.04](#), Streets, Sidewalks and Public Places shall be sufficient to achieve right-of-way and improvement adequacy.

**Applicant's Response:** Does not apply.

16. 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.

**Applicant's Response:**

*17. All utility lines shall be placed underground.*

**Applicant's Response:** Site complies with this standard.

*18. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.*

**Applicant's Response:** Site complies with this standard.

*19. For a residential development, site layout shall achieve at least eighty percent of the maximum density of the base zone for the net developable area. Net developable area excludes all areas for required right-of-way dedication, land protected from development through Natural Resource or Geologic Hazards protection, and required open space or park dedication.*

**Applicant's Response:** Does not apply.

*20. Screening of Mechanical Equipment:*

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

**Applicant's Response:** Does not apply

*b. 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.*

**Applicant's Response:** Does not apply.

*c. 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.*

**Applicant's Response:** Does not apply

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

**Applicant's Response:** Does not apply.

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

**Applicant's Response:** Does not apply.

*21. Building Materials.*

*a. Preferred building materials. Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the city's desired traditional character are as follows:*

*i. Brick.*

- ii. Basalt stone or basalt veneer.
- iii. Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.
- iv. Board and batten siding.
- v. Other materials subject to approval by the community development director.
- vi. Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.
- vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

**Applicant's Response: Does not apply.**

*b. 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.

**Applicant's Response: No prohibited materials will be used.**

*c. Special material standards: The following materials are allowed if they comply with the requirements found below:*

- 1. Concrete block. When used for the front facade 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.
- 2. 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).
- 3. 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.
- 4. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.

**Applicant's Response: Does not apply. Replacing menu boards.**

*22. Conditions of Approval. The review authority may impose such conditions as it deems necessary to ensure compliance with these standards and other applicable review criteria, including standards set out in city overlay districts, the city's master plans, and city public works design standards. Such conditions shall apply as described in Sections 17.50.310, 17.50.320 and 17.50.330. The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the city attorney.*

**Applicant's Response: Applicant and owner will comply.**

*23. Development shall conform to the requirements of OCMC Chapter 17.58 Nonconforming Uses, Structures, and Lots.*

**Applicant's Response: Site complies with this standard.**

17.62.065 - Outdoor lighting.

**B. Applicability.**

**1. General.**

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

*b. The city engineer/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.*

**Applicant's Response: Does not apply to this application.**

**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.*

**Applicant's Response: Does not apply to this application.**

**3. Excepted Lighting.**

*The following types of lighting are excepted from the requirements of this section.*

*a. Residential lighting for single-family attached and detached homes, and duplexes.*

*b. Public street and right-of-way lighting.*

*c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.*

*d. Temporary lighting for emergency or nighttime work and construction.*

*e. Temporary lighting for theatrical, television, and performance areas, or for special public events.*

*f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.*

*g. Lighting required and regulated by the Federal Aviation Administration.*

**Applicant's Response: Does not apply to this application.**

*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.*

**Applicant's Response: Does not apply to this application.**

**D. Design and Illumination Standards.**

*General Outdoor Lighting Standard and Glare Prohibition.*

*1. Any light source or lamp that emits more than nine hundred lumens (thirteen watt compact fluorescent or sixty watt incandescent) 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.*

**Applicant's Response: Does not apply to this application.**

*2. 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.*

**Applicant's Response: Does not apply to this application.**

**3. Lighting levels:**

*Table 1-17.62.065. Foot-candle Levels*

Location	Min	Max	Avg
Pedestrian Walkways in Parking Lots		10:1 max/min ratio	0.5

<i>Location</i>	<i>Min</i>	<i>Max</i>	<i>Avg</i>
<i>Pedestrian Accessways/Walkways</i>	<i>0.5</i>	<i>7:1 max/min ratio</i>	<i>1.5</i>
<i>Building Entrances</i>	<i>3</i>		
<i>Bicycle Parking Areas</i>	<i>3</i>		
<i>Abutting property</i>	<i>N/A</i>	<i>0.5</i>	

***Applicant's Response:***

4. *Pedestrian Accessways. To enhance pedestrian and bicycle safety, pedestrian accessways required pursuant to OCMC 12.28 shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.*

***Applicant's Response:*** Does not apply to this application.

5. *Floodlights shall not be utilized to light all or any portion of a building facade between ten p.m. and six a.m.*

***Applicant's Response:*** Does not apply to this application.

6. *Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.*

***Applicant's Response:*** Does not apply to this application.

7. *All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.*

***Applicant's Response:*** Does not apply to this application.

8. *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.*

***Applicant's Response:*** Does not apply to this application.

9. *For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.*

***Applicant's Response:*** Does not apply to this application.

10. *No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.*

***Applicant's Response:*** Does not apply to this application.

11. *Wireless Sites. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited. Strobe lighting of wireless communication facilities is prohibited unless required by the Federal Aviation Administration. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment on wireless communication facilities shall be initiated by motion detecting lighting.*

***Applicant's Response:*** Does not apply to this application.

12. *Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:*

- i. Maximum permitted light post height: eighty feet.*

***Applicant's Response:*** Does not apply to this application.

17.62.085 - Refuse and recycling standards for commercial, industrial, and multi-family developments.

*The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses other than single-family or duplex residences 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 Chapter 8.20—Solid Waste Collection and Disposal) and city adopted policies.*

**Applicant's Response: Does not apply to this application.**

**CHAPTER 17.52 OFF-STREET PARKING AND LOADING**

*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
Multi-Family: Studio	1.00 per unit	1.5 per unit
Multi-Family: 1 bedroom	1.25 per unit	2.00 per unit
Multi-Family: 2 bedroom	1.5 per unit	2.00 per unit
Multi-Family: 3 bedroom	1.75 per unit	2.50 per unit
Hotel, Motel	1.0 per guest room	1.25 per guest room
Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	1 per 7 beds	1 per 5 beds



<i>Hospital</i>	<i>2.00</i>	<i>4.00</i>
<i>Preschool Nursery/Kindergarten</i>	<i>2.00</i>	<i>3.00</i>
<i>Elementary/Middle School</i>	<i>1 per classroom</i>	<i>1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium</i>
<i>High School, College, Commercial School for Adults</i>	<i>0.20 per # staff and students</i>	<i>0.30 per # staff and students</i>
<i>Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater,</i>	<i>.25 per seat</i>	<i>0.5 per seat</i>
<i>Retail Store, Shopping Center, Restaurants</i>	<i>4.10</i>	<i>5.00</i>
<i>Office</i>	<i>2.70</i>	<i>3.33</i>
<i>Medical or Dental Clinic</i>	<i>2.70</i>	<i>3.33</i>
<i>Sports Club, Recreation Facilities</i>	<i>Case Specific</i>	<i>5.40</i>
<i>Storage Warehouse, Freight Terminal</i>	<i>0.30</i>	<i>0.40</i>
<i>Manufacturing, Wholesale Establishment</i>	<i>1.60</i>	<i>1.67</i>
<i>Light Industrial, Industrial Park</i>	<i>1.3</i>	<i>1.60</i>

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.*

**Applicant's Response:** Does not apply to this application.

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.*

**Applicant's Response:** Does not apply to this application.

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.*

**Applicant's Response:** Does not apply to this application.

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.*

**Applicant's Response:** Does not apply to this application.

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.*

**Applicant's Response:**

*B. Parking requirements can be met either onsite, or offsite by meeting the following conditions:*

*1. 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 overlay (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, each [twenty-two] feet of uninterrupted and available curb;*

*2. [Forty-five/sixty] degree diagonal, each with [fifteen] feet of curb;*

*3. Ninety degree (perpendicular) parking, each with [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.*

**Applicant's Response: Does not apply to this application.**

*C. Reduction of the Number of Automobile Spaces Required. The required number of parking stalls may be reduced in the Downtown Parking Overlay District: Fifty percent reduction in the minimum number of spaces required is allowed prior to seeking further reductions in [sub]sections 2. and 3. below:*

*1. Transit Oriented Development. For projects not located within the Downtown Parking Overlay District, the community development director may reduce the required number of parking stalls up to twenty-five percent when it is determined that a project in a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred-foot radius) or multi-family development with over eighty units, is adjacent to or within one thousand three hundred twenty feet of an existing or planned public transit street and is within one thousand three hundred twenty feet of the opposite use (commercial center or multi-family development with over eighty units).*

*2. Reduction in Parking for Tree Preservation. The community development director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a regulated tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition. The amount of reduction must take into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be approved by the community development director. This reduction is discretionary.*

*3. Transportation Demand Management. The community development director may reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer demonstrates:*

*a. 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.*

*b. Transportation demand management (TDM) program has been developed for approval by, and is approved by the city engineer. The plan will contain 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.*

**Applicant's Response: Does not apply to this application. Does not apply to this application.**

4. The minimum required number of stalls may be reduced by up to 10% when the subject property is adjacent to an existing or planned fixed public transit route or within 1,000 feet of an existing or planned transit stop.

**Applicant's Response:**

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. 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. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.

**Applicant's Response:** Does not apply to this application.

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.

**Applicant's Response:** Does not apply to this application.

C. Drainage. Drainage shall be designed in accordance with the requirements of [Chapter 13.12](#) and the city public works stormwater and grading design standards.

**Applicant's Response:** Does not apply to this application.

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 Curb to	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
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**Applicant's Response:**

*E. Carpool and Vanpool Parking. New developments with seventy-five or more parking spaces, and new hospitals, government offices, group homes, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."*

**Applicant's Response: Does not apply to this application.**

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 single-family dwellings or duplexes.*

**Applicant's Response: Does not apply to this application.**

*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 [Section 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.*

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

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

**Applicant's Response: Does not apply to this application.**

*C. Security of Bicycle Parking. Bicycle parking facilities shall be secured. Acceptable secured bicycle parking area 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. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue inconvenience and, when in the right-of-way shall comply with clearance and ADA requirements.*

**Applicant's Response: Does not apply to this application.**

*D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure or a stationary rack to which the bicycle can be locked. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue inconvenience.*

**Applicant's Response: Does not apply to this application.**

*Location of Bicycle Parking:*

*1. Bicycle parking shall be located on-site, in one or more convenient, secure and accessible location. The city engineer and the community development Director may permit the bicycle parking to be provided within the right-of-way provided adequate clear zone and ADA requirements are met. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings. If a building has two or more main building entrances, the review authority may require bicycle parking to be distributed to serve all main building entrances, as it deems appropriate.*

**Applicant's Response: Does not apply to this application.**

*2. Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign must be posted indicating the location of the*

bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space unless approved by the community development director.

**Applicant's Response:** Does not apply to this application.

3. All bicycle parking areas shall be located to avoid conflicts with pedestrian and motor vehicle movement.

a. Bicycle parking areas shall be separated from motor vehicle parking and maneuvering areas and from arterial streets by a barrier or a minimum of five feet.

b. Bicycle parking areas shall not obstruct pedestrian walkways; provided, however, that the review authority may allow bicycle parking in the right-of-way where this does not conflict with pedestrian accessibility.

**Applicant's Response:** Does not apply to this application.

**17.52.040.D.4. Accessibility.**

a. Outdoor bicycle areas shall be connected to main building entrances by pedestrian accessible walkways.

**Applicant's Response:** Does not apply to this application.

**17.52.040.D.4.b. Outdoor bicycle parking areas shall have direct access to a right-of-way.**

**Applicant's Response:** Does not apply to this application.

**17.52.040.D.4.c. Outdoor bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or fifty feet, whichever is less, unless otherwise determined by the community development director, city engineer, or planning commission.**

**Applicant's Response:** Does not apply to this application.

**17.52.060 - Parking lot landscaping.**

**A. Development Standards.**

1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.

**Applicant's Response:** Does not apply to this application.

2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.

**Applicant's Response:** Does not apply to this application.

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 to provide shade.

**Applicant's Response:** Does not apply to this application.

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;

**Applicant's Response:** Does not apply to this application.

5. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the community development director, that can demonstrate adequate maintenance;

**Applicant's Response:** Does not apply to this application.

6. All plant materials, including trees, shrubbery and ground cover should be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City Native Plant List are strongly encouraged and species found on the Oregon City Nuisance Plant List are prohibited.

**Applicant's Response:** Does not apply to this application.

7. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of [Chapter 10.32, Traffic Sight Obstructions](#).

**Applicant's Response:** Does not apply to this application.

8. Landscaping shall incorporate design standards in accordance with [Chapter 13.12, Stormwater Management](#).

**Applicant's Response:** Does not apply to this application.

*B. 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.*

**Applicant's Response:** Does not apply to this application.

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

*a. Trees spaced a maximum of thirty-five 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;*

**Applicant's Response:** Does not apply to this application.

*b. Ground cover, such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and*

**Applicant's Response:** Does not apply to this application.

*c. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.*

**Applicant's Response:** Does not apply to this application.

*C. Parking Area/Building Buffer. 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) abutting either side of a parking lot sidewalk with:*

**Applicant's Response:** Does not apply to this application.

*a. Trees spaced a maximum of thirty-five feet apart;*

**Applicant's Response:** Does not apply to this application.

*b. Ground cover such as wild flowers, spaced a maximum of sixteen-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and*

**Applicant's Response:** Does not apply to this application.

*c. An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or*

**Applicant's Response:** Does not apply to this application.

*2. Seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells.*

**Applicant's Response:** Does not apply to this application.

*D. Interior Parking Lot Landscaping. Surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site landscaping required by [Section 17.62.050\(1\)](#) unless otherwise permitted by the dimensional standards of the underlying zone district. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Interior parking lot landscaping shall include:*

**Applicant's Response:** Does not apply to this application.



*a. A minimum of one tree per six parking spaces.*

**Applicant's Response: Does not apply to this application.**

*b. Ground cover, such as wild flowers, spaced a maximum of sixteen-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.*

**Applicant's Response: Does not apply to this application.**

*c. Shrubs spaced no more than four feet apart on average.*

**Applicant's Response: Does not apply to this application.**

*d. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.*

**Applicant's Response: Does not apply to this application.**

*e. Pedestrian walkways shall have shade trees spaced a maximum of every thirty-five feet in a minimum three-foot by five-foot tree wells; or*

*Trees spaced every thirty-five feet, shrubs spaced no more than four feet apart on average, and 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.*

**Applicant's Response: Does not apply to this application.**

#### *E. Installation.*

*1. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.*

*2. The site, soils and proposed irrigation systems shall be appropriate for the healthy and long-term maintenance of the proposed plant species.*

*3. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the city, such as the posting of a surety.*

**Applicant's Response: Does not apply to this application.**

#### *17.52.070 - 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 [section 17.52.060](#).*

*A. General Review Standard. The alternative shall be meet or exceed the intent of this chapter and shall create a safe space for automobiles and pedestrians. The alternative landscaping plan shall be prepared by a licensed landscape architect.*

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

**Applicant's Response: Does not apply to this application.**

#### *17.52.080 - Maintenance.*

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

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

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

**Applicant's Response:** Does not apply to this application.

#### 17.52.090 - Loading areas.

##### *B. Applicability.*

*1. Section 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.*

**Applicant's Response:** Does not apply to this application.

##### *C. Standards.*

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

**Applicant's Response:** Does not apply to this application.

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

**Applicant's Response:** Does not apply to this application.

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

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

**Applicant's Response:**

## Chapter 13.12 - STORMWATER MANAGEMENT

#### *13.12.050 - Applicability and exemptions.*

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

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

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

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

**Applicant's Response:** Does not apply to this application.

*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 Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or*
- 2. Activities that create or replace more than five thousand square feet of impervious surface per parcel or lot, cumulated over any given five-year period.*

**Applicant's Response: Does not apply to this application.**

*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 Chapter 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.*

**Applicant's Response: Does not apply to this application.**

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

*1. Bulk petroleum storage facilities;*

*2. Above ground storage of liquid materials;*

*3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;*

*4. Exterior storage of bulk construction materials;*

*5. Material transfer areas and loading docks;*

*6. Equipment and/or vehicle washing facilities;*

*7. Development on land with suspected or known contamination;*

*8. Covered vehicle parking for commercial or industrial uses;*

*9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and*

*10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.*

**Applicant's Response: Does not apply to this application.**

*13.12.080 - Submittal requirements.*

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

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

**Applicant's Response: Does not apply to this application.**

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

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

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

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

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

*D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.*

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

**Applicant's Response: Does not apply to this application.**

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

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

**Applicant's Response: Does not apply to this application.**

*13.12.120 - Standard construction specifications.*

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

**Applicant's Response: Does not apply to this application.**

## **CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES**

*12.04.003 - Applicability.*

*A. Compliance with this chapter is required for all land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements.*

*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. 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. In addition, the frontage of the site shall comply with the following prioritized standards identified in this chapter:*

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 12.04.003.B.1 and 12.04.003.B.2 is limited to ten percent of the total construction costs. The value of the alterations and improvements as determined by the community development director is based on the entire project and not individual building permits. It is the responsibility of the applicant to submit 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 such as access or landscaping requirements.*

**Applicant's Response: Does not apply to this application.**

*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.*

**Applicant's Response: Does not apply to this application.**

*12.04.007 - 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;*

**Applicant's Response: Does not apply to this application.**

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

**Applicant's Response: Does not apply to this application.**

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

**Applicant's Response: Does not apply to this application.**

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

**Applicant's Response: Does not apply to this application.**

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

**Applicant's Response: Does not apply to this application.**

*12.04.010 - Construction specifications—Improved streets.*

All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.

**Applicant's Response:** Does not apply to this application.

*12.04.020 - Construction specifications—Unimproved streets.*

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

**Applicant's Response:** Does not apply to this application.

*12.04.025 - Street design—Driveway curb cuts.*

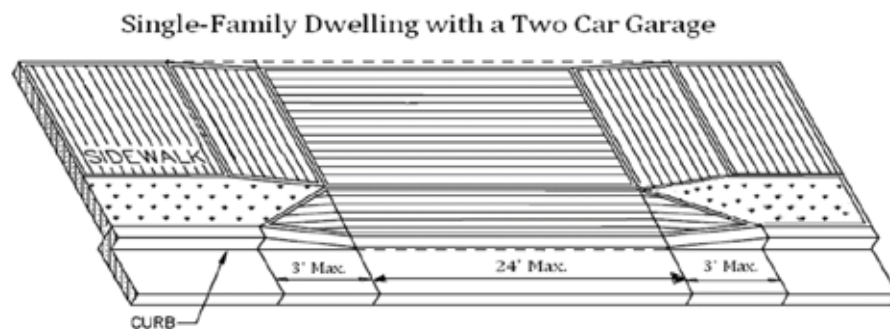
A. One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single or two-family residential property with multiple frontages.

B. With the exception of the limitations identified in 12.04.025.C, all driveway curb cuts shall be limited to the following dimensions.

Property Use	Minimum Driveway Width at sidewalk or property line	Maximum Driveway Width at sidewalk or property line
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	15 feet	40 feet

The driveway width abutting the street pavement may be extended three feet on either side of the driveway to accommodate turn movements. Driveways may be widened onsite in locations other than where the driveway meets sidewalk or property line (for example between the property line and the entrance to a garage).

Figure 12.04.025: Example Driveway Curb Cut



**Applicant's Response:** Does not apply to this application.

C. The decision maker shall be authorized through a Type II process, unless another procedure applicable to the proposal applies, to minimize the number and size of curb cuts (including driveways) 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 and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements.

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 and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements.

**Applicant's Response: Does not apply to this application.**

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

2. Driving vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or city-approved temporary driveway approach is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.

3. Placing soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.

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

**Applicant's Response: Does not apply to this application.**

E. Exceptions. The public works director reserves the right to waive this standard, if it is determined through a Type II decision including written findings that it is in the best interest of the public to do so.

**Applicant's Response: Does not apply to this application.**

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.

**Applicant's Response: Does not apply to this application.**

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.

**Applicant's Response: Does not apply to this application.**

12.04.100 - Excavations—Restoration of pavement.

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

**Applicant's Response: Does not apply to this application.**

12.04.120 - Obstructions—Permit required.

A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B. of this section, in any public street or alley in the city, without obtaining approval for a right-of-way permit from the commission by passage of a resolution.



1. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.  
2. The applicant shall submit at least the following information in the permitting process in order to allow the commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:

- a. Site plan showing right-of-way, utilities, driveways as directed by staff;
- b. Sight distance per [Chapter 10.32](#), Traffic Sight Obstructions;
- c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
- d. Alternative routes if necessary;
- e. Minimizing obstruction area; and
- f. Hold harmless/maintenance agreement.

3. If the commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the city engineer shall issue a right-of-way permit with any conditions deemed necessary by the commission.

**B. Temporary Obstructions.**

1. A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.

2. The city engineer, or designee, is authorized to grant a permit for a temporary obstruction.

3. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.

4. The applicant shall submit, and the city engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the city engineer:

- a. Site plan showing right-of-way, utilities, driveways as directed by staff;
- b. Sight distance per [Chapter 10.32](#), Traffic Sight Obstructions;
- c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
- d. Alternative routes if necessary;
- e. Minimizing obstruction area; and
- f. Hold harmless/maintenance agreement.

5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the city engineer may issue such a permit only after finding that the following criteria have been satisfied:

- a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;
- b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;
- c. No alternative locations are available that would not require use of the public right-of-way; and
- d. Any other factor that the city engineer deems relevant.

6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.

**C. Fees.** The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the commission.

**Applicant's Response: Does not apply to this application.**

**12.04.160 - Street vacations—Restrictions.**

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

**Applicant's Response: Does not apply to this application.**

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

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

**Applicant's Response: Does not apply to this application.**

#### 12.04.175 - Street design—Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, 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 [Chapter] 12.04 shall be required to preserve the objectives of street extensions.

**Applicant's Response: Does not apply to this application.**

#### 12.04.180 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 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 standards provided below are maximum design standards and may be reduced with an alternative street design which may be approved based on the modification criteria in [Section] 12.04.007. The steps for reducing the maximum design below are found in the Transportation System Plan.

Table 12.04.180 Street Design

To read the table below, 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.

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

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

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

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.

**Applicant's Response: Does not apply to this application.**

#### 12.04.185 - Street design—Access control.

A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the city as a city controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

B. The city may grant a permit for the adjoining owner to access through the access control.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

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

**Applicant's Response: Does not apply to this application.**

#### 12.04.190 - Street design—Alignment.

The centerline of streets shall be:

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

B. Offset from the centerline by no more than five (5) 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.

**Applicant's Response: Does not apply to this application.**

#### 12.04.194 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in [Chapter 10.32](#).

**Applicant's Response: Does not apply to this application.**

#### 12.04.195 - Spacing standards.

A. All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the transportation system plan. The maximum block spacing between streets is five hundred thirty feet and the minimum block spacing between streets is one hundred fifty feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every three hundred thirty feet. The spacing standards within this section do not apply to alleys.

*B. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 12.04.195.B.*

<i>Table 12.04.195.B Minimum Driveway Spacing Standards</i>			
<i>Street Classification</i>	<i>Functional Classification</i>	<i>Minimum Driveway Spacing Standards</i>	<i>Distance</i>
<i>Major Streets</i>	<i>Arterial</i>	<i>Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings</i>	<i>175 ft.</i>
<i>Minor Streets</i>	<i>Arterial</i>	<i>Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings</i>	<i>175 ft.</i>
<i>Collector Streets</i>		<i>Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings</i>	<i>100 ft.</i>
<i>Local Streets</i>		<i>Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings</i>	<i>25 ft.</i>

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

**Applicant's Response: Does not apply to this application.**

*12.04.199 - Pedestrian and bicycle accessways.*

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

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

**Applicant's Response: Does not apply to this application.**

*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.*

*2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-three feet wide with a fifteen-foot paved surface a five-foot planter strip and a three-foot planter strip.*

**Applicant's Response: Does not apply to this application.**

*C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.*

**Applicant's Response:** Does not apply to this application.

*D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.*

**Applicant's Response:** Does not apply to this application.

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

**Applicant's Response:** Does not apply to this application.

*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.*

**Applicant's Response:** Does not apply to this application.

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

**Applicant's Response:** Does not apply to this application.

*H. Accessway surfaces shall be paved with all-weather materials as approved by the city. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.*

**Applicant's Response:** Does not apply to this application.

*I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.*

**Applicant's Response:** Does not apply to this application.

*J. The community development director may approve an alternative accessway design due to existing site constraints through the modification process set forth in [Section 12.04.007](#).*

**Applicant's Response:** Does not apply to this application.

*K. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the hearings body shall require one of the following:*

- 1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or*
- 2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.*

**Applicant's Response:** Does not apply to this application.

12.04.200 - Reserved.

*Editor's note— Ord. No. 13-1003, § 1, Exhibit 1, adopted July 17, 2013, repealed § 12.04.200 in its entirety. Former § 12.04.200 pertained to "Street Design—Constrained local streets and/or rights-of-way." See Prior Code Cross-Reference Table and Code Comparative Table and Disposition List for derivation.*

**Applicant's Response:** Does not apply to this application.

#### 12.04.205 - 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 D 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 or as otherwise identified by the city transportation 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 Thoroughway 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 Thoroughway 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. 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

I-205/OR 213 Interchange

OR 213/Beavercreek Road

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 referenced 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 [Section] 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

**Applicant's Response: Does not apply to this application.**



*12.04.210 - Street design—Intersection angles.*

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

**Applicant's Response: Does not apply to this application.**

*12.04.215 - Street design—Off-site street improvements.*

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

**Applicant's Response: Does not apply to this application.**

*12.04.220 - Street design—Half street.*

*Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control 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 "Moratorium Pavement Cut Standard" or as approved by the city engineer.*

**Applicant's Response: Does not apply to this application.**

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

*The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the community development director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end roads shall include pedestrian/bicycle accessways as required in this chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.*

*Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and city adopted street standards. Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way/easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.*

**Applicant's Response: Does not apply to this application.**

*12.04.230 - Street design—Street names.*

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

**Applicant's Response: Does not apply to this application.**

*12.04.235 - Street design—Grades and curves.*

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

**Applicant's Response: Does not apply to this application.**

*12.04.240 - Street design—Development abutting arterial or collector street.*

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

**Applicant's Response: Does not apply to this application.**

*12.04.245 - Street design—Pedestrian and bicycle safety.*

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

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

**Applicant's Response: Does not apply to this application.**

*12.04.255 - Street design—Alleys.*

*Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet.*

**Applicant's Response: Does not apply to this application.**

*12.04.260 - Street design—Transit.*

*Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in [Section] 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary in Chapter 12.04 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.*

**Applicant's Response: Does not apply to this application.**

*12.04.265 - Street design—Planter strips.*

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

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

**Applicant's Response: Does not apply to this application.**

*12.04.270 - Standard construction specifications.*

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

**Applicant's Response:**

#### **CHAPTER 12.08 - PUBLIC AND STREET TREES<sup>[2]</sup>**

*12.08.015 - Street tree planting and maintenance requirements.*

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

**Applicant's Response: Does not apply**

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

**Applicant's Response: Does not apply**

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

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

**Applicant's Response: Does not apply**

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

**Applicant's Response: Does not apply**

*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.*

**Applicant's Response: Does not apply**

*12.08.020 - Street tree species selection.*

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

**Applicant's Response: Does not apply**

#### **CHAPTER 17.49 NATURAL RESOURCE OVERLAY DISTRICT**

##### ***17.49.050 Emergencies***

**Applicant's Response: Does not apply.**

##### ***17.49.060 Consistency and Relationship to Other Regulations***

*A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the Oregon City Municipal Code, other City requirements, regional, state or federal law, the provisions that provides the greater protection of the resource shall govern.*

**Applicant's Response: Does not apply.**

##### ***17.49.060.B. Compliance with Federal and State Requirements.***

*a. 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 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.*

*b. 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 Section 17.49.035. If, in the course of a development review, evidence suggests that a property outside the NROD may contain a wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the City's comprehensive plan and this code.*

**Applicant's Response: Does not apply.**

##### ***17.49.[0]70 - Prohibited uses.***

**Applicant's Response: Does not apply.**

##### ***17.49.[0]80 –Uses allowed outright (Exempted).***

**Applicant's Response: Does not apply.**

##### ***17.49.090 Uses Allowed Under Prescribed Conditions***

**Applicant's Response: Does not apply.**

##### ***17.49.100 General Development Standards***

*The following standards apply to all Uses Allowed under Prescribed Conditions within the NROD with the exception of rights of ways (subject to Section 17.49.150), trails (subject to Section 17.49.170), utility lines (subject to Section 17.49.140), land divisions (subject to Section 17.49.160), and mitigation projects (subject to Section 17.49.180 or 17.49.190):*

*A. Native trees may be removed only if they occur within 10 feet of any proposed structures or within 5 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;*

**Applicant's Response: Does not apply.**

***17.49.100.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.***

**Applicant's Response:** Does not apply.

*17.49.100.C. All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List;*

**Applicant's Response:** Does not apply.

*17.49.100.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;*

**Applicant's Response:** Does not apply.

*17.49.100.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;*

**Applicant's Response:** Does not apply.

*17.49.100.G. Fences are allowed only within the disturbance area;*

**Applicant's Response:**

*17.49.100.H. Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200 watt incandescent light) shall be placed or shielded so that they do not shine directly into resource areas;*

**Applicant's Response:** Does not apply.

*17.49.100.I. If development will occur within the 100 yr. floodplain, the FEMA floodplain standards of Chapter 17.42 shall be met; and*

**Applicant's Response:** Does not apply.

*17.49.110 Width of Vegetated Corridor.*

*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.*

**Applicant's Response:** Does not apply.

*17.49.120 Maximum Disturbance Allowance for Highly Constrained Lots of Record*

**Applicant's Response:**

*17.49.130 Existing Development Standards*

*In addition to the General Development Standards of Section 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. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased are exempt from review pursuant to Section 17.49.080(J). As of June 1, 2010, applicants for alterations and additions to existing development that are not exempt pursuant to Section 17.49.080(J) shall submit a Type II or Type III application pursuant to this section. The application shall include a site plan which delineates a permanent disturbance area that includes all existing buildings, parking and loading areas, paved or graveled areas, patios and decks. The same delineated disturbance area shall be shown on every subsequent proposal for alterations and additions meeting this standard.*

*A. The following alterations and additions to existing development are permitted subject to the following standards.*

- 1. Alterations or additions that cumulatively total up to a maximum of five-hundred (500) square feet of additional disturbance area after June 1, 2010 shall be processed as a Type II permit pursuant to this Chapter. The new disturbance area shall not encroach closer than 1/2 of the distance of the regulated NROD buffer.*
- 2. Alterations or additions that cumulatively exceed five-hundred (500) square feet of additional disturbance area or which propose encroachment closer than 1/2 of the distance of the regulated NROD buffer after June 1, 2010 shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.*

**Applicant's Response:**

**17.49.130.B.** *Mitigation is required, subject to Section 17.49.180 or 17.49.190.*

**Applicant's Response:** Does not apply.

**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 10 feet wide;*
- B. The disturbance area for the upgrade of existing utility lines shall be no greater than 15 feet wide;*
- C. New utility lines shall be within the right-of-way, unless reviewed under 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 Section 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 10 inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and*
- H. Each 6 to 10-inch diameter native tree cut shall be replaced at a ratio of three trees for each one removed. Each 11-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 on the applicant's site. 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 Section 17.49.180 or 17.49.190.*

**Applicant's Response:** Does not apply.

**17.49.150 Standards for Vehicular or Pedestrian Paths and Roads**

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

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

**Applicant's Response:** Does not apply.

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

**Applicant's Response:** Does not apply.

**17.49.150.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;*

**Applicant's Response:** Does not apply.

**17.49.150.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;*

**Applicant's Response:** Does not apply.

**17.49.150.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*

**Applicant's Response:** Does not apply.

**17.49.150.F.** *Mitigation is required, subject to Section 17.49.180 or 17.49.190.*

**Applicant's Response:** Does not apply.

**17.49.155 Standards for Stormwater Facilities**

*Approved facilities that infiltrate stormwater on-site in accordance with Public Works Low-Impact Development standards, including but not limited to: vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins, and their associated piping, may be placed within the NROD boundary pursuant to the following standards:*

- A. The forest canopy within the driplines of existing trees shall not be disturbed.*
- B. Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.*
- C. Mitigation is required, subject to Section 17.49.180 or 17.49.190.*
- D. The storm water facility may encroach up to 1/2 the distance of the NROD corridor.*
- E. The stormwater facility shall not impact more than 1,000 square feet of the NROD. Impacts greater than 1,000 square feet shall be process 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.*

**Applicant's Response: Does not apply.**

**17.49.160 Standards for Land Divisions**

**Applicant's Response: Does not apply.**

**17.49.170 Standards for Trails**

*The following standards apply to trails within the NROD:*

**Applicant's Response: Does not apply.**

**17.49.180. Mitigation Standards**

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

**Applicant's Response: Does not apply.**

*17.49.180.A. Mitigation shall occur at a 2:1 ratio of mitigation area to proposed NROD disturbance area. Mitigation of the removal or encroachment of a wetland or stream shall not be part of this chapter and will be reviewed by the Division of State Lands or the Army Corp of Engineers during a separate review process;*

**Applicant's Response: Does not apply.**

*17.49.180.B. Mitigation shall occur on the site where the disturbance occurs, except as follows:*

- 1. The mitigation is required for disturbance associated with a right-of-way or utility in the right-of-way;*
- 2. The mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and*
- 3. An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.*

**Applicant's Response: Does not apply.**

*17.49.180.C. Mitigation shall occur within the NROD area of a site unless it is demonstrated that this is not feasible because of a lack of available and appropriate area. In such cases, the proposed mitigation area shall be contiguous to the existing NROD area so the NROD boundary can be easily extended in the future to include the new resource site.*

**Applicant's Response: Does not apply.**

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

**Applicant's Response: Does not apply.**

*17.49.180.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.*

*Mitigation Planting Option 1.*



**Applicant's Response: Does not apply.**

**17.49.180.E.2. Mitigation Planting Option 2.**

**17.49.180.E.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 (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times 25 equals 16.5, so 17 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.

**Applicant's Response: Does not apply.**

**17.49.180.E.2.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 12 inches in height.

**Applicant's Response: Does not apply.**

**17.49.180.E.2.c Option 2 - Plant Spacing.** Trees shall be planted at average intervals of seven (7) feet on center. Shrubs may be planted in single-species groups of no more than four (4) plants, with clusters planted on average between 8 and 10 feet on center.

**Applicant's Response: Does not apply.**

**17.49.180.E.2.d Option 2 – Mulching and Irrigation** shall be applied in the amounts necessary to ensure 80% survival at the end of the required 5-year monitoring period.

**Applicant's Response: Does not apply.**

**17.49.180.E.2.e Option 2 – Plant Diversity.** Shrubs shall consist of at least three (3) different species. If 20 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.

**Applicant's Response: Does not apply.**

**17.49.180.F. Monitoring and Maintenance.** The mitigation plan shall provide for a 5-year monitoring and maintenance plan with annual reports in a form approved by the Director of Community Development. 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 City's 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 80% survival of trees and shrubs of those species planted is required at the end of the 5-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind. Bare spots and areas of invasive vegetation larger than ten (10) square feet that remain at the end the 5 year monitoring period shall be replanted or reseeded with native grasses and ground cover species.

**Applicant's Response: Does not apply.**

**17.49.180.G. Covenant or Conservation Easement.** Applicant shall record a restrictive covenant or conservation easement, in a form provided by the City, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land, and permit the City to complete mitigation work in the event of default by the responsible party. Costs borne by the City for such mitigation shall be borne by the owner.

**Applicant's Response: Does not apply.**

**17.49.180.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.*

**Applicant's Response: Does not apply.**

**17.49.190 Alternative Mitigation Standards**

**Applicant's Response: Does not apply.**

**17.49.200. Adjustment from Standards**

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

**Applicant's Response: Does not apply.**

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

**Applicant's Response: Does not apply.**

**17.49.200.B.** *The proposal has fewer adverse impacts on significant resources and resource functions found in the local NROD area than actions that would meet the applicable environmental development standards;*

**Applicant's Response: Does not apply.**

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

**Applicant's Response: Does not apply.**

**17.49.200.D.** *Fish and wildlife passage will not be impeded;*

**Applicant's Response: Does not apply.**

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

**Applicant's Response: Does not apply.**

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

**Applicant's Response: Does not apply.**

**17.49.210 Type II Development Permit Application**

**Applicant's Response: Does not apply.**

**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. 100 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 2 or 1 foot intervals for slopes less than 15% and by 10 foot intervals for slopes 15% or greater;*
- 6. Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.*
- 7. Extent of the required Vegetated Corridor required by Table 17.49.110.*

**Applicant's Response: Does not apply.**

*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 6 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 6 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 2 foot vertical contours in areas of slopes less than 15% and at 5 foot vertical contours of slopes 15% or greater.*

**Applicant's Response: Does not apply.**

*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.*

**Applicant's Response: Does not apply.**

*D. A mitigation site plan demonstrating compliance with Section 17.49.180 or 17.49.190, including:*

- 1. Dams, weirs or other in-water features;*
- 2. Distribution, species composition, and percent cover of ground covers to be planted or seeded;*
- 3. Distribution, species composition, size, and spacing of shrubs to be planted;*
- 4. Location, species and size of each tree to be planted;*
- 5. Stormwater management features, including retention, infiltration, detention, discharges and outfalls;*
- 6. Water bodies or wetlands to be created, including depth;*
- 7. Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.*

**Applicant's Response: Does not apply.**

#### **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 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 Section 17.49.230 (F) and a contingency plan for undertaking remedial actions that might be needed to correct unsuccessful mitigation actions during the first 5 years of the mitigation area establishment.*

**Applicant's Response: Does not apply.**

#### **17.49.240 Density Transfer**

**Applicant's Response: Does not apply.**

#### **17.49.250 Verification of NROD Boundary**

**Applicant's Response: Does not apply.**

#### **17.49.255 Type I Verification**

**Applicant's Response: Does not apply.**

**17.49.260. Type II Verification**

**Applicant's Response:** Does not apply.

**CHAPTER 17.42 FLOOD MANAGEMENT OVERLAY DISTRICT**

**17.42.120 - Alteration of watercourses.**

*A. Notify adjacent communities and the department of land conservation and development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.*

*B. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.*

**Applicant's Response:** Request does not alter any water courses.

**17.42.160.A - Flood management area standards.**

*Uses Permitted Outright:*

- 1. Excavation and fill required to plant any new trees or vegetation.*
- 2. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.190 (Floodways).*

**Applicant's Response:** Request is to replace existing signs. There will be no effect on the floodplain area.

**17.42.160.B Provisional Uses.**

**Applicant's Response:** The request complies with development standards set out in this section.

**17.42.160.C Prohibited Uses.**

**Applicant's Response:** The request is not a prohibited use in this area as the request to replace existing signs.

**17.42.160.D.1 Site Development Standards.** *All development in the floodplain shall conform to the following balanced cut and fill standards:*

*This subsection does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that, after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.*

**Applicant's Response:** Does not apply as per the above the request is to replace an existing structure on the property.

**17.42.160.D.2** *No net fill in any floodplain is allowed. All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed. For the purpose of calculating net fill, fill shall include any structure below the design flood elevation that has been floodproofed pursuant to subsection (E)(5) of this section.*

**Applicant's Response:** Does not apply as there is no net fill as part of the request.

**17.42.160.D.3** *Any excavation below bankfull stage shall not count toward compensating for fill.*

**Applicant's Response:** Does not apply.

**17.42.160.D.4** *Excavation to balance a fill shall be located on the same parcel as the fill unless it is not practicable to do so. In such cases, the excavation shall be located in the same Oregon City floodplain, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.*

**Applicant's Response:** The removal and replacement of existing signs takes place at the same location. There is no flood impact as a result of replacing the signs.

**17.42.160.D.5** *For excavated areas identified by the city to remain dry in the summer, such as parks or mowed areas, the lowest elevation of the excavated area shall be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the protected water feature pursuant to Chapter 17.49. One percent slopes will be allowed in smaller areas.*

**Applicant's Response:** The request complies with this standard.

**17.42.160.D.6** For excavated areas identified by the city to remain wet in the summer, such as a constructed wetland, the grade shall be designed not to drain into the protected water feature pursuant to Chapter 17.49.  
**Applicant's Response:** Does not apply to this request, however the overall site complies with this standard.

**17.42.160.D.7** Parking areas in the floodplain shall be accompanied by signs that inform the public that the parking area is located in a flood management area and that care should be taken when the potential for flooding exists.  
**Applicant's Response:** Does not apply to this request, however the overall site complies with this standard.

**17.42.160.D.8** Temporary fills permitted during construction shall be removed at the end of construction, thirty days after subdivision acceptance or completion of the final inspection.  
**Applicant's Response:** The request will comply with this standard.

**17.42.160.D.9** New culverts, stream crossings and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.  
**Applicant's Response:** Does not apply to this request.

**17.42.160.D.10** Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable lands.  
**Applicant's Response:** Does not apply to this request.

**17.42.160.E.1** Construction Standards.

**1. Anchoring.**

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movements and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebooks for additional techniques).

**Applicant's Response:** The request complies with this standard.

**17.42.160.E.2** Construction Materials and Methods.

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**Applicant's Response:** The request complies with this standard.

**17.42.160.E.3** Utilities.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**Applicant's Response:** Does not apply to this request. The request is to replace existing signs.

**17.42.160.E.4** Residential Construction

- a. *New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the design flood elevation.*
- b. *Full enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria.*
  - i. *A minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.*
  - ii. *The bottom of all openings shall be no higher than one foot above grade.*
  - iii. *Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.*

**Applicant's Response:** Does not apply as this is not a residential construction.

**17.42.160.E.5 Nonresidential Construction.**

- a. *New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:*
  - i. *Be floodproofed so that below the design flood level the structure is watertight with walls substantially impermeable to the passage of water provided that the requirements of subsection D.2. of this section are met;*
  - ii. *Have structured components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;*
  - iii. *Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.42.110B.;*
  - iv. *Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection E.4.b. of this section; and*
  - v. *Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the design flood level will be rated as one foot below that level).*
  - vi. *Manufactured Homes. The following standards apply to all manufactured homes to be placed or substantially improved on sites within Flood Hazard Areas.*

*When manufactured dwellings are installed in flood hazard areas, they shall be elevated and anchored according to the Oregon Residential Specialty Code.*

**Applicant's Response:** Does not apply to this request however, the site complies with this standard.

**17.42.160.F Recreational Vehicles.**

**Applicant's Response:** Does not apply as the request is to replace existing signs.

**17.42.160.G Below Grade Crawlspaces.**

**Applicant's Response:** Does not apply as the request is to replace existing signs.

**17.42.170 - Review of building permits.**

*Where elevation data is not available either through the flood insurance study, FIRM or from another authoritative source (Section 17.42.110), application for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall be made by the building official, considering use of historical data, high water marks, photographs of past floodings, etc., where available, and the provisions of this title. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.*

**Applicant's Response:** The request and applicant agree to comply with this standard.

**17.42.180 - Subdivision standards.**

**Applicant's Response:** The site complies with these standards.

**17.42.190 - Floodways.**

**Applicant's Response:** Does not apply to the request however, the site complies with this standard.

#### **Chapter 17.48 - WRG WILLAMETTE RIVER GREENWAY OVERLAY DISTRICT<sup>[24]</sup>**

##### *17.48.010 - Designated.*

*This chapter shall apply to all development, changes of use or intensification of use in that area designated WRG Willamette River Greenway on a special city zoning map.*

##### *17.48.020 - Purpose.*

*The purpose of this chapter is to:*

- A. Protect, conserve, enhance and maintain the natural scenic, historical, agricultural, economic and recreational qualities of land along the Willamette River;*
- B. Maintain the integrity of the Willamette River by minimizing erosion, promoting bank stability and maintaining and enhancing water quality and fish and wildlife habitats;*
- C. Implement the Willamette River Greenway goal and the Willamette River Greenway portions of the city comprehensive plan.*

**Applicant's Response:** The site meets this standard.

##### *17.48.040 - Uses allowed.*

*All uses permitted pursuant to the provisions of the underlying zoning district are permitted on lands designated WRG; provided, however, that any development, change of use or intensification of use shall be subject, in addition to the provisions of the underlying district, to the provisions of this chapter.*

##### *17.48.050 - Permit required—Exceptions.*

*A Willamette River Greenway permit shall be required for all developments and changes or intensification of uses, except the following:*

- A. The propagation of timber or the cutting of timber for public safety or personal use, except the cutting of timber along the natural vegetative fringe along the river;*
- B. Gravel removal from the bed of the Willamette River when conducted under a permit from the state;*
- C. Customary dredging and channel maintenance;*
- D. Placing by a public agency of signs, markers, aids and similar structures to serve the public;*
- E. Activities to protect, conserve, enhance and maintain public recreation, scenic, historical and natural uses on public lands;*
- F. Acquisition and maintenance of scenic easements by the Oregon Department of Transportation;*
- G. Partial harvesting of timber shall be permitted beyond the natural vegetative fringe and those areas not covered by a scenic easement and when the harvest is consistent with an approved plan under the Oregon Forest Practices Act. Commercial forest activities and harvesting practices providing for vegetative buffers, shading, soil stabilization, and water filtering effects required under the Oregon Forest Practices Act;*
- H. The use of a small cluster of logs for erosion control;*
- I. The expansion of capacity or the replacement of existing communication or energy distribution and transmission systems, except utility sub-stations;*
- J. The maintenance and repair of existing flood control facilities;*
- K. Uses lawfully existing on the effective date of the provisions codified in this chapter; provided, however, that any change or intensification of use or new development shall require a Willamette River Greenway permit.*

**Applicant's Response:** The site meets this standard.

##### *17.48.060 - Administrative procedure.*

*Except as specifically provided for in [Section 17.48.090](#), the procedure for action on a Willamette River Greenway permit shall be as provided for under the administrative action provisions in [Chapter 17.50](#). In addition to those provisions, however, notice of a pending Willamette River Greenway permit under [Sections 17.48.070 through 17.48.090](#) or of a compatibility review hearing under [Section 17.48.100](#), shall be given to all persons requesting the same and paying a reasonable fee therefore, as determined by the community development director.*

**Applicant's Response:** The site meets this standard.

##### *17.48.070 - Development standards—Specific use.*



*In approving any development or change or intensification of use, the approving officer or body shall apply the following standards:*

*Considerations for Specific Uses.*

*A. With respect to recreational uses only: the considerations set forth in section C.3.b of Goal 15.*

*B. With respect to those fish and wildlife habitats identified in the city comprehensive plan only: the considerations set forth in section C.3.d. of Goal 15.*

*C. With respect to those scenic qualities and views identified in the city comprehensive plan only: the considerations set forth in section C.3.e. of Goal 15.*

*D. With respect to timber resources only: the considerations set forth in section C.3.h. of Goal 15.*

*E. With respect to aggregate extraction only: the considerations set forth in section C.3.i. of Goal 15.*

**Applicant's Response: The site meets this standard.**

*17.48.080 - Development standards—General considerations.*

*The following considerations shall be applicable to all Willamette River Greenway permits.*

*A. Access. Adequate public access to the Willamette River shall be considered and provided for.*

*B. Protection and Safety. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided for to the maximum extent practicable.*

*C. Vegetative Fringe. The natural vegetative fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable.*

*D. Directing Development Away from the River. Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of [Chapter 17.58](#) of this title.*

*E. A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the city comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses.*

*F. Other Applicable Standards. The Oregon Department of Transportation Greenway Plan, the Greenway portions of the city comprehensive plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway permits.*

**Applicant's Response: The site meets this standard.**

*17.48.090 - Procedure.*

*The planning director shall make findings, and may impose reasonable conditions to carry out this chapter, regarding all general, and any applicable specific, considerations of this section. The community development director shall then give notice of a pending Willamette River Greenway permit application, and proposed action thereon, in the manner provided for, and to those persons for whom notice shall be given, under [Chapter 17.50](#) of this Code, and to all other interested persons who wish to be notified and who pay a reasonable fee for such notification. If no interested person requests a hearing on such permit application within ten days of giving notice, the application shall be approved, either with or without conditions, or denied, as proposed by the community development director and in accordance with the findings required by this subsection. If there be objection, the matter shall be heard by the planning commission as an administrative action.*

**Applicant's Response: The site meets this standard and has no objection.**

*17.48.100 - Compatibility review.*

*A. In all areas within one hundred fifty feet of the ordinary low-water line of the Willamette River, hereinafter referred to as the "compatibility boundary," the provisions of this subsection shall be applicable to all developments and changes or intensification of uses, so as to ensure their compatibility with Oregon's Greenway statutes, and to assure that the best possible appearance, landscaping and public access be provided.*

*B. All development or changes or intensifications of uses in the compatibility area shall be approved only if the following findings be made by the planning commission.*

*1. That to the greatest extent possible, the development or change or intensification of use provides for the maximum possible landscaped area, open space or vegetation between the activity and the river.*

*2. That to the greatest degree possible, necessary public access is provided to and along the Willamette River by appropriate legal means.*

C. Procedure for action on compatibility review shall be as set forth in [Section 17.48.060](#) and shall include application of the relevant use management considerations and requirements provided in [Sections 17.48.070](#) and [17.48.080](#). The planning commission, after notice and public hearing held pursuant to [Chapter 17.50](#) shall approve issuance, approve issuance with conditions or disapprove issuance of the Willamette River Greenway conditional use permit. The application shall be accompanied by the fee listed in [Chapter 17.52](#) to defray the costs of publication, investigation and processing.

**Applicant's Response:** The site meets this standard.

**17.48.110 - Prohibited activities.**

The following are prohibited within the Willamette River Greenway:

- A. Any main or accessory residential structure exceeding a height of thirty-five feet, except for areas located within the Willamette Falls Downtown District;
- B. Structural bank protection, except rip rap or a channelization used as an emergency measure only to protect existing structures. Any such rip rap or channelization to stabilize undeveloped sites shall be prohibited as well;
- C. Subsurface sewage disposal drainfields within one hundred feet of the ordinary mean low-water line of the Willamette River.

**Applicant's Response:** The site does not participate in any prohibited activity.

**17.48.120 - Additional procedural requirements.**

In addition to the requirements of [Chapter 17.50](#), the following procedural requirements shall be applicable to all matters arising out of [Sections 17.48.070](#) through [17.48.100](#):

- A. Applications submitted for review under [Sections 17.48.070](#) through [17.48.100](#) shall be accompanied by such materials as are reasonably necessary for adequate review, including, as necessary:
  - 1. A site and landscaping plan showing existing vegetation and development and location of proposed development for activities;
  - 2. Elevations of any proposed structures;
  - 3. Materials list for any proposed structures, including type and colors of siding and roofing; and
  - 4. Cross-sections of any area within the vegetative fringe where grading, filling, timber harvesting or excavating will occur.
- B.
  - 1. Written notice, including a copy of the application, shall be sent immediately upon receipt to the Oregon Department of Transportation by certified mail, return receipt requested. The Oregon Department of Transportation shall have seven working days from the date of mailing to respond before a decision be rendered.
  - 2. Written notice shall be given to the Oregon Department of Transportation by certified mail, return receipt requested, within seven days of the entry of a final order on the disposition of all applications made under [Sections 17.48.070](#) through [17.48.100](#).

**Applicant's Response:** The applicant agrees to the above and has no objections.

**CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING**

**15.48.030 Applicability—Grading permit required.**

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

**Applicant's Response:** Does not apply to this request however the site complies with this standard.

**15.48.090 Submittal requirements.**

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

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

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

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

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

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

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

**Applicant's Response: Does not apply.**

#### **CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL**

*17.47.070 Erosion and sediment control plans.*

*A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.*

**Applicant's Response: Does not apply.**

#### **CHAPTER 17.41 - TREE PROTECTION STANDARDS**

*17.41.020 - Tree protection—Applicability.*

- 1. Applications for development subject to Chapters [16.08](#) or [16.12](#) (Subdivision or Minor Partition) or [Chapter 17.62](#) (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.*
- 2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.*
- 3. Tree canopy removal greater than twenty-five percent on sites greater than twenty-five percent slope, unless exempted under [Section 17.41.040](#), shall be subject to these standards.*
- 4. A heritage tree or grove which has been designated pursuant to the procedures of [Chapter 12.08.050](#) shall be subject to the standards of this section.*

*17.41.050 - Same—Compliance options.*

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

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

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

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

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

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

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

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

**Applicant's Response: Does not apply.**

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

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

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

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

Table 17.41.060-1

Tree Replacement Requirements

All replacement trees shall be either:

Two-inch caliper deciduous, or

Six-foot high conifer

Size of tree removed (DBH)	Column 1  Number of trees to be planted. (If removed Outside of construction area)	Column 2  Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3

25 to 30"	12	4
31 and over"	15	5

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.
3. Document any trees that are currently diseased or hazardous.
4. Subtract the number of diseased or hazardous trees in step 3. from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5. through 8.
5. Define the construction area (as defined in [Chapter 17.04](#)).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6. and 7.

**Applicant's Response: Does not apply.**

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

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

A. First Priority. Replanting on the development site.

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

**Applicant's Response: Does not apply.**

17.41.075 - Alternative mitigation plan.

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

**Applicant's Response: Does not apply.**

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

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

**Applicant's Response: Does not apply.**

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

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

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

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

**Applicant's Response: Does not apply.**

*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.*

**Applicant's Response: Does not apply.**

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

*1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.*

*2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the community development director.*

*3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.*

*4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.*

*5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.*

*6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the community development director.*

*7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.*

*8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.*

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

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

**Applicant's Response: Does not apply.**

*C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.*

**Applicant's Response: Does not apply.**



## **CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES**

### *17.50.050 Preapplication Conference*

*A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

*B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.*

**Applicant's Response: Pre-application conference was held on 7/9 via conference call.**

### *17.50.055 Neighborhood Association Meeting*

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

*1. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, planning commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*

*2. The applicant shall send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the citizen involvement committee describing the proposed project. Other communication methods may be used if approved by the neighborhood association.*

*3. A meeting shall be scheduled within thirty days of the notice. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall hold their own meeting after six p.m. or on the weekend, with notice to the neighborhood association, citizen involvement committee, and all property owners within three hundred feet. If the applicant holds their own meeting, a copy of the certified letter requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a city facility.*

*4. If the neighborhood association is not currently recognized by the city, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.*

*5. To show compliance with this section, the applicant shall submit a sign-in sheet of meeting attendees, a summary of issues discussed, and letter from the neighborhood association or citizen involvement committee indicating that a neighborhood meeting was held. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, a sign in sheet of attendees and a summary of issues discussed.*

**Applicant's Response:**

## **CHAPTER 17.58 LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS**

### *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.*

**Applicant's Response: Does not apply.**

*C. Expansion. An expansion of a lawful nonconforming structure 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 [Section 17.58.060](#) have either been met, can be met by observance of conditions, or are not applicable.*

**Applicant's Response: Does not apply.**

*2. An expansion of a nonconforming structure with alterations 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 proposed exterior alterations or additions to the site, 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.*

**Applicant's Response: Does not apply.**

*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 [Chapter 17.52—Off-Street Parking and Loading](#);*
- 6. Screening; and*
- 7. Paving of surface parking and exterior storage and display areas.*

**Applicant's Response: Does not apply.**

*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:*

- The term of the lease. In all cases, there must be at least one year remaining on the ground lease; and*
- 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.

**Applicant's Response: Does not apply.**

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 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.

- A covenant, in a form approved by the city attorney, executed by the property owner that meets the requirements of 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

**Applicant's Response:**

## **CHAPTER 17.60 VARIANCES**

### **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.

**Applicant's Response:**

**17.60.020 - Variances—Procedures.**

**17.60.020.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.

**Applicant's Response:**

**17.60.020.B.** A nonrefundable filing fee, as listed in Section 17.50.010, shall accompany the application for a variance to defray the costs.

**Applicant's Response:** Filing fees are included in the submission.

**17.60.020.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.

**Applicant's Response:** McDonald's is seeking relief from the code that states only 1 freestanding sign and 1 incidental freestanding sign are allowed. McDonald's is seeking to replace its 2 existing menu boards with new menu boards that utilize digital technology.

**17.60.020.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.

**Applicant's Response:**

**17.60.020.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;
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.

**Applicant's Response:** Does not apply.

**17.60.030 - Variance—Grounds.**

A variance may be granted only in the event that all of the following conditions exist:

**17.60.030.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;

**Applicant's Response:** The requested change will have little to no effect on adjacent properties. The reduction in illumination from the new signs is a benefit to adjacent properties as these new signs are not distracting and are tailored to the user.

*17.60.030.B. That the request is the minimum variance that would alleviate the hardship;*

**Applicant's Response:** This request is part of a nationwide campaign by McDonald's to replace their menu boards with state-of-the-art digital boards. These new boards are smaller and give off less illumination. The site already has 2 menu boards. McDonald's simply wants to replace them with smaller, more effective and efficient menu boards.

*17.60.030.C. Granting the variance will equal or exceed the purpose of the regulation to be modified.*

**Applicant's Response:** The variance will equal the purpose of the regulation to be modified. The request is to replace existing menu boards with smaller, easier to read menu boards. The amount of signs will not be increased and the overall square footage will be decreased.

*17.60.030.D. Any impacts resulting from the adjustment are mitigated;*

**Applicant's Response:** As previously stated, these menu boards will have little to no impact on adjacent properties. Internal to the site, the new menu boards will provide a clear and concise message that is focused and controlled. This will lead to an expedited and more satisfying on-site experience for the customer. A focused and satisfied customer is more aware of their surrounding and less likely to cause vehicular infractions.

*17.60.030.E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and*

**Applicant's Response:** There are no alternatives. This is a nationwide initiative by McDonald's to replace existing menu boards with these smaller digital menu boards.

*17.60.030.F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.*

**Applicant's Response:** The ordinance being varied allows for one freestanding sign and 1 incidental freestanding sign. This request does not increase the number of signs on the site and decreased the overall square footage.

## **17.60.030.F – Clackamette Drive**

### **Goal 2.2 – Downtown Oregon City**

The proposal for this site is in line with the goal set forth in the code. The goal is to develop the downtown area as a quality place for shopping, living, working etc. The upgrade in menu boards helps to further develop the site to comply with this goal. The site will be more aesthetically pleasing and will have less illumination from the menu boards.

### **Goal 2.3 – Corridors**

The proposal for this site is in line with the goal set forth in the code. The proposal for new, smaller menu boards that use digital technology will help the site and its consumers. The boards are smaller, easier to read, more aesthetically pleasing and give off less illumination. The new boards will help move customers through the site quickly and safely, leading to a better overall customer experience.

### **Goal 2.5 – Retail and Neighborhood Commercial**

The proposal for this site is in line with this goal set forth in the code. The proposal will help the business expand its customer base by allowing customers to get through the drive thru lane quicker and safer. By doing so the traffic movement will be faster as people will spend less time in the drive thru lanes. The new boards also improve the area aesthetically as the boards are smaller and give off less illumination.

### **Goal 15.1 – Protect the Willamette River Greenway**

The proposal for this site is in line with the goal set forth in the code. Changing the menu boards will have no effect on the environment. The impact will be internal to the site and will have no impact on the environment in the surrounding areas.

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GENERAL NOTES

1. CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE LOCAL, STATE, AND NATIONAL CODES AND REGULATIONS.

2. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS PRIOR TO BID TO DETERMINE THE EXTENT OF WORK. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES PRIOR TO BIDDING.

3. ALL EXISTING MATERIALS TO REMAIN WHICH ARE DAMAGED OR OTHERWISE DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE PATCHED OR REPAIRED TO MATCH THE EXISTING ADJACENT MATERIALS, SO THAT THE REPAIR IS IMPERCEPTIBLE.

4. DURING THE COURSE OF CONSTRUCTION, IF THE CONTRACTOR UNCOVERS ANY CODE VIOLATION KNOWN TO HIM OR ANY DISCREPANCY WITH THE DESIGN, CONTRACTOR SHALL NOTIFY THE ARCHITECT OF SUCH IMMEDIATELY.

5. CONTRACTOR SHALL ASSEMBLE AND INSTALL MATERIALS/ PRODUCTS IN STRICT ACCORDANCE WITH THE MANUF'S RECOMMENDATIONS AND INDUSTRIAL/ASSOCIATION STANDARDS.

6. CONTACT ARCHITECT AND COORDINATE WITH TENANT ANY ADDITIONAL SPECIFICATIONS NOT SPECIFIED HEREIN AND/OR CLARIFICATIONS REGARDING THE CONTRACT DOCUMENTS.

7. NO CURRENT SURVEY WAS PERFORMED. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY, IN WRITING, OF ANY DISCREPANCIES OR OMISSIONS TO THE TOPOGRAPHIC INFORMATION. THE CONTRACTOR(S) SHALL BE RESPONSIBLE FOR CONFIRMING THE LOCATION (HORIZONTAL/VERTICAL) OF ANY BURIED CABLES, CONDUITS, PIPES, AND STRUCTURES (STORM SEWER, SANITARY SEWER, WATER, GAS, TELEVISION, TELEPHONE, ETC.) WHICH IMPACT THE CONSTRUCTION SITE. THE CONTRACTOR(S) SHALL NOTIFY THE OWNER AND ENGINEER IN WRITING IF ANY DISCREPANCIES ARE FOUND BETWEEN THE ACTUAL CONDITIONS VERSUS THE DATA CONTAINED IN THE CONSTRUCTION PLANS. ANY COSTS INCURRED AS THE RESULT OF NOT CONFIRMING THE ACTUAL LOCATION (HORIZONTAL/VERTICAL) OF SAID CABLES, CONDUITS, PIPES, AND STRUCTURES SHALL BE BORNE BY THE CONTRACTOR. ADDITIONALLY, THE CONTRACTOR(S) SHALL NOTIFY THE OWNER AND ENGINEER IN WRITING IF ANY ERRORS OR DISCREPANCIES ARE FOUND ON THE CONSTRUCTION DOCUMENTS (PS&E), WHICH NEGATIVELY IMPACT THE PROJECT. THE ENGINEER AND OWNER SHALL BE INDEMNIFIED OF PROBLEMS AND/OR COST WHICH MAY RESULT FROM THE CONTRACTOR'S FAILURE TO NOTIFY THE ENGINEER AND OWNER.

8. IT IS STRONGLY RECOMMENDED THAT NO CONTRACTUAL AGREEMENT OF ANY KIND BE SIGNED PRIOR TO RECEIVING AND THOROUGHLY REVIEWING ALL APPROVALS FROM ALL OF THE REGULATORY AUTHORITIES HAVING JURISDICTION OVER THIS PROJECT.

SITE NOTES

1. ALL DIMENSIONS SHOWN ARE TO FACE OF CURB UNLESS NOTED OTHERWISE.

2. BASES, ANCHOR BOLTS, CONDUIT, AND WIRING FOR ALL SIGNS ARE BY THE GENERAL CONTRACTOR.

3. EXISTING MENU BOARDS AND PRE-SELL BOARD TO BE REMOVED FROM BASES AND PLACED IN TEMPORARY STORAGE. COORDINATE WITH OWNER/OPERATOR FOR TEMPORARY STORAGE LOCATION. EXISTING BASES FOR MENU BOARDS AND PRE-SELL BOARD TO BE PROTECTED FROM DAMAGE. CONDUITS TO BE CAPPED TO PREVENT MOISTURE ENTRANCE.

UTILITY NOTES

1. ALL ELECTRICAL/CONDUIT RUNS ARE SCHEMATIC ONLY. CONDUIT SIZES AND ROUTING PROVIDED BY BAILIWICK.

2. IT SHALL BE THE SIGN INSTALLER'S RESPONSIBILITY TO ENSURE THE PROPOSED SIGN LOCATION DOES NOT INTERFERE WITH ANY UTILITIES AND COMPLIES WITH ALL APPLICABLE CITY CODES. SIGN INSTALLER SHALL ALSO OBTAIN APPROVAL FROM THE APPROPRIATE ENTITIES PRIOR TO INSTALLING THE SIGN OVER ANY EXISTING EASEMENTS.

3. REFER TO THE BUILDING ELECTRICAL DRAWINGS FOR UTILITY SERVICE ENTRANCE LOCATIONS, SIZES, AND CIRCUITING.

DEMOLITION NOTES

1. CONTRACTOR IS RESPONSIBLE FOR THE REPAIR OF ANY DAMAGE TO EXISTING IMPROVEMENTS DURING CONSTRUCTION, SUCH AS, BUT NOT LIMITED TO: DRAINAGE, UTILITIES, PAVEMENT, STRIPING, CURB, ETC. REPAIRS SHALL BE EQUAL TO OR BETTER THAN EXISTING CONDITIONS.

2. ALL WORK ON THIS PLAN SHALL BE DONE IN STRICT ACCORDANCE WITH SITE WORK SPECIFICATIONS.

3. CONTRACTOR SHALL COMPLY TO THE FULLEST EXTENT WITH THE LATEST STANDARDS OF OSHA DIRECTIVES OR ANY OTHER AGENCY HAVING JURISDICTION FOR EXCAVATION AND TRENCHING PROCEDURE. CONTRACTOR SHALL USE SUPPORT SYSTEMS, SLOPING, BENCHING, OR OTHER MEANS OF PROTECTION, INCLUDING BUT IS NOT LIMITED TO, ACCESS AND EGRESS FROM ALL EXCAVATION AND TRENCHING. CONTRACTOR IS RESPONSIBLE TO COMPLY WITH PERFORMANCE CRITERIA FOR OSHA.

4. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING THE PUBLIC DURING CONSTRUCTION, INCLUDING BUT NOT LIMITED TO: CONSTRUCTION FENCING, BARRICADES, SIGNAGE, ETC.

5. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL UTILITIES AND NOTIFYING THE APPROPRIATE UTILITY COMPANY PRIOR TO BEGINNING CONSTRUCTION.

6. CONTRACTOR SHALL VERIFY HORIZONTAL AND VERTICAL LOCATION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.

SCOPE OF WORK

REMOVE EXISTING MENU BOARDS AND CAP CONDUIT PER SITE NOTES. INSTALL NEW MENU BOARDS AND ALL REQUIRED CONDUIT AND WIRING. REFER TO COATES MENU BOARD SHOP DRAWINGS FOR INSTALLATION INSTRUCTIONS.

BUILDING CODE SUMMARY

APPLICABLE BUILDING CODE:2012 UINTERNATIONAL BUILDING CODE

APPLICABLE ELECTRICAL CODE:2017 NATIONAL ELECTRIC CODE

USE GROUP:M - MERCANTILE

BUILDING DEPARTMENT PHONE NO:503.378.4133

EXISTING SIGNAGE AREA TO BE REMOVED:84 SQ FT

NEW SIGNAGE AREA TO BE ADDED:82.2 SQ FT

PROJECT ADDRESS:2010 CLACKAMETTE DR.  
OREGON CITY, OR 97045

LEGAL DISCRIPTION:TOWNSHIP: 02S  
RANGE: 02E  
SECTION: T2S R2E S30  
TAX LOT: 2S230

SITE PLAN LEGEND


NEW DUAL PANEL OUTDOOR DIGITAL MENU BOARD

NEW SINGLE PANEL OUTDOOR DIGITAL PRE-SELL BOARD

EXISTING MENU BOARD TO BE REMOVED

EXISTING CUSTOMER ORDER DISPLAY (ORDER POINT)

VICINITY MAP (NTS)



SITE PLAN KEY NOTES

1 REMOVE EXISTING MENU BOARD. SEE SITE NOTE #3

2 EXISTING COD/CANOPY AND DETECTOR LOOP TO REMAIN

3 DUAL PANEL MENU BOARD. REFER TO STRUCTURAL SHEET FOR FOOTING INFORMATION.

4 SINGLE PANEL MENU BOARD. REFER TO STRUCTURAL SHEET FOR FOOTING INFORMATION.

5 EXISTING SIGNAGE TO REMAIN

CONDUIT PLAN KEY NOTES

1 ONE 3/4" PVC CONDUIT (4-#12, 1-#12 GRD, 1-#12 IG) FROM PANEL CP TO J-BOX

2 ONE 3/4" PVC CONDUIT (2-#12, 1-#12 GRD, 1-#12 IG) FROM J-BOX TO LANE 1 PRE-SELL BOARD

3 ONE 3/4" PVC CONDUIT (2-#12, 1-#12 GRD, 1-#12 IG) FROM J-BOX TO LANE 1 MENU BOARD

4 ONE 3/4" PVC CONDUIT (2-#12, 1-#12 GRD, 1-#12 IG) FROM J-BOX TO LANE 2 MENU BOARD

5 ONE 2" PVC CONDUIT (CAT6 DATA CABLES) FROM BUILDING TO LANE 1 MENU BOARD


6 ONE 1" PVC CONDUIT (CAT6 DATA CABLES) FROM LANE 1 MENU BOARD TO LANE 1 PRE-SELL BOARD

7 ONE 1 1/4" PVC CONDUIT (CAT6 DATA CABLES) FROM LANE 1 MENU BOARD TO LANE 2 MENU BOARD

8 ONE 3/4" PVC CONDUIT (2-#12, 1-#12 GRD, 1-#12 IG) AND ONE 1" PVC CONDUIT (CAT6 DATA CABLES) FROM LANE 2 MENU BOARD TO LANE 2 PRE-SELL BOARD

ENLARGED SITE PLAN

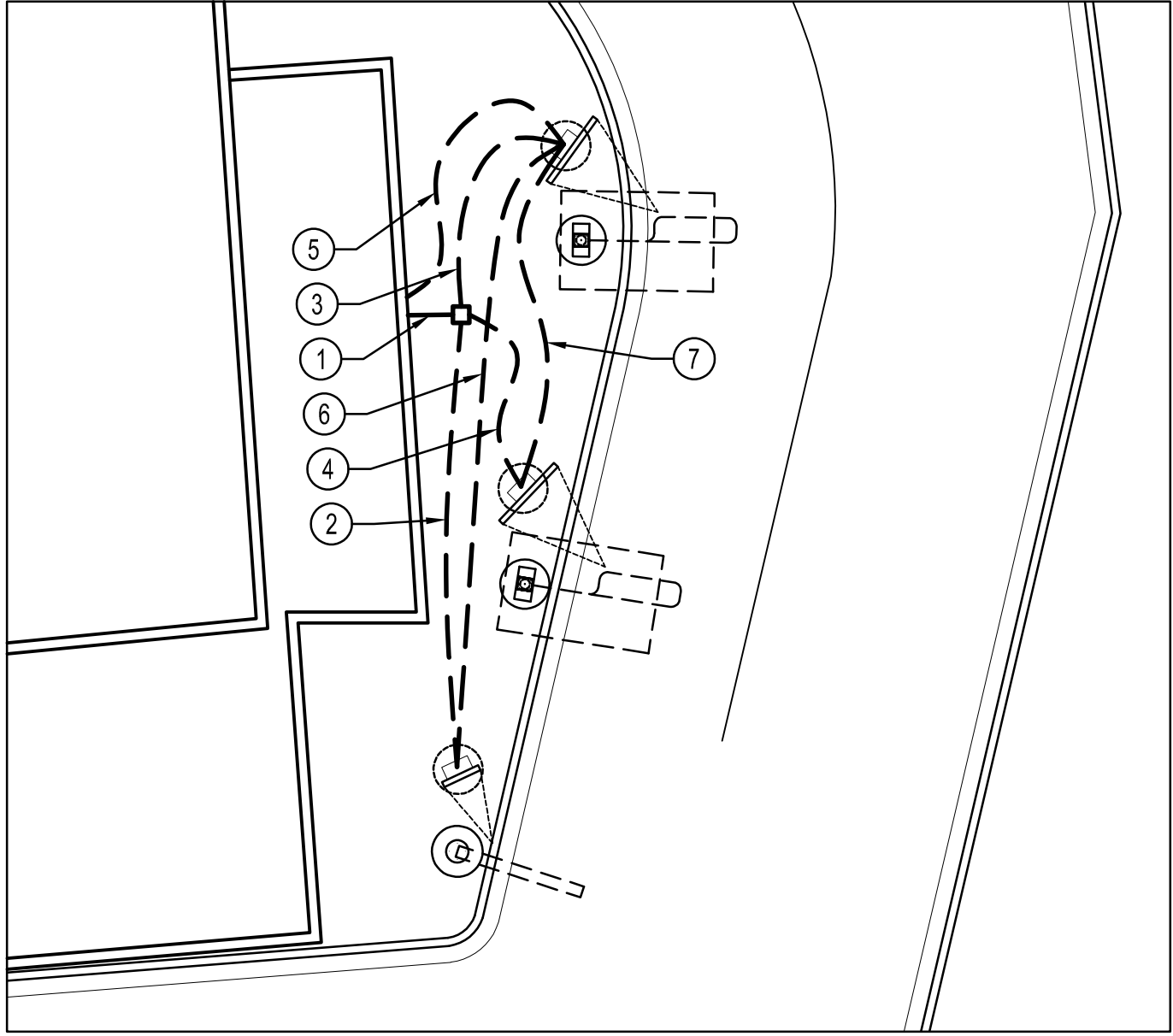
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NORTH

ENLARGED CONDUIT PLAN

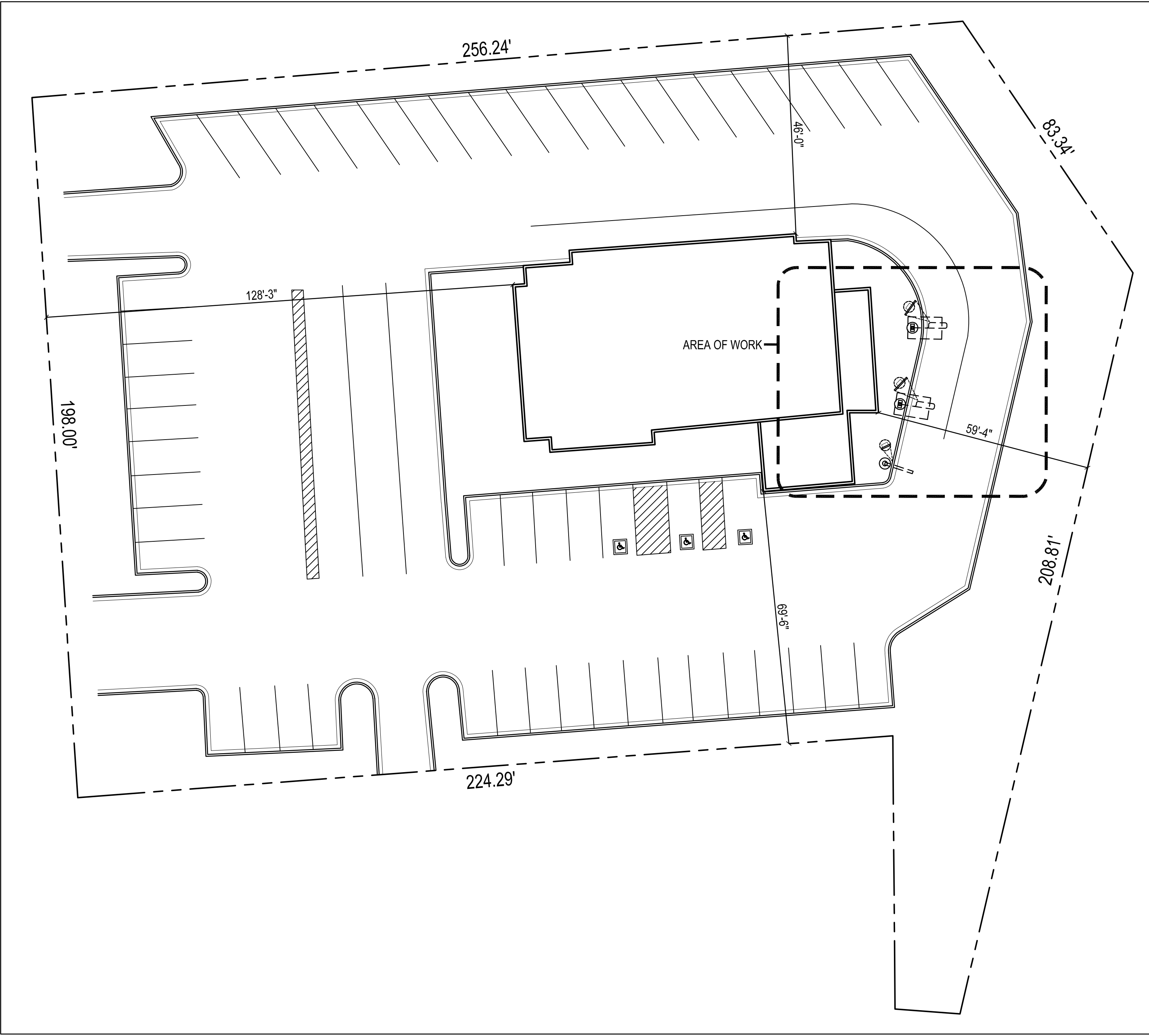
SCALE: 1" = 10'-0"



NORTH

EXISTING OVERALL SITE PLAN

SCALE: 1" = 20'-0"



NORTH

DESCRIPTION

BY

DATE

REV

RRMM ARCHITECTS, PC

1317 Executive Blvd, Suite 200  
Chesapeake, VA 23320  
(757)622-2828 / fax (757)622-6883

REGISTERED ARCHITECT

DONALD M. McDaniel

NORFOLK, VA

STATE OF OREGON

© 2017 McDonald's USA, LLC

**McDonald's USA, LLC**

NSN 12065

SITE ADDRESS: 2010 CLACKAMETTE DR  
OREGON CITY, OR 97045

DATE03/22/218

PROJECT18540-14

DESIGNEDADB

DRAWNXXX

CHECKEDDAE

SITE AND UTILITY PLAN

C1.0

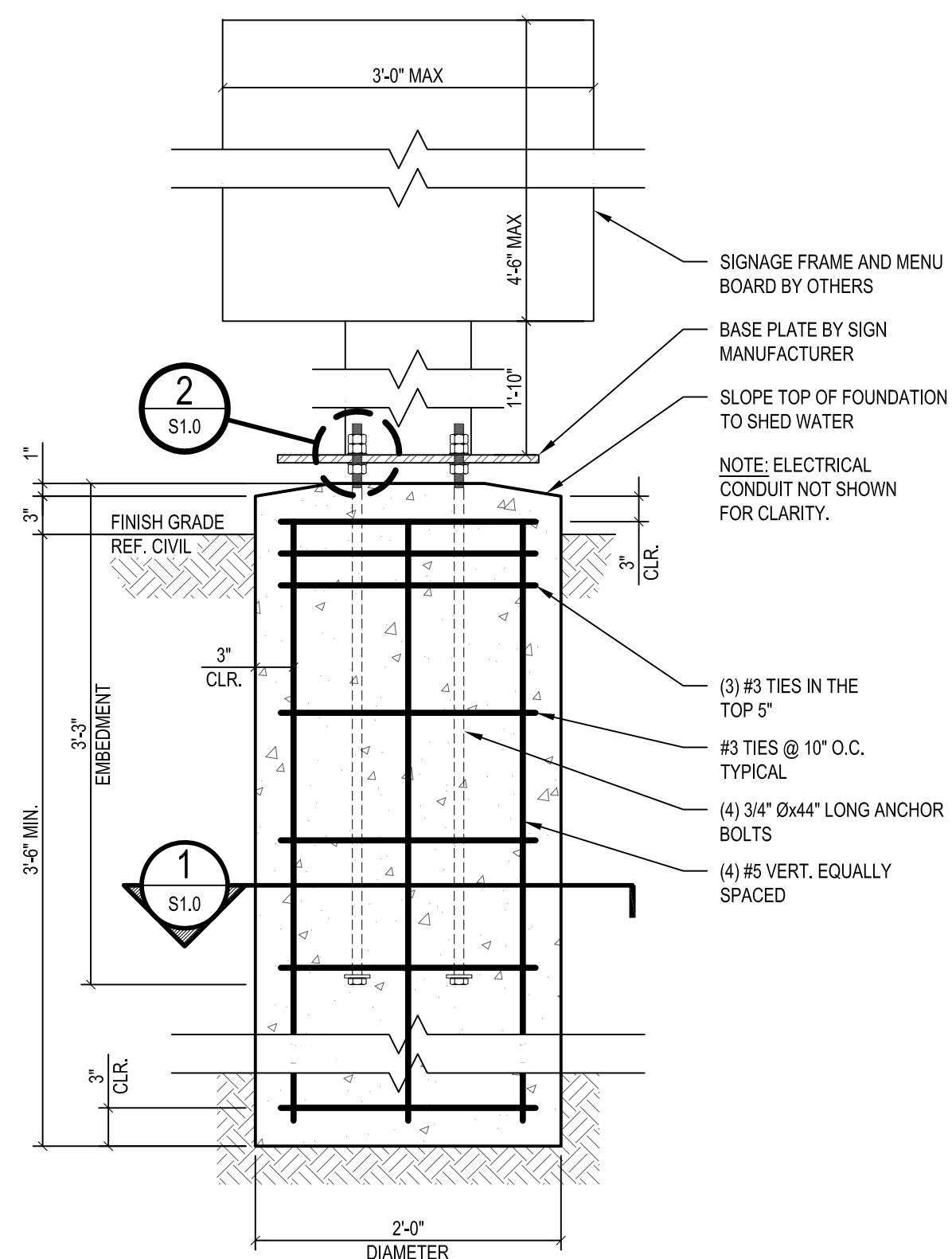
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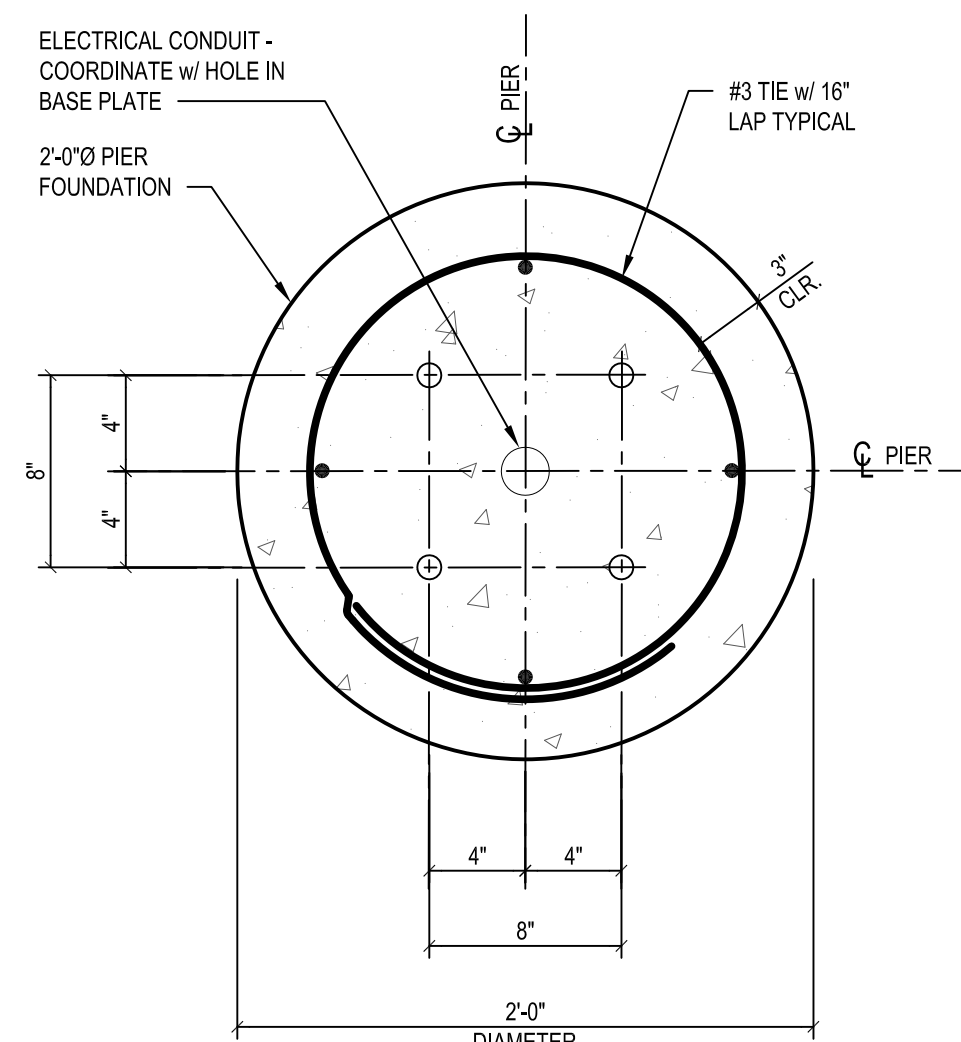
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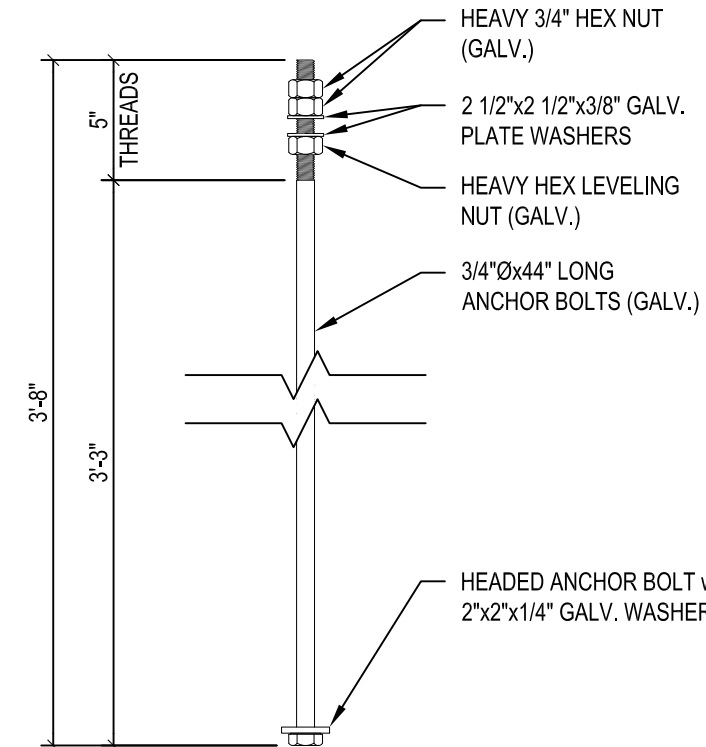


FOUNDATION ELEVATION (PRE-SELL BOARD)

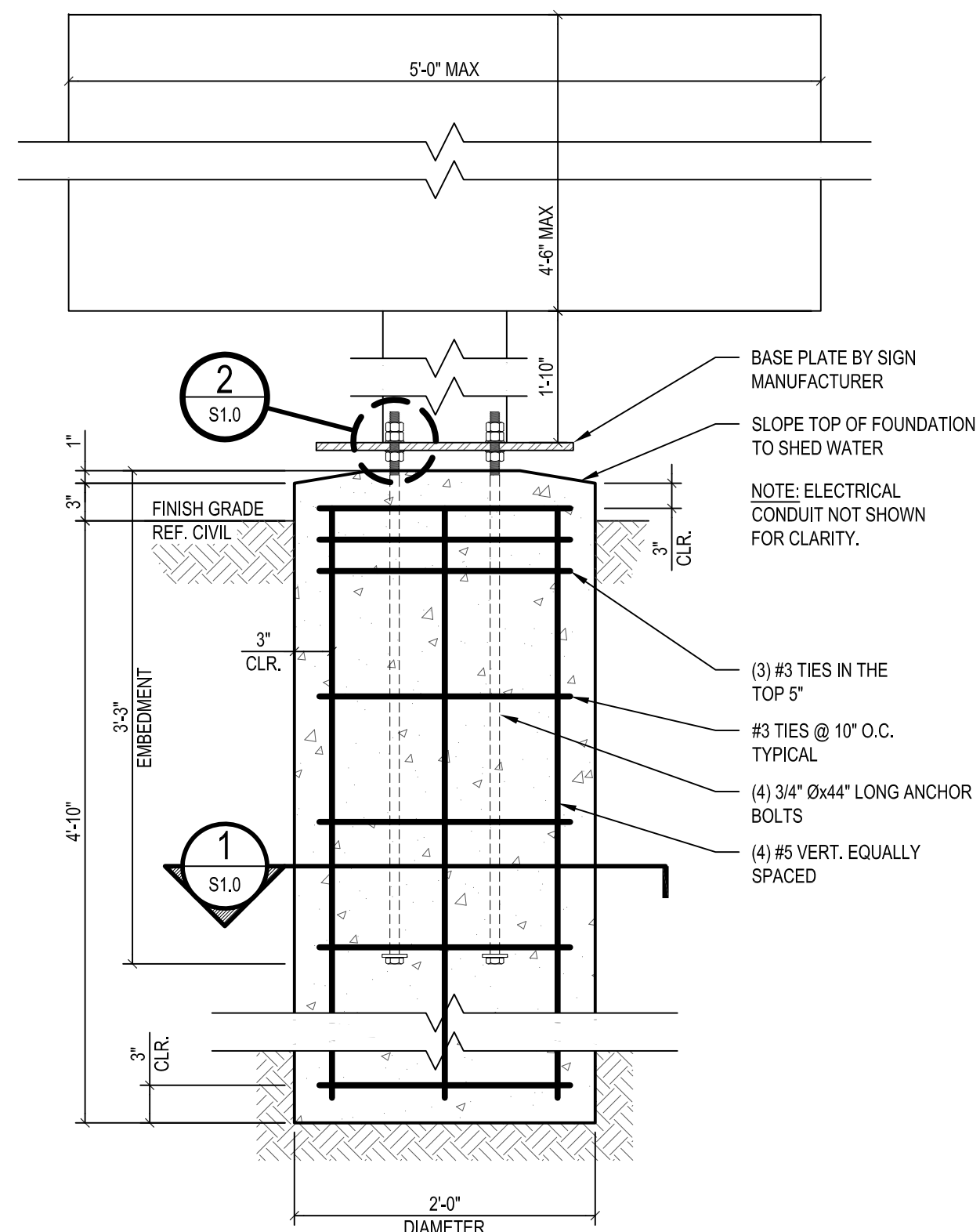


SECTION 1  
SCALE: 1 1/2"=1'-0"

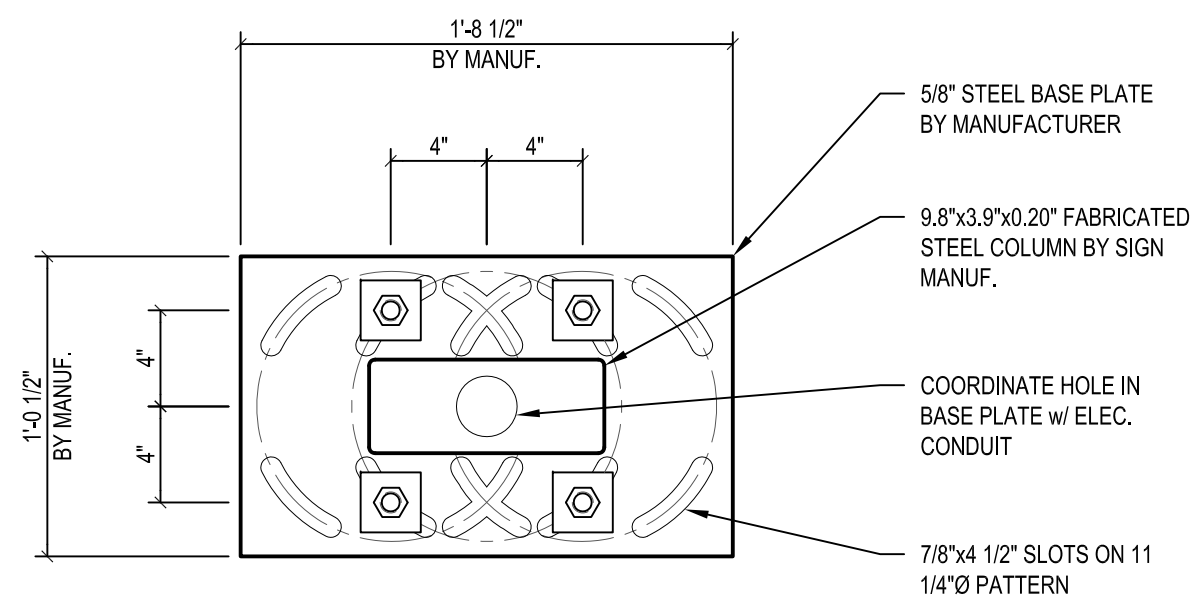
**NOTE:**  
ALL DIMENSIONS SHALL BE VERIFIED WITH SIGN FRAME  
AND BASE PLATE PRIOR TO CONCRETE PLACEMENT.



**ANCHOR BOLT DETAIL (TYP.)**  
SCALE: 1 1/2"=1'-0"

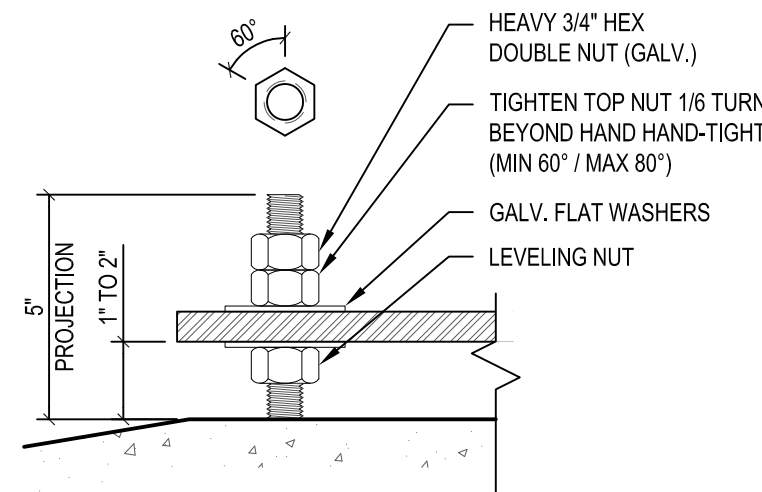


FOUNDATION ELEVATION (MENU BOARD)



**BASE PLATE DETAIL (TYP.)**  
SCALE: 1 1/2"=1'-0"

**NOTE:**  
COORDINATE CONDUIT PLACEMENT INSIDE SIGN  
COLUMN PRIOR TO CONCRETE PLACEMENT.



CONNECTION DETAIL

SCALE: 3"=1'-0"

2

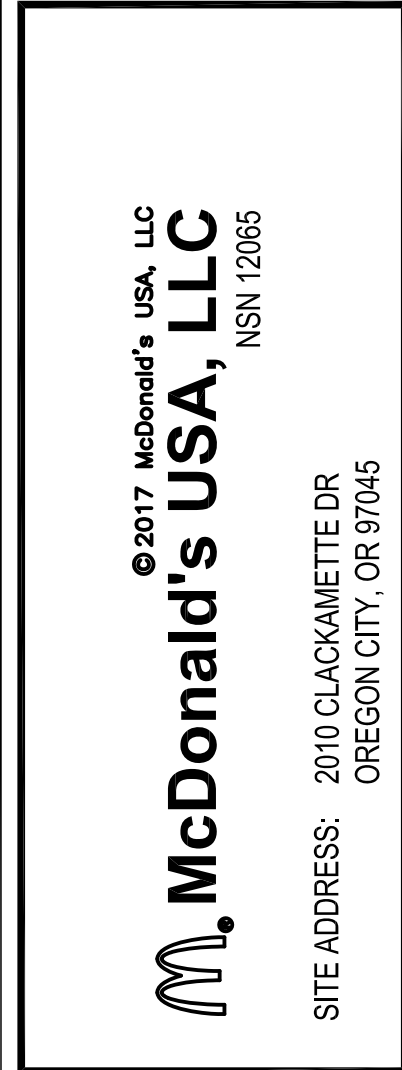
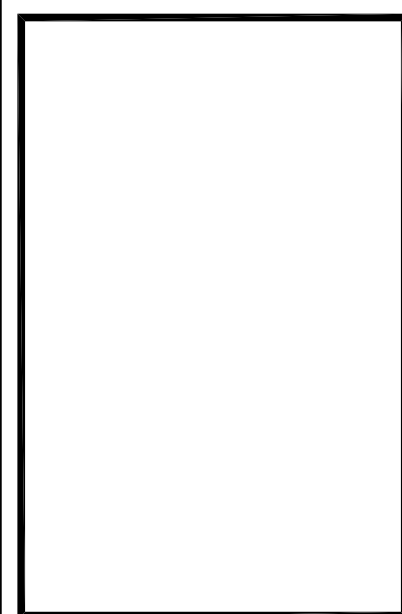
S1.0

NOTE:  
THE DISTANCE FROM TOP OF THE FOUNDATION  
TO THE BOTTOM OF THE BASE PLATE SHALL  
NOT BE GREATER THAN 2"

ANCHOR BOLT, NUT AND WASHER NOTES:		DESIGN CRITERIA:	
1.	TOP OF PIERS SHALL BE SLOPED SUCH THAT MOISTURE CANNOT ACCUMULATE ON TOP OF FOUNDATION.	1.	BUILDING CODES: 2014 OREGON STRUCTURAL SPECIALTY CODE ASCE 7-10
2.	ANCHOR BOLTS TO BE F1554 GRADE 36.	2.	WIND LOADS: WIND SPEED (ASCE 7-10 - FIGURE 26.5-1A) $V_{10,7} = 115$ MPH $V_{ASCE} = 89$ MPH RISK CATEGORY II EXPOSURE CATEGORY C
3.	ANCHOR BOLTS TO BE HOT-DIP GALVANIZED BOLTS IN ACCORDANCE WITH ASTM A-123.	3.	FROST DEPTH: LESS THAN 24" (ASSUMED)
4.	ANCHOR BOLTS TO BE SET IN ACCORDANCE WITH AISC CODE OF STANDARD PRACTICE.	4.	SEISMIC LOADS: RISK CATEGORY II SPECTRAL RESPONSE ACCELERATIONS: $S_s$ 0.915 $S_1$ 0.396 SITE CLASS D SPECTRAL RESPONSE COEFFICIENTS: $S_{DS}$ 0.631 $S_{D1}$ 0.371 SEISMIC DESIGN CATEGORY RESPONSE MODIFICATION COEFF. (R) 3.5 SEISMIC RESPONSE COEFFICIENT ( $C_s$ ) $C_s = 0.198$ SEISMIC DESIGN FORCE ( $F_p$ ) 0.20 K
5.	ANCHOR BOLTS, NUTS AND WASHERS SHALL BE SHIPPED AS AN ASSEMBLY FROM THE SIGNLIGHTING MANUFACTURER.	<b>GENERAL NOTES:</b>	
6.	DO NOT CUT ANCHOR BOLTS AFTER INSTALLATION OF FRAME.		
STEEL NOTES:			
1.	REINFORCEMENT: GRADE 60.		
2.	NUTS: A563DH OR A194 - 2H.		
3.	WASHERS: ASTM F-436.		
4.	ANCHOR BOLTS: ASTM F1554 HOT-DIP GALVANIZED IN ACCORDANCE WITH ASTM A-123.		
5.	ALL HARDWARE SHALL BE HOT-DIP GALVANIZED UNLESS OTHERWISE NOTED.		
6.	ANCHOR RODS, NUTS, AND WASHERS SHALL BE SHIPPED AS AN ASSEMBLY FROM THE SIGNLIGHTING MANUFACTURER. COORDINATE WITH MANUFACTURER.	1.	ALL FOOTING EXCAVATIONS ARE TO BE CLEAR OF WATER AND FOREIGN MATTER BEFORE PLACING CONCRETE.
7.	NO FIELD HEATING TO BEND STEEL SHALL BE ALLOWED WITHOUT ENGINEER'S APPROVAL.	2.	PRESUMPTIVE MINIMUM ALLOWABLE LATERAL SOIL BEARING PRESSURE (SO) OF 150 PSF. CONTRACTOR SHALL HIRE GEOTECHNICAL ENGINEER TO CONFIRM AN ALLOWABLE BEARING PRESSURE OF 1500 PSF AND SHALL SUBMIT GEOTECHNICAL REPORT TO ARCHITECT AND STRUCTURAL ENGINEER OF RECORD. ALLOWABLE BEARING PRESSURE SHALL BE VERIFIED PRIOR TO CONCRETE PLACEMENT.
8.	DO NOT CUT ANCHOR BOLTS AFTER INSTALLATION OF POLE.	3.	FOUNDATION SHALL NOT BE PLACED ON OR AT THE TOP OF A SLOPE EXCEEDING 3:1 WITHOUT EVALUATION BY A PROFESSIONAL LICENSED IN THAT STATE. DO NOT PLACE FOUNDATION IN UNCOMPACTED FILL MATERIAL.
9.	WELDING SHALL BE MADE WITH E70XX ELECTRODES BY PROFESSIONAL WELDERS QUALIFIED IN ACCORDANCE WITH AWS STANDARDS WITHIN THE PREVIOUS TWO YEARS.	4.	DEPTH OF PIER FOUNDATIONS MAY BE LOWERED IF NEEDED TO OBTAIN LOCAL FROST ELEVATIONS OR IF REQUIRED DUE TO POOR SOIL CONDITIONS. VERIFY FROST DEPTH ELEVATIONS WITH LOCAL BUILDING CODE OFFICIAL.
10.	ANY FIELD WELDING SHALL FIRST BE VERIFIED BY ENGINEER AN PERFORMED IN ACCORDANCE WITH AWS D1.1.	5.	ELECTRICAL CONTRACTOR TO PROVIDE INFORMATION ON CONDUIT AND ELECTRICAL REQUIREMENTS AND CONTRACTOR (INSTALLER) SHALL COORDINATE PLACEMENT TO MAINTAIN 2" CLEAR TO ANCHOR BOLTS.
11.	REFER TO SIGN MANUFACTURER DRAWINGS AND INSTRUCTIONS FOR ADDITIONAL INFORMATION.	6.	COORDINATE LOCATIONS OF SIGNS AND FOUNDATIONS WITH SITE PLAN.
12.	CONTRACTOR (INSTALLER) IS RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION IN REGARDS TO JOBSITE SAFETY.	7.	CONTRACTOR SHALL CUT EXCESS SONOTUBE FROM AROUND THE PERIMETER OF THE PIER FOUNDATION AFTER PLACEMENT OF BOARD (PRIOR TO LEAVING SITE).
13.	STRUCTURAL SIGN FRAME AND BASE PLATE DETAILS ARE PROVIDED BY SIGN MANUFACTURER. COORDINATE ALL ATTACHMENTS OF SIGN WITH MANUFACTURER.	8.	CONTRACTOR SHALL NOT DEVIATE FROM STRUCTURAL DRAWING WITHOUT PRIOR WRITTEN CONSENT AND INSTRUCTIONS REGARDING ANY CHANGE TO THE CONTRACT DRAWINGS. ANY DEVIATION FROM THIS DESIGN OR FROM ANY PART OF THIS DRAWING WITHOUT PRIOR WRITTEN CONSENT OF THIS ENGINEER SHALL VOID ALL LIABILITY ASSOCIATED WITH THIS WORK.
		CONCRETE NOTES:	
		1.	ALL FOOTINGS SHALL BEAR ON FIRM UNDISTURBED RESIDUAL SOIL AND/OR ENGINEERED EARTH FILL COMPACTED TO 95% OF ITS MAXIMUM DRY DENSITY AS PER ASTM D698 (STANDARD PROCTOR) UNLESS NOTED OTHERWISE. A LICENSED GEOTECHNICAL ENGINEER SHALL CONFIRM SOIL CAPACITY PRIOR TO CONCRETE PLACEMENT.
		2.	ALL PIERS TO EXTEND TO FROST DEPTH AS DETERMINED BY LOCAL JURISDICTION. VERIFY WITH LOCAL BUILDING OFFICIAL.
		3.	TOP OF PIERS SHALL BE SLOPED SUCH THAT MOISTURE CANNOT ACCUMULATE.
		4.	ALL CONCRETE CONSTRUCTION SHALL BE IN ACCORDANCE WITH ACI 301 "STRUCTURAL CONCRETE FOR BUILDINGS" AND ACI 318 "BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE."
		5.	ALL CAST-IN-PLACE CONCRETE SHALL ATTAIN AN ULTIMATE COMPRESSIVE STRENGTH ( $f_c$ ) OF 3000 PSI AT AN AGE OF 28 DAYS UNLESS OTHERWISE NOTED.
		6.	ALL REINFORCING STEEL SHALL BE ASTM A 615, GRADE 60 DEFORMED BARS, UNLESS OTHERWISE NOTED.
		7.	CONCRETE PROTECTION FOR REINFORCING AS WELL AS PLACING AND FABRICATION OF REINFORCING SHALL BE IN ACCORDANCE WITH "THE AMERICAN CONCRETE INSTITUTE BUILDING CODE REQUIREMENTS" (ACI 318).
		8.	ALL CAST-IN-PLACE CONCRETE SHALL BE AIR-ENTRAINED TO 6% (+/- 1½%). WATER/CEMENT RATIO SHALL NOT EXCEED 0.48.
		9.	THE MINIMUM CONCRETE COVER FOR THE PROTECTION OF REINFORCEMENT SHALL BE AS NOTED.
		10.	BEFORE PLACING CONCRETE, ALL EMBEDDED ITEMS SHALL BE PROPERLY PLACED, ACCURATELY POSITIONED, AND MAINTAINED SECURELY IN PLACE. NO "WET SETTING" IS ALLOWED.
		11.	AGGREGATES IN NORMAL WEIGHT CONCRETE SHALL CONFORM TO ASTM C-33 (HARDROCK).
		12.	PORTLAND CEMENT SHALL BE TYPE II FOR ALL CONCRETE CONFORMING TO ASTM C150, LOW ALKALI.
		13.	FLY ASH OR OTHER POZZOLANS CONFORMING TO ASTM C618 CLASS N OR F MAY BE USED AS A PARTIAL SUBSTITUTION FOR PORTLAND CEMENT UP TO A MAXIMUM OF 25% TOTAL CEMENTITIOUS MATERIALS BE WEIGHT IF THE MIX DESIGN IS PROPORTIONED PER ACI318, SECTION 5.3. CONTRACTOR SHALL FORWARD DESIGN MIX TO ARCHITECT AND STRUCTURAL ENGINEER OF RECORD.
		14.	CONCRETE MIXING OPERATION, ETC. SHALL CONFORM TO ASTM C94.
		15.	DO NOT USE CONCRETE OR GROUT CONTAINING CHLORIDES. WATER USED IN MIX SHALL BE CLEAN AND POTABLE.

[illegible]

1317 Executive Blvd, Suite 200  
Chesapeake, VA 23320  
(757)622-2828 / fax (757)622-6883



DATE	3/22/18
PROJECT	18540-14
DESIGNED	DGH
DRAWN	DSC
CHECKED	TBC

PRE-SELL / MENU  
BOARD  
FOUNDATIONS

# S1.0





## Presentation

**2010 Clackamette Drive  
Oregon City, OR 97045**

August 8, 2019



Existing Signage

A1 A2 Tri-Face Menu Boards

Proposed Signage

A1 A2 4'-1 5/8" x 4'-10" @ 5'-11 5/8" OAH D/F Menu Boards

Aerial



Scale: NTS



Path of Travel



Existing Menu Boards





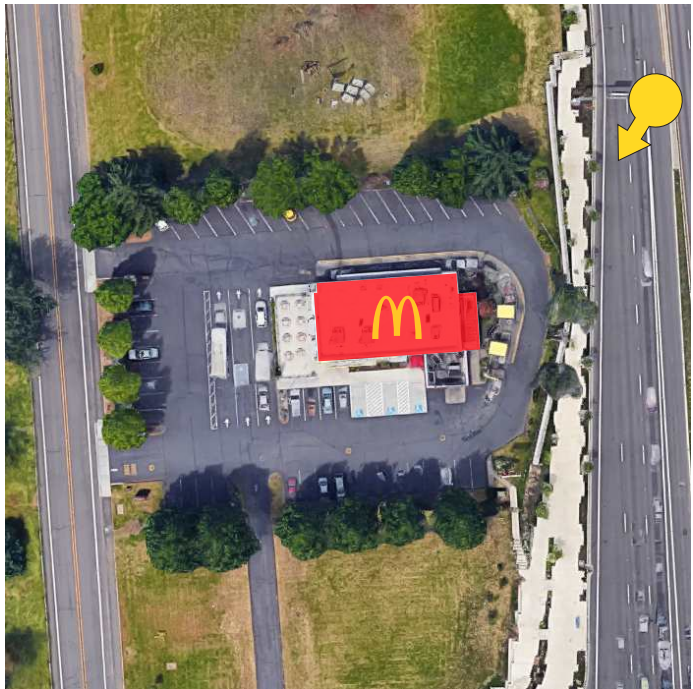
Day Time (Typical)



Night Time (Typical)





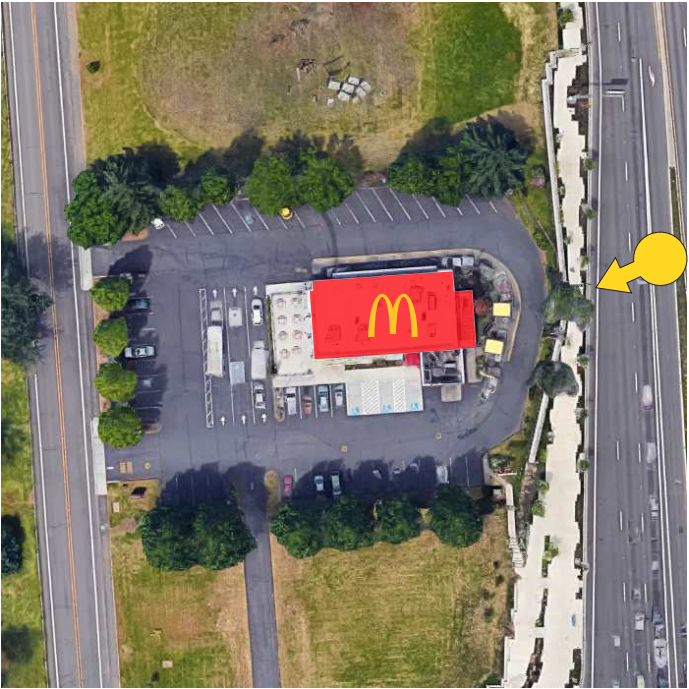


View from McLoughlin Boulevard (North Side)





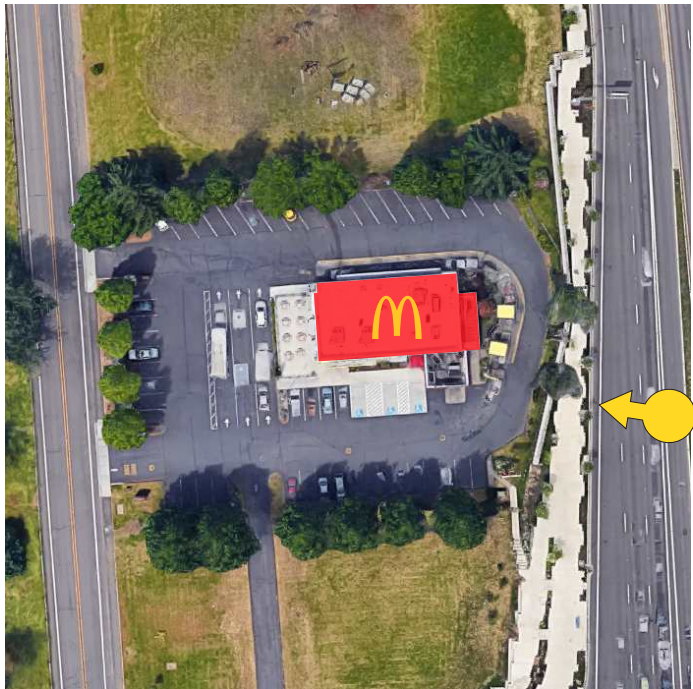
View from McLoughlin Boulevard (North Side)







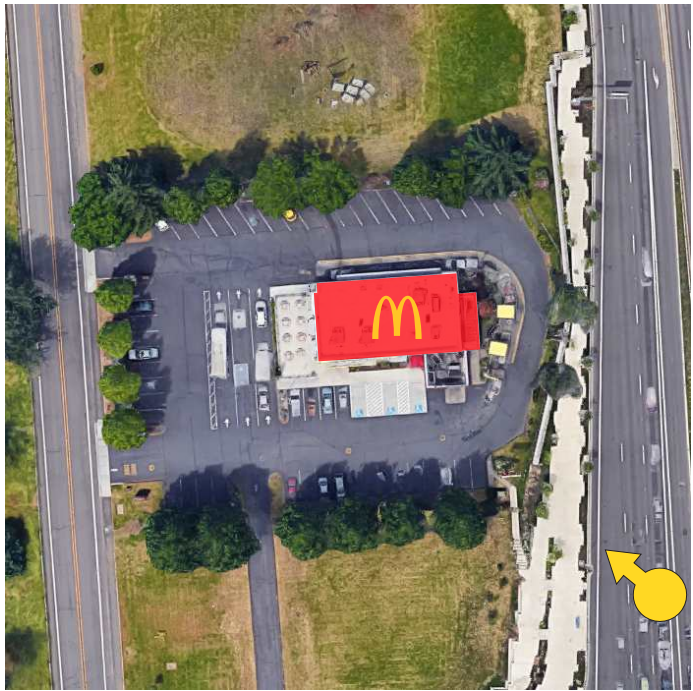
View from McLoughlin Boulevard (South Side)







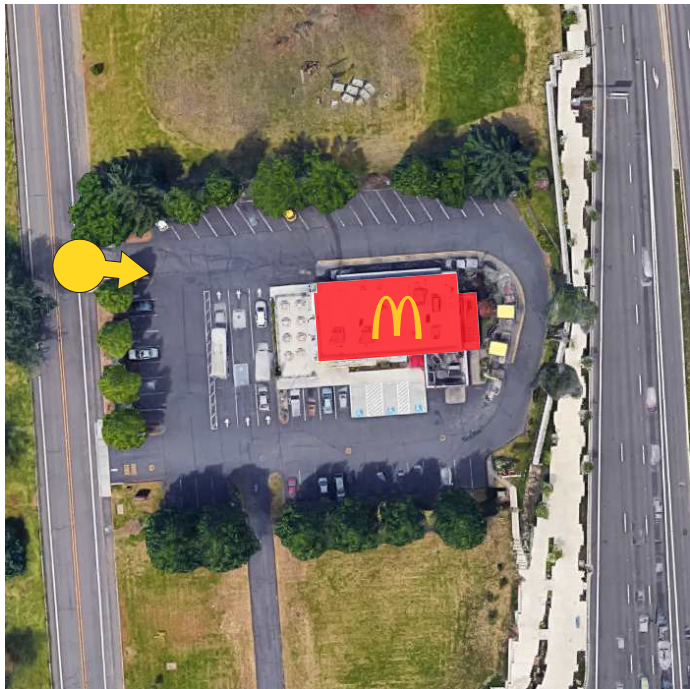
View from McLoughlin Boulevard (South Side)







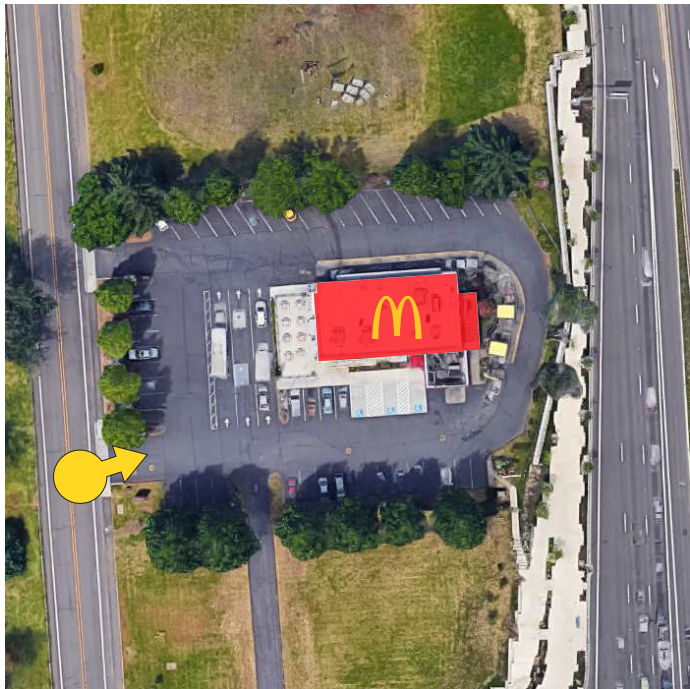
View from Clackamette Drive (North Side)





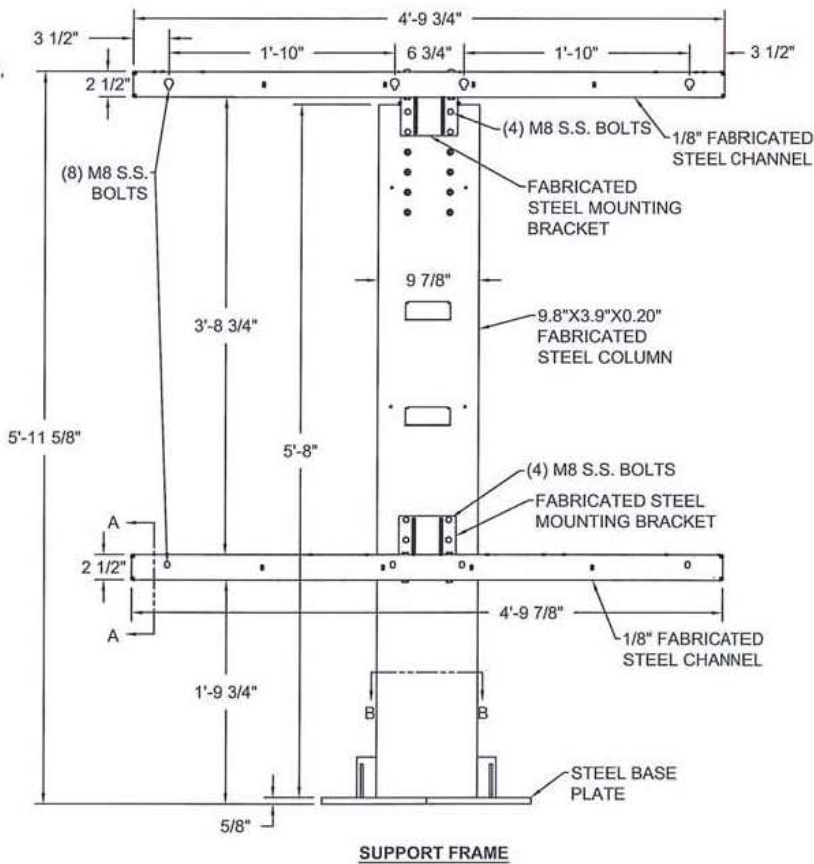
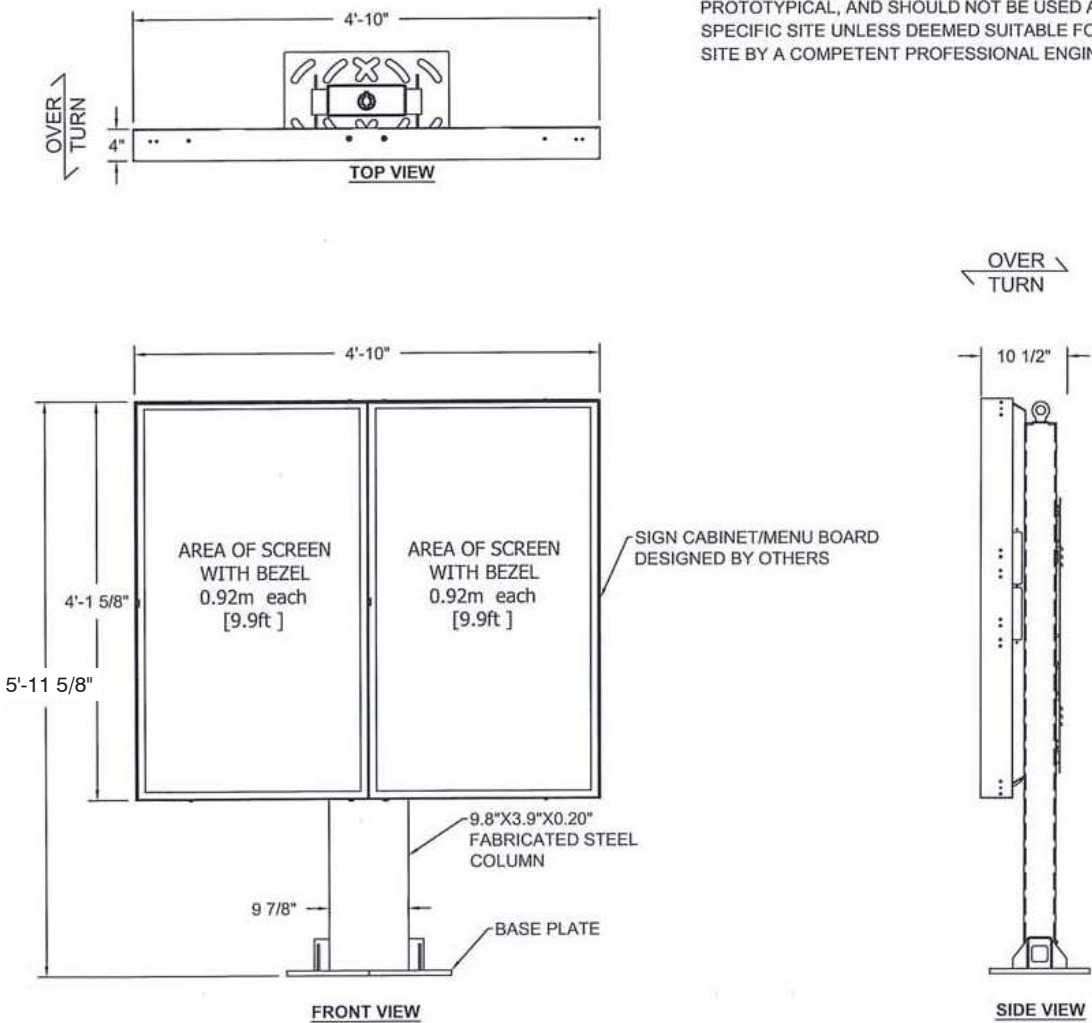


View from Clackamette Drive (South Side)





NOTES:  
1. THIS STRUCTURE HAS BEEN DESIGNED TO MEET THE LOADING REQUIREMENTS OF A 180 MPH WIND SPEED PER THE FLORIDA BUILDING CODE 5TH ED. 2014/IBC 2012, EXPOSURE C.  
2. FABRICATED STEEL SUPPORT MEMBERS SHALL MEET ASTM A36 OR EQUIVALENT.  
3. STEEL WELDS SHALL BE MADE WITH E70XX ELECTRODES BY PERSON CURRENTLY QUALIFIED IN ACCORDANCE WITH AWS STANDARDS.  
4. THE DESIGN DEPICTED ON THIS DRAWING IS PROTOTYPICAL, AND SHOULD NOT BE USED AT A SPECIFIC SITE UNLESS DEEMED SUITABLE FOR THAT SITE BY A COMPETENT PROFESSIONAL ENGINEER.





## Pre-Application Conference Notes

PA 19-36/PA 19-37, July 9, 2019

### Proposed Project:

McDonalds Sign Variances

### Location:

1450 Molalla Avenue, Oregon City, OR 97045  
Clackamas County Map 3-2E-05C, Tax Lot 205  
Zoning: "C" General Commercial District

2010 Clackamette Drive, Oregon City, OR 97045  
Clackamas County Map 2-2E-30, Tax Lot 400  
Zoning: "MUD" Mixed Use Downtown District

### Timing and Process:

This application includes a Type III decision process for a sign variance. Pursuant to OCMC Section 17.50.050, a pre-application conference is valid for a period of six months. The applicant has **180 days** from the date of submittal of a land use application to have a complete application.

Upon a complete application submittal, the applicant is entitled to a decision from the city of approval, approval with conditions, or denial within **120 days** by state law. Type III decisions are rendered by the Planning Commission, with appeal on the record to the City Commission, and then LUBA.

Type III decisions require a minimum of one public hearing before the Planning Commission and 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.

### Signs in Office, Commercial, Mixed Use and Industrial Zones – OCMC 15.28.080

*A. General. All of the following standards apply to all signs in office, commercial, mixed use and industrial zones:*

- 1. With the exception of projecting or wall signs, signs shall not project over the right-of-way. Signs projecting into the right-of-way shall receive approval by the city engineer.*
- 2. With the exception of wall signs, signs shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.*

*B. Wall Signs. All of the following standards apply to wall signs in office, commercial, mixed use and industrial zones:*

- 1. The number of wall signs is unlimited provided the total combined display area of wall signs, projecting signs and banners does not exceed twenty square feet for each ground floor tenant space on which the sign is constructed. For ground floor tenant spaces exceeding twenty feet of wall length on which the sign is constructed and tenant spaces not on the ground floor, signage shall not exceed one square foot per each lineal foot of the wall length of the tenant space on which the sign is constructed.*
- 2. Signs on structures such as awnings, canopies, false fronts and wall extensions that do not extend more than one foot from the structure are considered wall signs.*



*C. Freestanding Signs. All of the following standards apply to freestanding signs in office, commercial, mixed use and industrial zones:*

- 1. A maximum of one freestanding sign is allowed for each street frontage. On arterial streets, if a frontage exceeds a length of six hundred linear feet a second freestanding sign is allowed. In all cases, no freestanding sign shall be permitted on the same frontage where there is a projecting or roof sign.*
- 2. Freestanding signs on the same frontage shall be separated by a minimum of fifty feet distance.*
- 3. Maximum display area*
  - a. Where the street frontage is less than fifty feet in length, the display area shall not exceed fifty square feet and the sign face shall not exceed twenty-five square feet.*
  - b. Where the street frontage is fifty feet or greater but less than two hundred feet in length, display area shall not exceed one hundred square feet and the sign face shall not exceed fifty square feet.*
  - c. Where the street frontage is two hundred feet or greater in length, the display area shall not exceed three hundred square feet and the sign face shall not exceed one hundred fifty square feet.*
  - d. In no case shall any sign have a display area in excess of three hundred square feet.*
- 4. The sign width shall not exceed twenty linear feet.*
- 5. Where the street frontage is two hundred feet in length or less the sign height shall not exceed twenty-five feet. Where the street frontage is more than two hundred feet in length, the sign height shall not exceed thirty feet.*

*D. Incidental Freestanding Signs. All of the following standards apply to incidental signs in office, commercial, mixed use and industrial zones:*

- 1. A maximum of one incidental freestanding sign is allowed for each street frontage.*
- 2. The display area shall not exceed sixteen square feet and the sign face shall not exceed eight square feet.*
- 3. The sign height shall not exceed 15 feet.*

- 1450 Molalla Avenue Freestanding Signs



- One freestanding sign and one incidental freestanding sign is allowed per each street frontage
- Frontage is defined as the full length of a property that abuts a dedicated street, highway, or a **city-approved vehicular public access easement**.

- Staff did not find any documentation confirming that the drive aisles include public access easements.
- Property has one street frontage approximately 240 feet in length, though verification of property lines and the location of proposed signs is required (proposed signs may be on separate lot).
- Property is allowed one freestanding sign a maximum of 150 SF, and one incidental freestanding sign a maximum of 8 SF.
- 2010 Clackamette Drive Freestanding Signs



- One freestanding sign and one incidental freestanding sign is allowed per each street frontage
- Property has one street frontage approximately 198 feet in length, and another street frontage approximately 300 feet in length.
- The property is allowed one freestanding sign a maximum of 50 SF in size, one freestanding sign a maximum of 150 SF in size, and two incidental freestanding signs a maximum of 8 SF each.
- The applications should include an inventory of all existing signs onsite, identifying their size and type of sign (ancillary, freestanding, etc.). Any unpermitted signage or signage that does not comply with the sign code shall be removed unless it is a legal non-conforming sign that pre-dated the sign code, or exempt per [OCMC 15.28.030](#).
- Please note that signs with moving light, animated or scrolling components cannot change more than three times per day in accordance with the regulations for prohibited signs in [OCMC 15.28.110.B](#).

#### Sign Variances – [OCMC 15.28.130](#)

- Grounds for Variance. The Planning Commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:



- 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;
  - Letters from adjacent property owners can be helpful in demonstrating compliance with this standard.
- That the request is the minimum variance that would alleviate the hardship;
  - The application should identify a hardship that prevents the development from meeting the code.
- Any impacts resulting from the adjustment are mitigated;
- No practical alternatives have been identified that would accomplish the same purpose and not require a variance; and
  - What other options have been considered? Why can't another type of sign or change of copy of existing signage work?
- The variance conforms to the [comprehensive plan](#) and the ordinance being varied.
  - Applicable comprehensive plan goals and policies may include:
    - Goal 2.2 - Downtown Oregon City (for Clackamette Drive location only)
    - Goal 2.3 - Corridors
    - Goal 2.5 – Retail and Neighborhood Commercial
    - Goal 15.1 – Protect the Willamette River Greenway (for Clackamette Drive location only)

#### **Willamette River Greenway:**

*Applicable for Clackamette Drive location only.*

- The Willamette River Greenway protects, conserves and enhances the natural scenic, historical, economic and recreational qualities of land along the Willamette River.
- Development within the Willamette River Greenway requires a Willamette River Greenway permit to ensure protection of the integrity of the Willamette River.
- Compliance with [OCMC 17.48.080 – Development Standards General Considerations](#) and [17.48.120 – Additional Procedural Requirements](#) is required.

#### **Upcoming Code Changes:**

The City is proposing housing and development code amendments which may affect your proposal. The code amendments have been approved by the City Commission and will be in effect on August 2, 2019. The application is subject to compliance with the code that is in place on the date that the land use application is submitted. Depending on the date of submittal, the applicant may contact staff for an updated code criteria template.

For details on proposed code amendments, please visit the following site:

<https://www.orcity.org/planning/draft-housing-and-other-development-and-zoning-code-amendments>

#### **Other Notes:**

- A neighborhood association meeting is required for a sign variance application. The property on Clackamette Drive is within the Two Rivers Neighborhood Association.

**Neighborhood Association:** Two Rivers NA

**Chair:** Bryon Boyce, [bryony@birdlink.net](mailto:bryony@birdlink.net)

**Secretary:** Margie Hughes, [margiehughes1@aol.com](mailto:margiehughes1@aol.com)

**CIC Representative:** Bryon Boyce, [bryony@birdlink.net](mailto:bryony@birdlink.net)

**Upcoming Meetings:** July 24, 2019; October 23, 2019;

**Meeting Location:** Rivershore Bar & Grill, 1900 Clackamas Drive, Oregon City, OR 97045

**Meeting Time:** 7:00 PM

- A neighborhood association meeting is required for a sign variance application. The property on Molalla Avenue is within the Hillendale Neighborhood Association.  
**Neighborhood Association:** Hillendale NA  
**Chair:** Roy Harris, [royandanna@centurylink.net](mailto:royandanna@centurylink.net)  
**Land Use Chair:** William Gifford, [william@smallflags.com](mailto:william@smallflags.com)  
**Secretary:** Joyce Gifford, [Joyce@smallflags.com](mailto:Joyce@smallflags.com)  
**CIC Primary Representative:** Roy Harris, [royandanna@centurylink.net](mailto:royandanna@centurylink.net)  
**CIC Alternate Representative:** Ray Stobie, [drakeel@gmail.com](mailto:drakeel@gmail.com)  
**Upcoming Meetings:** October 1, 2019  
**Upcoming Steering Committee Meetings:** TBD  
**Meeting Location:** Living Hope Church, 19691 Meyers Road, Oregon City, OR 97045  
**Meeting Time:** 7:00 PM
- Please include the Citizen Involvement Committee Chair, Amy Willhite, in any Neighborhood Association meeting requests, notifications or correspondence. Amy can be reached at [awillhit@yahoo.com](mailto:awillhit@yahoo.com)
- [OCMC 17.50.055](#) requires submittal of the meeting sign-in sheet, a summary of issues discussed, and a letter from the neighborhood association indicating that a meeting was held.
- Your application was transmitted to the State Historic Preservation Office (SHPO) and affected tribes for review. Comments received have been provided.

#### **Applications Anticipated and Fees:**

- Planning application anticipated:
  - Sign Variance: \$1,368 per sign per standard being varied.
  - Willamette River Greenway Permit (Clackamette Drive location only): Currently no fee, however, a \$1,056 fee for this permit is proposed, effective in August. Proposed fees are not yet adopted and are currently under review by the City Commission. Depending on the date of application submittal, please check with staff about whether new fees have been adopted.
  - Mailing Labels: \$17 or provided by applicant
  - [2019 Planning Fee Schedule](#)

#### **Applications, Checklists and Links:**

- [Type III Review Process](#)
- [Land Use Application](#)
- [Oregon City Municipal Code](#)
- [Variance Checklist](#)

#### **Planning Division**

Diliana Vassileva, Assistant Planner, reviewed your pre-application for the Planning Division. Diliana may be reached at 503-974-5501 or [dvassileva@orc.org](mailto:dvassileva@orc.org).

#### **Building Division:**

You may contact Mike Roberts, Building Official at 503.496.1517 or by email at [mroberts@orc.org](mailto:mroberts@orc.org).

#### **Clackamas Fire District:**

Questions can be directed to Mike Boumann, Lieutenant Deputy Fire Marshal of Clackamas Fire District #1. You may contact Mr. Boumann at (503)742-2660 or [michaelbou@ccfd1.com](mailto:michaelbou@ccfd1.com).

#### **Oregon City Municipal Code Criteria:**

A template with applicable code criteria will be provided by staff following the pre-application conference. The following chapters of the Oregon City Municipal Code (OCMC) may be applicable to this proposal:

[OCMC 15.28 - Signs](#)

Several applicable code sections recently changed and have not yet been updated in the online version of the code. The changes can be found [here](#) and are also in the template provided by staff.

**Pre-application conferences are required by Section 17.50.050 of the City Code, as follows:**

A. *Preapplication Conference.* Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the City will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.

**NOTICE TO APPLICANT:** A property owner may apply for any permit they wish for their property. HOWEVER, THERE ARE NO GUARANTEES THAT ANY APPLICATION WILL BE APPROVED. No decisions are made until all reports and testimony have been submitted. This form will be kept by the Community Development Department. A copy will be given to the applicant. IF the applicant does not submit an application within six (6) months from the Pre-application Conference meeting date, a NEW Pre-Application Conference will be required.