



Community Development – Planning

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TYPE II GEOLOGIC HAZARDS, SITE PLAN AND DESIGN REVIEW AND NATURAL RESOURCE REVIEW STAFF REPORT WITH CONDITIONS OF APPROVAL

January 8, 2020

FILE NUMBER:	GLUA-19-00008/Forest Edge Apartments SP 19-00127 Site Plan and Design Review NROD 19-00012 Natural Resource Overlay District GEO 19-00002 Geologic Hazards Review	
APPLICANT:	Pace Engineers 4500 Kruse Way, Suite 250 Lake Oswego OR 97035	GEO 19-00001 Application Submitted: 03/19/2019 Application Complete: 07/29/2019 120-Day Decision Deadline: 11/26/2019 Extended to: 2/24/2020
OWNER:	RJL Holdings 14155 Beaver Creek Road Oregon City, OR 87045	SP 19-00127, NROD 19-00012 Application Submitted: 11/12/2019 Application Complete: 12/5/2019 120-Day Decision Deadline: 4/30/2020
REQUEST:	Applicant is requesting approval of a Geologic Hazards, Site Plan and Natural Resource review for stabilization measures, new internal roadway connection and general sitework at the lower campus of the Forest Edge Apartments.	
LOCATION:	14155 Beaver Creek Rd Oregon City OR 97045 Clackamas County Map and Tax Lot # 3-2E-04C -00807	
REVIEWER:	Christina Robertson-Gardiner, Senior Planner Josh Wheeler, PE Assistant City Engineer Sang Pau, Development Projects Engineer Timothy J. Pfeiffer, PE, GE, Foundation Engineering, Inc.	
DECISION:	Approval with Conditions.	

PROCESS: The process for this land use decision is controlled by ORS 197.763. At the evidentiary hearing held before the city commission, all issues are addressed. The city commission decision is the city's final decision and is appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

Proposed Conditions of Approval

Planning Files: GLUA-19-00008/Forest Edge Apartments

SP 19-00127 Site Plan and Design Review

NROD 19-00012 Natural Resource Overlay District

GEO 19-00002 Geologic Hazards Review

(P) = Verify that the condition of approval has been met with the Planning Division.

(DS) = Verify that the condition of approval has been met with the Development Services Division.

(B) = Verify that the condition of approval has been met with the Building Division.

(F) = Verify that the condition of approval has been met with Clackamas Fire Department.

The applicant shall include the following information with submittal of a building, public improvement and/or grading permit associated with the proposed development. The information shall be approved prior to issuance or project final.

Project Specific Conditions of Approval.

1. The development shall record a “Dewatering System Operation and Maintenance” covenant for continued maintenance and operation of the dewatering system proposed by the development. Said covenant shall run with the land, bind current and subsequent owners of the property to maintain and operate a dewatering system, and grant the city the right to enter the subject property to inspect and make certain repairs, or perform certain maintenance procedures on the dewatering facilities when such repairs or maintenance have not been performed by the property owner; and promises to reimburse the city for the cost should the city perform such repairs or maintenance. The covenant shall include annual resident education on the purpose of the dewatering system and its maintenance. The covenant shall run with the land and shall be binding upon subsequent owners of the property. All terms of the covenant shall be reviewed and approved by the City prior to recording of the covenant. (DS)
2. Staff finds that the applicant’s mitigation approach, not providing mulching and piped interim irrigation measures at the mitigation area, is needed to remove or abate nuisances or hazardous conditions onsite and is an exempted use per 17.49.155D. In order for this approach to be approved, the applicant shall submit their watering and erosion control approach in writing with concurrence from the applicant’s environmental professional that the proposed mitigation plan will ensure eighty percent survival at the end of the required five-year monitoring period, meets the requirements of Oregon City’s Erosion Control Standards and can be approved by Oregon City’s Assistant City Engineer. (DS,P)
3. The applicant has indicated that a DSL permit will not be required for the new outfall installation as it will entail less than 50 cubic feet of cut or fill. Prior to the project final, the applicant shall provide written documentation that no State or Federal permit was required for this application or obtain all State and Federal approvals as applicable. (P)
4. The design and construction material for the emergency vehicle access loop on the site shall be approved by Clackamas Fire District No. 1. (DS,F)
5. All new service utilities shall be placed underground and under roadbeds where practicable. Existing utilities to be abandoned must be abandoned per the geotechnical engineers’ recommendations. Proposed methods for removal or abandonment of damaged utilities shall be submitted to the City for approval. Additional minor slope movement may occur even with the proposed mitigation and the additional movement is likely to concentrate in the area of previous movement and scarps. Therefore, the applicant shall provide plans for review by the city showing protection of underground utilities as recommended by the geotechnical engineer of record. (DS)

6. The applicant shall provide a revised drainage plan and report with storm discharges equal to, or less than, peak discharge levels of the pre-developed condition as described in the 1999 version of the Oregon City Public Works Stormwater and Grading Design Standards. (DS)
7. The applicant's engineer shall address all comments resulting from the City's review of the revised drainage plan and report provided by the applicant. Approval of the drainage plan and report shall only be issued when staff has determined that the report and plan meet the requirements of 1999 version of the Oregon City Public Works Stormwater and Grading Design Standards. (DS)
8. Structural fill proposed for the development shall conform to the recommendations provided by the applicant's geotechnical engineer, who shall observe placement of the fill and certify, in writing, that the structural fill used on the site meets the provided design specifications and is placed as designed. (DS)
9. Geotechnical recommendations for modular block retaining walls up to three feet high were provided by the applicant's geotechnical consultant. Additional engineering and design shall be provided for walls that don't meet the assumptions provided by the geotechnical consultant. (DS)
10. The initial application indicated that repaving the existing drive isle in the lower yard may require a couple of small retaining wall under 3 ½ feet. The applicant has indicated that this is now not part of the proposal. However, if this approach changes, the applicant shall submit for and receive approval for any new retaining walls 3 ½ feet in height or less. Retaining walls shall be consistent with the requirements in OCMC 17.54.100, OCMC 17.44.060, and any other applicable standard. (P)
11. Prior to project final, the applicant shall mitigate the disturbance area within the new loop roadway and stormwater facility on a 2:1 basis in accordance with 17.49.180 Option 2. The mitigation plan shall be submitted for review to the Planning Division. The revised Site Plan with Mitigation Plan shall be revised to be a minimum of 10,470 SF with a total number of 55 trees and 275 shrubs. The mitigation planting shall occur within the mitigation area identified on the plan. All invasive species within the mitigation area shall be removed. If a specific mitigation plant species cannot be planted as identified in the plan, it can be replaced by another plant species that meets or exceeds the sizing and function of the replaced plant as confirmed 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. (P)
12. Prior to the approval of the stormwater engineering plans, the applicant shall determine and calculate the amount of disturbance area created during the installation of the new stormwater line and outfall. The disturbance area for private connections to utility lines shall be no greater than ten feet wide. The disturbance area shall be mitigated on a 2:1 ratio in accordance with 17.49.180 Option 2 and added to the mitigation planning area described in Condition #11. (P)
13. Replacement of the existing asphalt pavement that does not increase the impervious coverage of the site is being reviewed through the NROD 19-0011 Type I Exemption Review. Any new impervious coverage within the NROD Boundary not accounted for in this application will require an additional Natural Resource Overlay District application. (P)
14. Fences are not being proposed for the proposed development. However, if a fence is proposed outside of this process- it will be reviewed for compliance with 17.49.080.N, which will require a separate Type I or Type II NROD review. (P)
15. Removal of invasive species within the mitigation plan will be conditioned as part of this application. No tree removal is being proposed as part of this application. Native trees shall be preserved unless they are located within ten feet of any proposed structures or within five feet of new driveways within the NROD boundary, or if deemed not wind-safe by a certified arborist. An existing tree is located near STA 23+30 (See Mitigation Plan Map) and is within 10 feet of the proposed paved fire truck access road or stormwater line. The applicant has indicated that this tree shall be preserved and protected. If, during construction, the tree or another onsite cannot remain, it shall be mitigated for using 17.41.060-1 Column A or if it is *a dead, hazardous, or diseased tree as defined in OCMC 17.04*. it shall be replaced with a new tree of at least ½-inch caliper or at least six-foot overall height (P)
16. The applicant is proposing to install a new underground stormwater detention system underneath

the existing impervious parking area which is partly located within the NROD boundary and will require an additional 200 square feet of disturbance area during construction. A new pipe will be installed from the storage tank to the outfall of the neighboring unnamed creek located onsite. The applicant will determine at the time of civil plan if the stormwater pipe can be bored or will need to be excavated and the disturbance area covered. Prior to the approval of civil plans, the application shall ensure that the stormwater facility shall not impact more than one thousand square feet of the NROD. Impacts greater than one thousand square feet shall be processed as a Type III application. (P)

Standard Conditions of Approval to Ensure Compliance with City Code

17. The city's geotechnical consultant shall review the finalized erosion control plan, construction plans and stormwater report and the cost of review shall be paid by the applicant. (DS)
18. Grading, drainage improvements or other land disturbances shall be restricted to between May 1 and October 31, unless extended by the City Engineer consistent with 17.44. The applicant shall submit a work schedule which has been reviewed and approved by a licensed geotechnical engineer regarding the viability of completing necessary project goals within the aforementioned time period. (DS)
19. Erosion control measures shall be installed and functional prior any soil disturbance. Temporary protective fencing shall be established adjacent to all trees and vegetation designed for protection which are within five feet of a construction area prior to any soil disturbance. (DS)
20. As-builts conforming to City standards shall be provided within 90 days of completion of the projects. (DS)
21. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer and the City's peer reviewer shall agree with geotechnical evaluation/investigation report submitted for the development prior to issuance of building permit(s). (DS)
22. The applicant shall execute a Maintenance Covenant and Access Easement for any private stormwater facilities to be constructed within the development. The Maintenance Covenant and Access Easement shall include an operation and maintenance plan for said stormwater facilities. The Maintenance Covenant and Access Easement shall be recorded by the City as required by the Public Works Stormwater and Grading Design Standards. The applicant shall pay all fees associated with processing and recording the Maintenance Covenant and Access Easement. (DS)
23. Costs associated with Geologic Hazard review of the land use application by the City's geotechnical engineer shall be paid by the applicant. (DS)
24. The geotechnical engineer record shall observe all excavations and geologic conditions exposed during construction and document that the subsurface conditions are consistent with the assumptions made as part of their geotechnical evaluation/investigation. If the conditions are different than assumed in the preliminary report, the effect of the new observations shall be evaluated, and mitigation provided as required. Additional geologic hazards review may be required at the City's discretion. (DS)
25. The applicant shall retain the services of a licensed geotechnical engineer to conduct inspections prior to and during construction activities which involve removal or addition of vegetation, building structures, retaining walls or earth. The geotechnical engineer shall provide a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations. (DS)
26. The applicant shall submit waiver of damages, indemnity and hold harmless agreement completed by owners of properties impacted by construction associated with the development. The applicant shall pay all fees associated with processing and recording the document. (DS)
27. The applicant shall obtain an Erosion and Sediment Control Permit from the City prior to beginning construction work associated with the project. (DS)
28. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan which meets the requirements of the City of Oregon City public works standards for erosion and sediment control. (DS)
29. 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. The financial guarantee shall be based on 120 % of the value of the proposed mitigation plan. (P)

30. Prior to project final, the applicant shall record a restrictive covenant or conservation easement, in a form provided by the City, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of OCMC 17.49. 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. (P)
31. The applicant shall comply with all standards for monitoring and maintenance within the NROD per OCMC 17.49.180.F. Following the mitigation planting, the property owner shall submit annual monitoring and maintenance reports to the Planning Division. A minimum of 80% survival of mitigation plantings shall be required at the end of the 5-year monitoring and maintenance 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 10 square feet that remain at the end of the 5-year monitoring period shall be replanted or reseeded with native grasses and ground cover species. (P)
32. Conditions contained in this report shall not relieve the developer of the duty to comply with any other provision of law. In the case of a conflict, the more restrictive regulation shall apply. (DS, P)
33. Compliance with federal, state, and city standards shall be observed. (P)

I. BACKGROUND:

1. Background/Existing Conditions

The applicant is requesting approval of a review for proposed stabilization measures, a new internal roadway connection and general sitework at the lower campus of the Forest Edge Apartments. The applicant is applying for a Geotechnical, Natural Resource and Site Plan Type II Administrative review for the existing drywells and proposed driveway connection onsite (GLUA 19-0001: SP-19-00127, NROD-19-00012, GEO 19-00012)

Background information on the project was presented to the City Commission at the December 4, 2019 City Commission Worksession.

At the December 18, 2019 City Commission Meeting, the City Commission requested to call up the Type II application for review at the January 15, 2020 City Commission Meeting meeting. By calling up the review, the public is invited to participate in a *de novo* decision-making process where new evidence may be submitted both in writing and in person before the City Commission.

While the application is being reviewed at a noticed public meeting, the review criteria are outlined in the municipal code for a Type II Administrative Review. Staff and the City Commission review is limited to the applicable criteria and both parties must explain in writing how the proposal meets or fails to meet applicable standards. If the applicant fails to meet the applicable criteria and a condition of approval can be added with specificity to show compliance, the city is obligated to include those conditions.

The project site is located at 14155 Beaver Creek Road, Oregon City, Oregon in Clackamas County. Forest Edge Apartments consists of an Upper and Lower Campus connected by a paved roadway that traverses an incised drainage separating the campuses. The construction of the apartments was completed in approximately 1997 and originally named Newell Creek Overlook Apartments.

The site is located north of the intersection between Beaver Creek Road and Fir Street. The project is located within Clackamas County and the City of Oregon City (City). The Tax Map and Tax Lot for this project are 3s2e04c & 807, respectively. The property is within the urban growth boundary. The parcel area is 556,312 square feet and 12.77 acres.

The Upper Campus development consists of a bench that gently slopes to the north. A moderately steep to steep slope ascends west and south of the site to an upland area characterized by a relatively flat topography. Moderate steep slopes descend from the Upper Campus bench to the north and east, down into the Newell Creek Canyon and tributary drainages. According to the City's GIS online mapping tool, the total acreage of the Upper Campus is 5.90 acres.

The Lower Campus development consists of steep slopes in the northern section descending onto a bench, with steep slopes to the east. After the landslide events, much of the bench area is hummocky. According to the City's GIS online mapping tool, the total acreage of the Lower Campus is 6.87 acres.

The apartment buildings on the Lower Campus were evacuated in the winter of 2015 following emergency declarations by the City Commission (Resolution 15-39 and 15-40) due to significant rainfall that saturated the soil and created a dangerous situation for the residents. The buildings were disconnected from utilities and the Building Official deemed the lower campus buildings as "Dangerous Buildings" and the Lower Campus was closed for occupancy, and it has been vacant since 2015.

The property was purchased by RJI Holdings, LLC in 2016 with the purpose of stabilizing and rehabilitating the lower campus. In July 2018, GeoDesign, Inc. provided the City with a comprehensive geotechnical report summarizing the geologic characterization of the site, subsurface exploration program, slope stability analysis, preliminary geotechnical recommendations, and installation and performance of a preliminary subsurface dewatering system installed at the Lower Campus. Since preparation of the comprehensive report, PACE Engineers, Inc. has prepared preliminary plans for reconstructing the Lower Campus. Plans include reconstruction of roads and utilities to restore the complex to a habitable condition. A new stormwater management system is proposed to manage stormwater from both the Lower and Upper Campuses to a discharge point at an established natural drainage downstream of the built area. Surface water from the Berryhill slope will also be collected and diverted as part of this new stormwater system to mitigate the slope stability hazards.

RJI Holdings, LLC., hired the Geotechnical firm, GeoDesign, Inc., to perform a geological evaluation and recommendations to address geologic hazard at the Forest Edge complex. GeoDesign proposed stabilization of the Lower Campus through the use of dewatering wells and the relocation and redesign of the stormwater system. GeoDesign installed inclinometers in 2017 and dewatering wells in 2018 and have been monitoring the stabilization of the slide. The applicant is also proposing to reconnect the service loop in the lower campus, that was previously removed, to allow better fire access. With the use of the dewatering wells, and underground detention of stormwater, and service road extension, the Lower Campus can be rehabilitated. The applicant has completed installation of the dewatering wells and will complete the redesign and installation of the revised stormwater system and fire access road as conditioned in this staff report which will complete their proposed mitigation measures that address the existing geo hazard onsite. These measures taken as a full package are conditionally approved by the City of Oregon City to remove or abate nuisances or hazardous conditions per OCMC 17.49.080K which is further discussed under that section of the staff report.

Building Division Review- Certificate of Occupancy

If the applicant wishes to reoccupy the dwelling units, they are required to submit and receive approval by the Building Official which will be reviewed through OCMC Chapter 15.04 Building Code and 2019 Oregon Structural Specialty Codes, which is a process separate from this Land Use application. A list of required submittal items can be found in Exhibit 10b of the Staff Report. As part of that review, the Building Official will coordinate with Development Services to ensure that they concur with the applicant's Geotechnical report; "providing a comprehensive evaluation of current site conditions, the identification of any remaining hazards with a clear plan for how such hazards will be addressed if any, and a clear statement indicating that the current condition of site is safe and suitable for the support and occupancy of the existing apartment buildings" prior to granting a Certificate of Occupancy for any building onsite.

The combined project is subject to the following land use reviews which have been combined into one staff report.

Site Plan and Design Review SP 19-00127 Site Plan and Design Review

Applicable Municipal Code: Adopted August 2, 2019

The new service road connection/ fire truck access extension requires review under this chapter. No additional work in the parking lot and site is being proposed with this application.

Geologic Hazards Overlay District GEO 19-00002 Geologic Hazards Review

Applicable Municipal Code: Adopted Prior to August 2, 2019

The dewatering wells, underground stormwater detention system and service road/ fire truck access extension will be reviewed for compliance with this chapter.

Natural Resources Overlay District. NROD 19-00012 Natural Resource Overlay District

Applicable Municipal Code: Adopted August 2, 2019

Any new impervious surface constructed within the Natural Resource Overlay District will require review and mitigation in compliance with this chapter. This includes the new service road extension, new disturbance area associated with installing the underground stormwater tank and private connection pipe and 5 dewatering wells that were placed within existing vegetation and repairs to the existing stormwater facility.

Figure 1: Vicinity Map

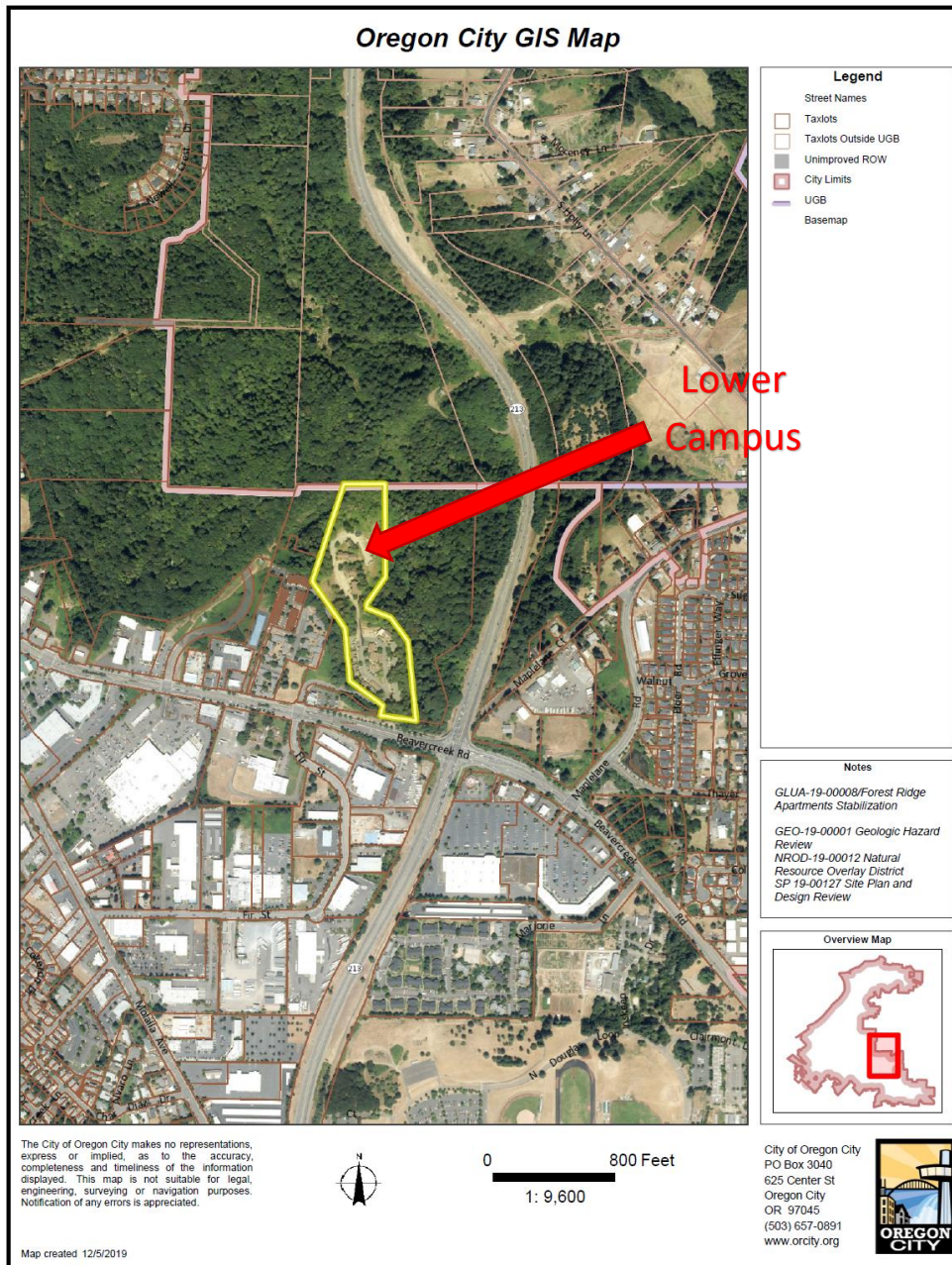


Figure 2: Aerial – Existing Conditions

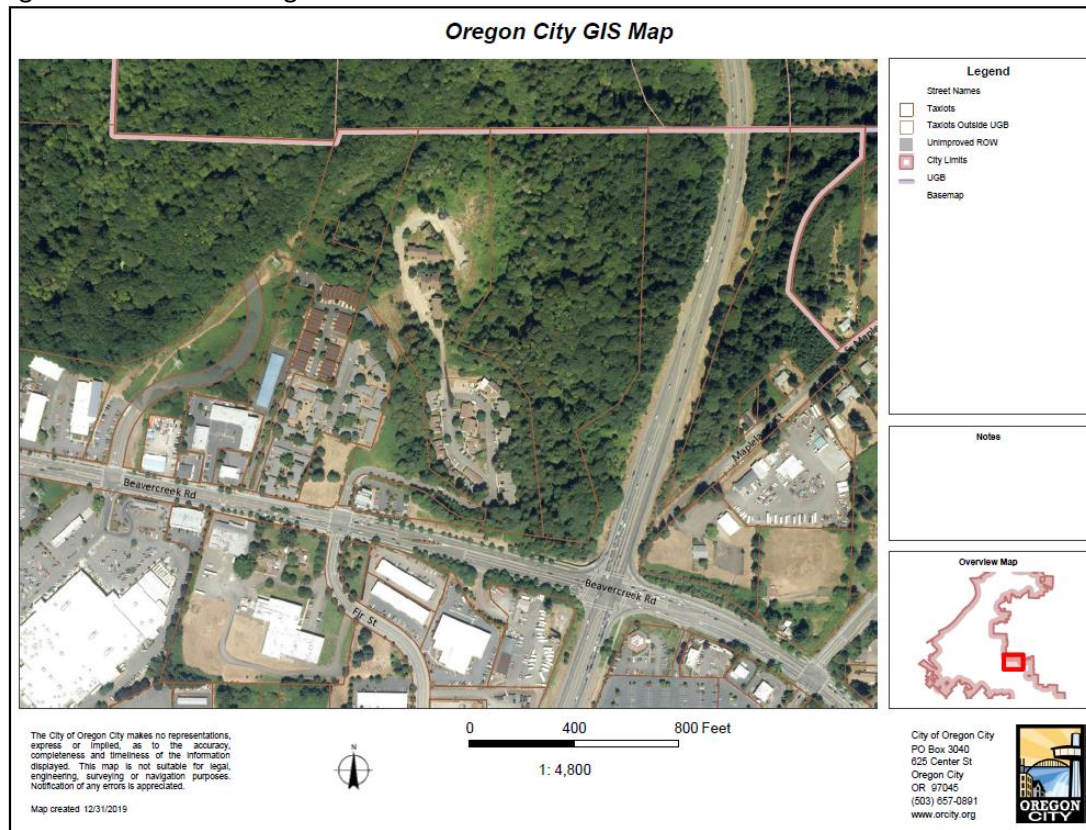


Figure 3: Natural Resource Overlay District

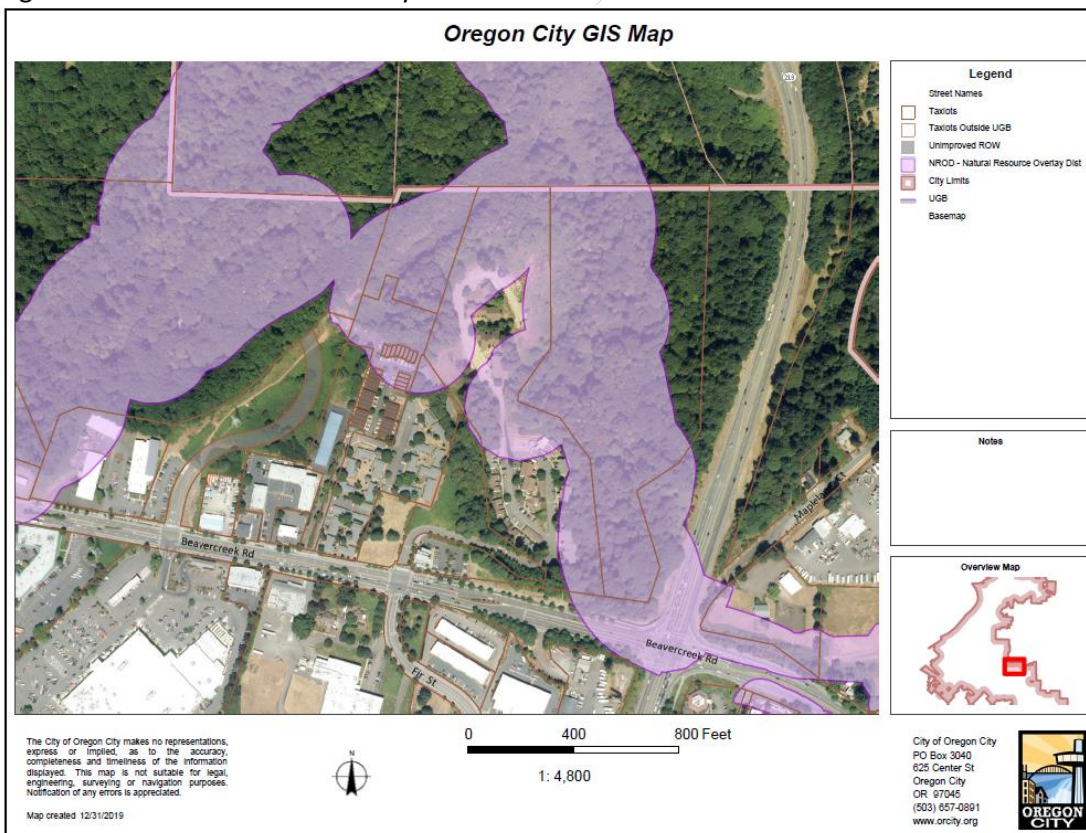
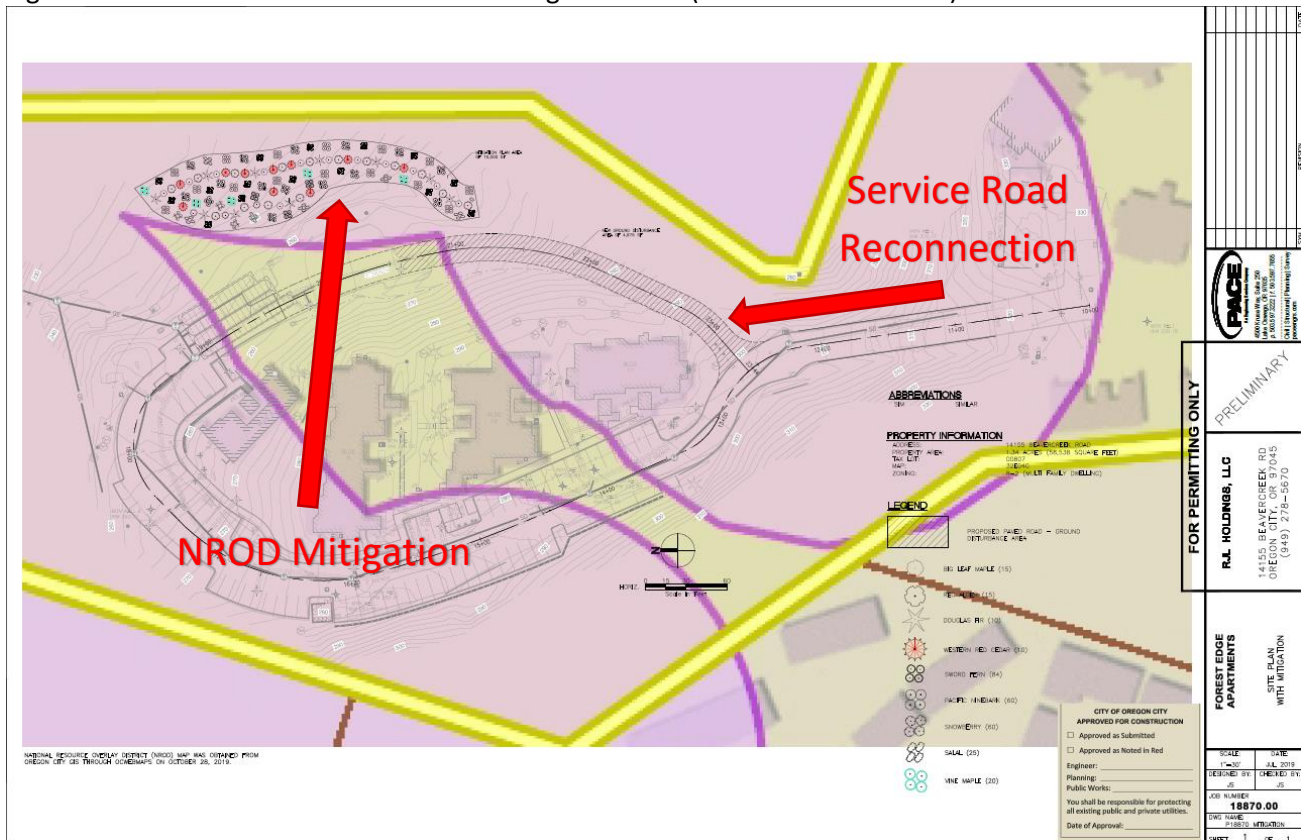


Figure 4: Dewatering Well Locations



Figure 5: Service Road Reconnection and Mitigation Area (NROD District in Pink)



Figures 6a&6b. Stormwater Outfall

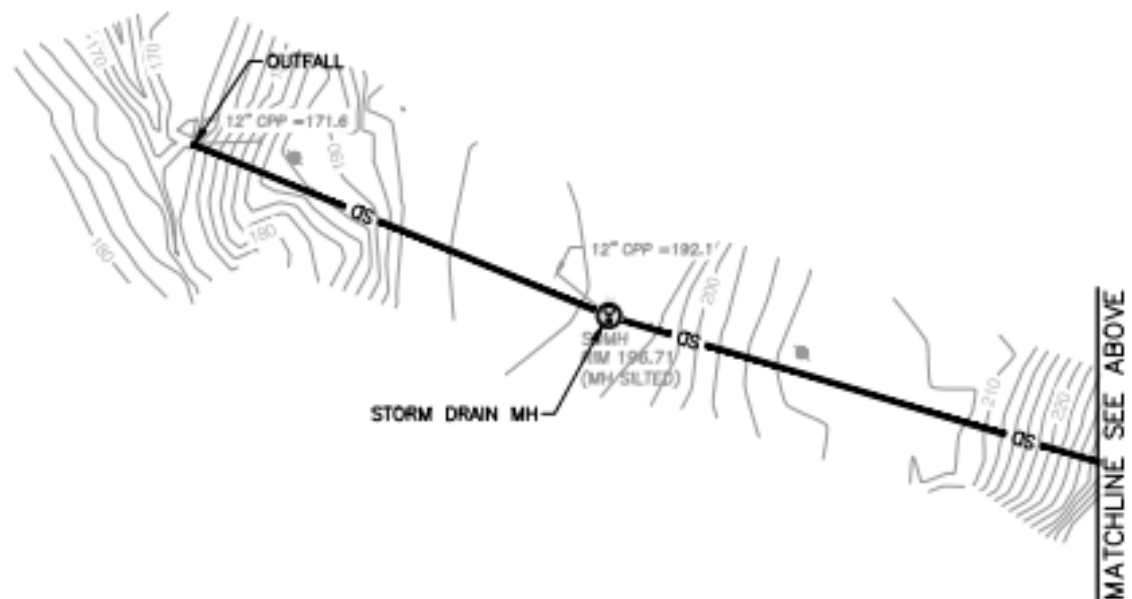
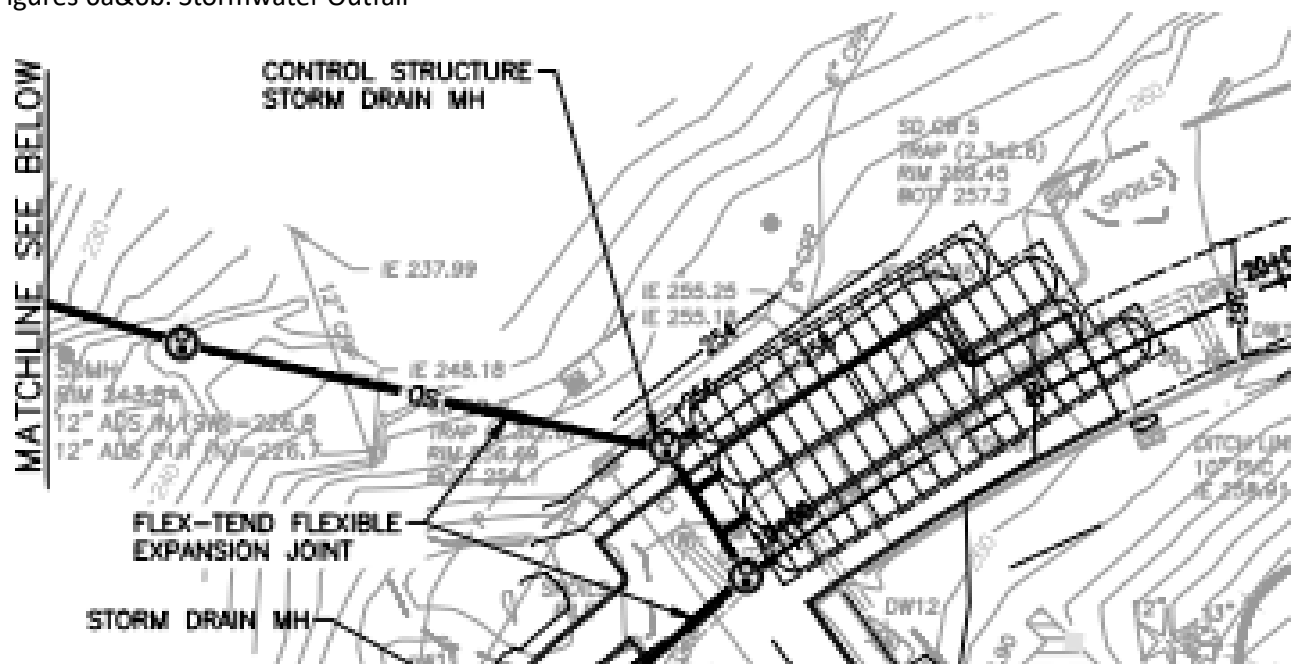


Figure 7. Dewatering Well- Representative Sample



2. Project Description

The project consists of Geo-hazard remediation and site work and Lower Campus facility.

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

- 12.04 – Streets, Sidewalks and Public Places
- 13.12 – Stormwater Management
- 15.48 – Grading, Filling and Excavating
- 17.18 – “R-2” Multi-Family Dwelling District
- 17.41 – Tree Protection Standards
- 17.44 – Geologic Hazards
- 17.47 – Erosion and Sediment Control
- 17.49 – Natural Resource Overlay District
- 17.50 - Administration and Procedures
- 17.52- Off Street Parking and Loading
- 17.65 -Site Plan and Design Review

The City Code Book is available on-line at www.orcity.org. and at <https://www.orcity.org/planning/equitable-housing-and-development-code-amendments>

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

5. Notice and Public Comment

Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property.

Doug Neeley, December 21, 2019 Email

Mr. Neeley was concerned about the history of slides onsite and the process for ongoing monitoring.

Wes Rogers, Oregon City School District- Transmittal Response

Mr. Rogers found that the proposal did not conflict with their interest.

Comments of the Public Works Department and Development Services Division are incorporated into this report and Conditions of Approval.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

II. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:

CHAPTER 17.18 - R-2 MULTI- FAMILY DWELLING DISTRICT

17.18.040 - Dimensional standards.

Dimensional standards in the R-2 district are:

A. Minimum lot areas: Two thousand square feet per unit.

B. Minimum lot width, fifty feet;

C. Minimum lot depth, seventy-five feet;

D. Maximum building height, four stories, not to exceed fifty-five feet;

E. Minimum required setbacks:

1. Front yard, five feet minimum setback (May be reduced to zero through Site Plan and Design Review)

2. Side yard, five feet minimum setback,

3. Corner side yard, ten feet minimum setback,

4. Rear yard, ten feet minimum setback,

5. Buffer area. If a multi-family residential unit in this district abuts R-10, R-8, or R-6 use, there shall be required a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area and landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if it is found that the requirement is unnecessary on a case-by-case basis.

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

F. Design criteria: See Site Plan and Design Review requirements in Chapters [17.62](#) and [17.52](#).

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

Finding: Complies as Proposed. The proposal does not include a change in use for the property. All proposed work is located within the underlying zone setbacks.

17.54.100 - Fences.

Fence, Setback and Height Limitations.

A fence may be located on the property or in a yard setback area subject to the following:

Generally. Fence, hedge, or wall.

1. Fences and walls—Fences and walls over forty-two inches shall not be located in front of the front façade or within forty feet of the public right-of-way, whichever is less. All other fences (including fences along the side and rear of a property) shall not exceed six feet in total height unless as permitted [in] Section 17.54.100.B.

2. Hedges shall not be more than forty-two inches in the underlying front yard setback. Individual plants and trees taller than forty-two inches tall may be permitted provided there is at least one foot clearance between each plant.

3. Property owners shall ensure compliance with the traffic sight obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.

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

B. Exception. Fence, hedge, wall, or other obstructing vegetation on retaining wall. When a fence, hedge, wall, or other obstructing vegetation is built on a retaining wall or an artificial berm that is not adjacent to or abutting a public right-of-way, the following standards shall apply:

1. When the retaining wall or artificial berm is thirty inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.
2. When the retaining wall or earth berm is greater than thirty inches in height, the combined height of the retaining wall and fence or, wall from finished grade shall not exceed eight and one-half feet.
3. Fences, hedges or walls located on top of retaining walls or earth berms in excess of eight and one-half feet in height shall be set back a minimum of two feet from the edge of the retaining wall or earth berm below and shall not exceed a combined height of eight and one-half feet.
4. An alternative height or location requirement may be approved within a land use process for all non-single-family and two-family residential properties. The fence, hedge or wall shall be compatible with the adjacent neighborhood and achieve the same intent of the zoning designation and applicable site plan and design review process. In no case may the fence, hedge or wall exceed eight feet in height without approval of a variance.

Finding: Complies as Conditioned. It appears that the applicant may be proposing some retaining walls as part of this proposal. Prior to the release of a grading permit, the applicant shall submit for and receive approval for any new retaining walls through a Type I or Type II Site Plan and Design review process. Retaining walls shall be consistent with the requirements in OCMC 17.54.100 and OCMC 17.44.060. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 Co

de. Those exempted facilities shall be reviewed by the building official.

Finding: Applicable. The stormwater from the site will leave private property and will discharge into a public waterway.

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.*

Finding: Applicable. The development proposes to replace an existing stormwater facility which was destroyed with a previous landside in the area. The storm facility which existed previously provided stormwater management for the site which has more than 5000 square feet of impervious area.

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.*

Finding: Not Applicable. The applicant has not met exemption requirements set forth in section 13.12.050.C of the Oregon City Municipal Code.

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.*

Finding: Not Applicable. The proposal does not contain elements requiring additional stormwater management practices.

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.*

Finding: Complies as Conditioned. The development only proposes to rehabilitate the existing development and not add to the existing development. Therefore, the applicant is subject to the stormwater standard which were applicable when the property was most previously developed (the 1999 version of the Oregon City Public Works Stormwater and Grading Design Standards). The applicant submitted a preliminary stormwater report which demonstrates how the proposed stormwater facility may meet requirements of the 1999 version of the Oregon City Public Works Stormwater and Grading Design Standards. The report showed a proposed stormwater detention system that reduce storm flows to be 0.01 cubic feet per section greater than the 25-year pre-development storm flows. The applicant shall provide a revised drainage plan and report with storm discharges equal to, or less than, peak discharge levels of the pre-developed condition as described in the 1999 version of the Oregon City Public Works Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.*

Finding: Complies as Conditioned. The applicant's engineer shall address all comments resulting from the City's review of the revised drainage plan and report provided by the applicant. Approval of the drainage plan and report shall only be issued when staff has determined that the report and plan meet the requirements of 1999 version of the Oregon City Public Works Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Not Applicable. The applicant has not proposed alternative design methods requiring special approval by the City Engineer. However, should the applicant propose such methods with the public facilities construction plan submittal, the proposal will be reviewed and approved by the City Engineer as required.

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.

Finding: Not applicable. All stormwater facilities proposed for the development are on private property and shall be privately owned and maintained.

13.12.140 - Maintenance of public stormwater facilities.

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

Finding: Not applicable. All stormwater facilities proposed for the development are on private property and shall be privately owned and maintained.

13.12.145 - Maintenance of private stormwater facilities.

- A. *An applicant shall submit an operation and maintenance plan for each proposed stormwater facilities, unless exempted in the Public Works Stormwater and Grading Design Standards. The information in the operation and maintenance plan shall satisfy the requirements of the Public Works Stormwater and Grading Design Standards.*

- B. *Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. A maintenance log is required to document facility inspections and specific maintenance activities. The log shall be available to city inspection staff upon request.*
- C. *Failure to operate or maintain a stormwater facility according to the operation and maintenance plan may result in an enforcement action under Section 13.12.150.*

Finding: Complies as Conditioned. The applicant shall execute a Maintenance Covenant and Access Easement for any private stormwater facilities to be constructed within the development. The Maintenance Covenant and Access Easement shall include an operation and maintenance plan for said stormwater facilities. The Maintenance Covenant and Access Easement shall be recorded by the City as required by the Public Works Stormwater and Grading Design Standards. The applicant shall pay all fees associated with processing and recording the Maintenance Covenant and Access Easement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC PLACES

Finding: Not Applicable. The frontage of the development property has been fully improved and does not require additional improvements.

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.*

Finding: Complies as conditioned. The applicant did not provide preliminary cut or fill calculations demonstrating that grading activities are not in excess of ten cubic yards of earth. Based on the submitted preliminary grading plans, staff has determined that cut will be in excess of ten cubic yards of earth. The applicant shall obtain a city-issued grading permit before the commencement of any filling or grading activities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

15.48.040 - Grading permit exemptions.

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

- A. *Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies;*
- B. *An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. The placement of any fill material removed from such an excavation requires a grading permit if:*
 - 1. It exceeds fifty cubic yards,*
 - 2. More than ten cubic yards are removed from the site, or*
 - 3. The fill is placed on the site to a depth greater than one foot;*

- C. Farming practices as defined in ORS 30.930 and farm uses as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter;
- D. Excavation for cemetery graves;
- E. Sandbagging, diking, ditching, filling or similar work when done to protect life or property during an emergency;
- F. Repaving of existing paved surfaces that does not alter existing drainage patterns;
- G. Maintenance work on public roads performed under the direction of the city, Clackamas County or Oregon State Department of Transportation personnel.

Finding: Not Applicable. Based on the submitted preliminary grading plans, staff has determined that cut or fill may be in excess of ten cubic yards of earth. Therefore, the project is not exempt from the requirement of a grading permit.

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.

Finding: Complies with condition. The applicant provided a preliminary geotechnical engineering report, and a preliminary grading plan which meets requirements of the Oregon City Public Works Stormwater and Grading Design Standards. The development's engineer(s) shall schedule a pre-design meeting with Oregon City staff prior to official review of the development construction plans. The applicant shall provide construction plans, stamped and signed by a professional engineer licensed in the State of Oregon, grading, stormwater, sanitary sewer and water infrastructure improvements that conforms to all current Oregon City Public Works standards, specifications, codes, and policies for review and approval by the City. The engineering plans shall provide a local benchmark onsite using the NAVD88 datum. The development's contractor(s) and engineer(s) shall attend a pre-construction meeting with Oregon City staff prior to beginning construction work associated

with the project. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.*

Finding: Complies with Condition. The applicant has not proposed to remove any trees therefore, Chapter 17.41 does not apply to the proposed development. Per 17.49 Native trees shall be preserved unless they are located within ten feet of any proposed structures or within five feet of new driveways within the NROD boundary, or if deemed not wind-safe by a certified arborist. Removal of invasive species within the mitigation plan will be conditioned as part of this application. An existing tree is located near STA 23+30 (See Mitigation Plan Map) and is within 10 feet of the proposed paved fire truck access road or stormwater line. The applicant has indicated that this tree shall be preserved and protected Trees. If, during construction, the tree or another onsite cannot remain, it shall be mitigated for using 17.41.060-1 Column A. (P) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.44 – GEOLOGIC HAZARDS

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

No person shall engage in any of the following regulated activities within the adopted Oregon City Geologic Hazards Overlay Zone as defined in section 17.04.515 of the Oregon City Municipal Code without first obtaining permits or approvals as required by this chapter:

- A. Installation or construction of an accessory structure greater than 500 square feet in area;*
 - B. Development of land, construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which permission is required pursuant to the Oregon City Municipal Code;*
 - C. Tree removal on slopes greater than 25 percent where canopy area removal exceeds 25 percent of the lot.*
 - D. Excavation which exceeds two feet in depth, or which involves twenty-five or more cubic yards of volume;*
- The requirements of this chapter are in addition to other provisions of the Oregon City Municipal Code. Where the provisions of this chapter conflict with other provisions of the Oregon City Municipal Code, the provisions that are the more restrictive of regulated development activity shall govern.*

Finding: Complies with Condition. The proposed development and involves excavation and development exceeding the stated thresholds and requires permitting pursuant to the Oregon City Municipal Code. The project site is within the adopted Oregon City Geologic Hazards Overlay Zone based on steep slopes and landslide hazards. Therefore, the project is subject to the provisions for the Geologic Hazards Overlay District. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.030 - Procedures.

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

A. Where the development is part of a land use permit application, review shall occur in the manner established in Chapter 17.50 for review of land use decisions.

B. Where the development is part of a limited land use permit application, review shall occur in the manner established in Chapter 17.50 for review of limited land use decisions.

C. Where the development is solely part of a grading permit or building permit, the city engineer may allow review to occur in the manner established in Title 15, Chapters 15.04 and 15.48 if the application meets Section 17.44.060 development standards.

D. For any other proposed development not otherwise subject to review as a land use or limited land use permit application, review shall occur in the manner established in Chapter 17.50 for limited land use decisions.

Finding: Applicable. The development within the adopted Oregon City Geologic Hazards Overlay Zone and is required to apply for a land use permit.

17.44.035 - Exemptions.

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

A. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;

B. A fill which does not exceed two feet in depth or twenty-five cubic yards of volume;

C. Structural alteration of any structure of less than five hundred square feet that does not involve grading as defined in this chapter;

D. Installation, construction, reconstruction, or replacement of utility lines in city right-of-way, or public easement, not including electric substations;

E. The removal or control of noxious vegetation;

F. Emergency actions which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property. The person undertaking emergency action shall notify the building official on all regulated activities associated with any building permit or city engineer/public works director on all others within one working day following the commencement of the emergency activity. If the city engineer/public works director or building official determine that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken.

Finding: Not Applicable. Proposed activities associated with the development do not meet the criteria for exemption from this chapter.

17.44.050 Development - Application Requirements and Review Procedures and Approvals.

Except as provided by subsection B of this section, the following requirements apply to all development proposals subject to this chapter:

17.44.050.A. A geological assessment and geotechnical report that specifically includes, but is not limited to:

- 1) Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:

- a) The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area;

- b) Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);

- c) *Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);*
- d) *DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);*
- e) *"Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);*
- 2) *Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;*
- 3) *Comprehensive information about site topography;*
- 4) *Opinion as to the adequacy of the proposed development from an engineering standpoint;*
- 5) *Opinion as to the extent that instability on adjacent properties may adversely affect the project;*
- 6) *Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;*
- 7) *Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;*
- 8) *Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;*
- 9) *Recommendations and types of considerations as appropriate for the type of proposed development:*
 - a. *General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill,*
 - b. *Location of residence on lot,*
 - c. *Building setbacks from slopes,*
 - d. *Erosion control techniques applicable to the site,*
 - e. *Surface drainage control to mitigate existing and potential geologic hazards,*
 - f. *Subdrainage and/or management of groundwater seepage,*
 - g. *Foundations,*
 - h. *Embedded/retaining walls,*
 - i. *Management of surface water and irrigation water, and*
 - j. *Impact of the development on the slope stability of the lot and the adjacent properties.*
- 10) *Scaled drawings that describe topography and proposed site work, including:*
 - a. *Natural physical features, topography at two or ten-foot contour intervals locations of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and manmade structures or features all fully dimensioned, trees six- inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities;*
 - b. *All of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.*
 - c. *A cross-section diagram, indicating depth, extent and approximate volume of all excavation and fills.*
- 11) *For properties greater than 1 acre, a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.*

Finding: Complies as conditioned. The applicant has provided the following documents:

- a. Report of Geotechnical Engineering Services, Lower Campus Slope Stability and Dewatering System Evaluation, GeoDesign, Inc., July 31, 2018,
- b. Supplemental Report of Geotechnical Engineering Services, GeoDesign, Inc., March 12, 2019
- c. Response to City of Oregon City's Geotechnical Review Comments, GeoDesign, Inc., June 28, 2019
- d. Dewatering System Operation and Maintenance Plan, GeoDesign, Inc., June 28, 2019

The site has a history of slide movement that is documented in the above reports and previous reports and studies. The Applicant has installed a dewatering system to mitigate the landslide and has provided documentation of the systems effectiveness. Effectiveness of the dewatering system and mitigation requires ongoing maintenance and monitoring of the system throughout the life of the development. The development shall record a "Dewatering System Operation and Maintenance" covenant for continued maintenance and operation of the dewatering system proposed by the development. Said covenant shall run with the land bind current and subsequent owners of the property to maintain and operate a dewatering system and grant the city the right to enter the subject property to inspect and make certain repairs, or perform certain maintenance procedures on the dewatering facilities when such repairs or maintenance have not been performed by the property owner; and promises to reimburse the city for the cost should the city perform such repairs or maintenance. The covenant shall run with the land and shall be binding upon subsequent owners of the property. All terms of the covenant shall be reviewed and approved by the City prior to recording of the covenant.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

17.44.050.B. *Review Procedures and Approvals require the following:*

- 1) *Examination to ensure that:*
 - a) *Required application requirements are completed;*
 - b) *Geologic assessment and geotechnical report procedures and assumptions are generally accepted;*
and
 - c) *All conclusions and recommendations are supported and reasonable.*
- 2) *Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity.*
- 3) *All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or geologic engineering and geotechnical engineering, respectively, as determined by the city. The city will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.*

Finding: Complies with Condition. The applicant's geotechnical consultant has provided the geotechnical reports discussed above. The report procedures and assumptions are generally accepted, and the conclusions and recommendations are supported and reasonable. The applicant's geotechnical consultant has reviewed the grading and stormwater management plans associated with the development and documented that the plans were prepared in accordance with their geotechnical recommendations. The city's geotechnical consultant shall review the finalized erosion control plan, construction plans and stormwater report and the cost of review shall be paid by the applicant. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.050.C *The city engineer may waive one or more requirements of subsections A and B of this section if the city engineer determines that site conditions, size or type or development of grading requirements do not warrant such detailed information. If one or more requirements are waived, the city engineer shall, in the staff report or decision, identify the waived provision(s), explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority.*

Finding: Not Applicable. The City Engineer has not waived the code provisions.

17.44.060 Development Standards.

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

17.44.060.A *All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal and fill and grading for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.*

Finding: Complies as Proposed. Grading including excavation and compaction of engineered fill is proposed. Proposed excavations are generally confined to existing roads and parking areas.

17.44.060B *All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Erosion control measures shall be installed and functional prior to any disturbances. The City Engineer may allow grading, drainage improvements or other land disturbances to begin before May 1 (but no earlier than March 16) and end after October 31 (but no later than November 30), based upon weather conditions and in consultation with the project geotechnical engineer. The modification of dates shall be the minimum necessary, based upon the evidence provided by the applicant, to accomplish the necessary project goals. Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.*

Finding: Complies with Condition. Excavation and compaction of engineered fill is proposed. Grading, drainage improvements or other land disturbances shall be restricted to between May 1 and October 31, unless extended by the City Engineer consistent with 17.44. The applicant shall submit a work schedule which has been reviewed and approved by a licensed geotechnical engineer with regard to the viability of completing necessary project goals within the aforementioned time period. Erosion control measures shall be installed and functional prior any soil disturbance. Temporary protective fencing shall be established adjacent to all trees and vegetation designed for protection which are within five feet of a construction area prior to any soil disturbance. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.060.C *Designs shall minimize the number and size of cuts and fills.*

Finding: Complies as Proposed. Applicant has submitted a grading plan prepared by PACE, dated February, 2019 which shows that the number and size of cuts and fills are minimized to a reasonable extent.

17.44.060.D *Cut and fill slopes, such as those for a street, driveway accesses, or yard area, greater than seven feet in height (as measured vertically) shall be terraced. Faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut and fill slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut or fill slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.*

Finding: Not applicable. The applicant has not proposed cut or fill greater than seven feet in height. Proposed total cut and fill slopes do not exceed a vertical height of fifteen feet.

17.44.060.E *Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter.*

Finding: Complies with Condition. Structural fill proposed for the development shall conform to the recommendations provided by the applicant's geotechnical engineer, who shall observe placement of the fill and certify, in writing, that the structural fill used on the site meets the provided design specifications and is placed as designed. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.060.F *Retaining walls shall be constructed in accordance with the Oregon Structural Specialty Code adopted by the State of Oregon.*

Finding: Complies as conditioned. Geotechnical recommendations for modular block retaining walls up to three feet high were provided by the applicant's geotechnical consultant. Additional engineering and design shall be provided for walls that don't meet the assumptions provided by the geotechnical consultant. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.060.G *Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the City's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.*

Finding: Complies as proposed. The applicant has proposed approximately 250 feet of new emergency access road which is 20 feet in width for use as an emergency vehicle turn around. Cuts and fill for the proposed road are less than 3 feet and the road will be finished with a gravel surface.

17.44.060.H *Density shall be determined as follows*

- 1) *For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district;*
- 2) *For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;*
- 3) *For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection I 4 of this section.*

Finding: Complies as proposed. The housing structures on the site are pre-existing and no additional units are proposed.

17.44.060.I *For properties with slopes of twenty-five to thirty-five percent between grade breaks:*

1. *For those portions of the property with slopes of twenty-five to thirty-five percent, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;*
2. *An individual lot or parcel with slopes between twenty-five and thirty-five percent shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.*
3. *No cut into a slope of twenty-five to thirty-five percent for the placement of a housing unit shall exceed a maximum vertical height of 15 feet for the individual lot or parcel.*
4. *For those portions of the property with slopes over thirty-five percent between grade breaks:*
 - a. *Notwithstanding any other City land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by*

this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable City requirements as well as any applicable State, Federal or other requirements;

- b. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.*

Finding: Complies as proposed. The housing structures on the site are pre-existing and no additional units are proposed.

17.44.060.J *The geotechnical engineer of record shall review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report.*

Finding: Complies as conditioned. The applicant's geotechnical consultant has reviewed the grading and stormwater management plans associated with the development and documented that the plans were prepared in accordance with their geotechnical recommendations. As-builts conforming to City standards shall be provided within 90 days of completion of the project. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.060.K *At the City's discretion, peer review shall be required for the geotechnical evaluation/investigation report submitted for the development and/or lot plans. The peer reviewer shall be selected by the City. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer prior to issuance of building permit.*

Finding: Complies as conditioned. The city has selected a peer reviewer for the geotechnical evaluation/investigation report submitted for the development. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer and the City's peer reviewer shall agree with geotechnical evaluation/investigation report submitted for the development prior to issuance of building permit(s). **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.060.L *The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the City's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur.*

Finding: Complies with Condition. Per standard procedure, the City's on-call geotechnical engineer provides peer review services to determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. Costs associated with geologic hazard review of the land use application by the City's geotechnical engineer shall be paid by the applicant. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.070 Access to Property.

Shared private driveways may be required if the city engineer or principal planner determines that their use will result in safer location of the driveway and lesser amounts of land coverage than would result if separate private driveways are used.

Innovations in driveway design and road construction shall be permitted in order to keep grading and cuts or fills to a minimum and to achieve the purpose and policy of this chapter.

Points of access to arterials and collectors shall be minimized.

The city engineer or principal planner shall verify that adequate emergency services can be provided to the site.

Finding: Complies as conditioned. The applicant has proposed an emergency vehicle access loop which is proposed to be constructed of gravel. The design and construction material for the emergency vehicle access loop on the site shall be approved by Clackamas Fire District No.1. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.080 Utilities.

All new service utilities, both on-site and off-site, shall be placed underground and under roadbeds where practicable. Every effort shall be made to minimize the impact of utility construction. Underground utilities require the geologic hazards permitting and review prescribed herein.

Finding: Complies as conditioned. All new service utilities shall be placed underground and under roadbeds where practicable. Existing utilities to be abandoned must be abandoned per the geotechnical engineers' recommendations. Proposed methods for removal or abandonment of damaged utilities shall be submitted to the City for approval. Additional minor slope movement may occur even with the proposed mitigation and the additional movement is likely to concentrate in the area of previous movement and scarps. Therefore, the applicant shall provide plans for review by the city showing protection of underground utilities as recommended by the geotechnical engineer of record. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.090 Stormwater Drainage.

The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to City standards as set out in the City's drainage master plan and design standards. The review authority may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality consistent with Oregon City's Title III section of the Oregon City Municipal Code Chapter 17.49 and the Oregon City Public Works Stormwater Management Design Manual and Standards Plan or other adopted standards subsequently adopted by the City Commission. Drainage design shall be approved by the city engineer before construction, including grading or other soil disturbance, has begun.

Finding: Complies as proposed. The former stormwater management detention facility and most of the stormwater conveyance system was damaged or destroyed by slope movement. A new stormwater management system is proposed. The geotechnical Engineer of record has reviewed the plan and found it consistent with their recommendations for storm drainage.

17.44.100. Construction Standards.

During construction on land subject to this chapter, the following standards shall be implemented by the developer:

17.44.100.A *All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47 – Erosion and Sediment Control.*

Finding: Please refer to Section 17.47 of this report.

17.44.100.B No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the city engineer shall authorize the site access, brush to be cleared and the location of the test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The grading plan shall be approved by the city engineer as part of the city's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.

Finding: Please refer to Section 17.44.060.J of this report.

17.44.100.C Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).

Finding: Please refer to Section 17.44.100.J of this report.

17.44.100.D All disturbed vegetation shall be replanted with suitable vegetation upon completion of the grading of the steep slope area.

Finding: Please refer to Section 17.44.100.J of this report.

17.44.100.E Existing vegetative cover shall be maintained to the maximum extent practicable. No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip line of trees designated for protection, unless approved by the City.

Finding: Please refer to Section 17.44.100.J of this report.

17.44.100.F Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts.

Finding: Not Applicable. The applicant does not propose to disturb existing perennial and intermittent watercourses.

17.44.100.G All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the city engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the City may order work to be stopped.

Finding: Please refer to Section 17.44.100.J of this report.

17.44.100.H All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of 35% or less.

Finding: Not Applicable. The applicant does not propose new lots or structures.

17.44.100.I The applicant's geotechnical engineer shall provide special inspection during construction to confirm that the subsurface conditions and assumptions made as part of their geotechnical evaluation/investigation are appropriate. This will allow for timely design changes if site conditions are encountered that are different from those anticipated.

Finding: Complies as conditioned. The geotechnical engineer record shall observe all excavations and geologic conditions exposed during construction and document that the subsurface conditions are consistent with the assumptions made as part of their geotechnical evaluation/investigation. If the conditions are different than assumed in the preliminary report, the effect of the new observations shall be evaluated, and mitigation provided as required. Additional geologic hazards review may be required at the City's discretion. **See findings**

from section 17.44.100.J of the staff report. Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

17.44.100.J *Prior to issuing an occupancy permit, the geotechnical engineer shall prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations.*

Finding: Complies with Condition. The applicant shall retain the services of a licensed geotechnical engineer to conduct inspections prior to and during construction activities which involve removal or addition of vegetation, building structures, retaining walls or earth. The geotechnical engineer shall provide a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.110 Approval of Development.

The city engineer shall review the application and verify, based on the applicant's materials and the land use record, whether the proposed development constitutes a hazard to life, property, natural resources or public facilities. If, in the city engineer's opinion, a particular development poses such a hazard, the city engineer shall recommend to the review authority permit conditions designed to reduce or eliminate the hazard. These conditions may include, but are not limited to, prohibitions on construction activities between November 1st and March 31st.

Finding: Applicable. The application has been reviewed and permit conditions have been written in accordance with this section.

17.44.120 Liability.

Approval of an application for development on land subject to this chapter shall not imply any liability on the part of the city for any subsequent damage due to earth slides. Prior to the issuance of a building permit, a waiver of damages and an indemnity and hold harmless agreement shall be required which releases the City from all liability for any damages resulting from the development approved by the City's decision.

Finding: Complies with Condition. Development on land subject to this chapter shall not imply any liability on the part of the city for any subsequent damage due to earth slides. The applicant shall submit waiver of damages, indemnity and hold harmless agreement completed by owners of properties impacted by construction associated with the development. The applicant shall pay all fees associated with processing and recording the document. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.130 Compliance.

Nothing contained in this chapter shall relieve the developer of the duty to comply with any other provision of law. In the case of a conflict, the more restrictive regulation shall apply.

Finding: Complies with Condition. Conditions contained in this report shall not relieve the developer of the duty to comply with any other provision of law. In the case of a conflict, the more restrictive regulation shall apply. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

17.47.030 - Applicability.

A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.

B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies,

provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

Finding: Applicable. The applicant has proposed to construct dewatering wells, a new stormwater system, loop road connection and other associated site work.

17.47.060 - Permit required.

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

Finding: Complies as Conditioned. The applicant seeks approval of an application for land use which requires construction that may cause visible or measurable erosion. The applicant shall obtain an Erosion and Sediment Control Permit from the City prior to beginning construction work associated with the project. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.070 - Erosion and sediment control plans.

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

B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:

1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;

2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.

C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.

D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.

E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.

F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.

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

Finding: Complies as Conditioned. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan which meets the requirements of the City of Oregon City public works standards for erosion and

sediment control. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.49 NATURAL RESOURCE OVERLAY DISTRICT

17.49.10 - Purpose.

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

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

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

Finding: Complies as Conditioned. This Type II Natural Resource Overlay District (NROD) Site Plan Review Application is for the paved fire truck access road being proposed within the lower campus of the existing Forest Edge Apartments in the exact same location as approved in the original land-use decision and disturbances associated with the construction of the new stormwater facility and dewatering wells. The length of the fire truck access road is approximately 250 feet. It should be noted that a road previously existed within the approximate footprint location of this proposed paved fire truck access road several years ago until it was removed between 2006 through 2008 (based on OCWebMaps aerial photos). Since it was removed, the construction of the new paved fire truck access road is considered new areas of ground disturbance within the NROD and is not considered an exemption that is listed in a Type I NROD application. A Type I NROD application has been previously submitted in October 2019 for the exemptions within the NROD (dewatering wells, parking lot asphalt pavement repair, and stormwater utility system repair/replace). The paved fire truck access road shall be used as a truck turn-around and access road, and is not intended for public use for the tenants of these apartment dwellings. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.015 – Natural Resources Committee

The applicant is encouraged to contact the Oregon City Natural Resources Committee for input and advice on ways to further the purpose of the Natural Resources Overlay District, whether or not a development application is proposed within the Natural Resources Overlay District. Any advice given

by the Natural Resources Committee is non-binding on the applicant and the Natural Resources Committee, and shall not relieve an applicant from compliance with this Chapter.

Finding: Complies. The Natural Resource Committee will be reviewing this application at the January 8, 2020 meeting. The meeting video and NRC comments will be added to the record at the January 15, 2020 City Commission Meeting.

17.49.020 - NROD identifying documents.

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

- 1. The 1999 Oregon City Local Wetland Inventory.*
- 2. The Oregon City Water Quality Resource Area Map (Ord. 99-1013).*
- 3. 2004 Oregon City slope data and mapping (LIDAR).*
- 4. Metro Regionally Significant Habitat Map (Aerial Photos taken 2002).*
- 5. National Wetland Inventory (published 1992).*
- 6. Beaver Creek Road Concept Plan (adopted September 2008).*
- 7. Park Place Concept Plan (adopted April 2008).*
- 8. South End Concept Plan (Adopted April 2014).*

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

Finding: Complies. A portion of the site has been designated as NROD based on OC Web Maps. Please see OCWebMaps NROD overlay on Figures 3 & 5 and on the applicant's mitigation site plan.

17.49.30 - Map as reference.

- 1. This chapter applies to all development within the Natural Resources Overlay District as shown on the NROD Map, which is a regulatory boundary mapped ten feet beyond the required vegetated corridor width specified in OCMC 17.49.110. The mapped NROD boundary is based on a GIS-supported application of the adopted documents, plans and maps listed in OCMC 17.49.020A.1.— 17.19.020A.8., however the adopted map may not indicate the true location of protected features.*
- 2. Notwithstanding changing field conditions or updated mapping approved by the City (and processed as a Type I Verification per OCMC 17.49.255), the applicant may choose to either accept the adopted NROD boundary or provide a verifiable delineation of the true location of the natural resource feature pursuant to the Type I or Type II procedure in accordance with this chapter.*
- 3. The NROD boundary shall be shown on all development permit applications*
- 4. The official NROD map can only be amended by the City Commission.*
- 5. Verification of the map shall be processed pursuant to OCMC 17.49.250.*

Finding: Complies. The applicant has shown the NROD map obtained from OCWebMaps on the site plan with mitigation.

17.49.035 - Addition of wetlands to map following adoption.

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

Finding: Not applicable. There are no wetlands identified near the proposed paved fire truck access road or stormwater facility. The applicant has not proposed to amend the map.

17.49.040 - NROD permit and review process.

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

Finding: Complies. This is a Type II NROD Site Plan Review for the paved fire truck access road and stormwater facility.

17.49.050 - Emergencies.

The provisions of this ordinance do not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies. After the emergency has passed, any disturbed native vegetation areas shall be replanted with similar vegetation found in the Oregon City Native Plant List pursuant to the mitigation standards of OCMC 17.49.180. For purposes of this section emergency shall mean any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

Finding: Complies. The proposed work assist in the repair a site after a landslide emergency.

17.49.060 - Consistency and relationship to other regulations.

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

comprehensive plan and this code.

Finding: Complies with condition. The applicant indicated that proposed development does not require the approval of other agencies such as DSL or USACOE. The applicant shall provide documentation identifying if approval from Federal and State agencies is required. If required, the applicant shall provide copies of such approval prior to construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.70 - Prohibited uses.

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

- A. *Any new gardens, lawns, structures, development, other than those allowed outright (exempted) by the NROD or that is part of a regulated use that is approved under prescribed conditions. Note: Gardens and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to continue but cannot expand further into the overlay district.*
- B. *New lots that would have their buildable areas for new development within the NROD are prohibited.*
- C. *The dumping of materials of any kind is prohibited except for placement of fill as provided in subsection D. below. The outside storage of materials of any kind is prohibited unless they existed before the overlay district was applied to a subject property. Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality (ORS 466.005) are also prohibited.*
- D. *Grading, the placement of fill in amounts greater than ten cubic yards, or any other activity that results in the removal of more than ten percent of the existing native vegetation on any lot within the NROD is prohibited, unless part of an approved development activity.*

Finding: Not Applicable. This application is a new application within the NROD as the old road was removed and new disturbance will be created with the replacement of the stormwater system. This road was removed sometime between the years of 2006-2008. A new mitigation plan is being proposed for the disturbance in the NROD. Note that a road previously existing within the exact same footprint location of the proposed paved firetruck access road.

17.49.80 - Uses allowed outright (exempted).

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

- A. *Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the City.*

Finding: Not Applicable Restoration of any of the above items are not being proposed for this development.

- B. *Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.*

Finding: Not Applicable. Farming practices as discussed above are not being proposed for this development.

- C. *Utility service using a single utility pole.*

Finding: Not Applicable Utility service as discussed above are not being proposed for this development.

- D. *Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.*

Finding: Not Applicable Boundary and topographic surveys such as those discussed above are not being proposed for this development.

- E. *Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for*

geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the Community Development Director.

Finding: Complies as Conditioned. Geotechnical services are being reviewed in OCMC 17.44 section of this report. The Geotechnical engineer has reviewed the mitigation approach and does not have any concerns. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. Trails meeting all of the following:

- 1. Construction shall take place between May 1 and October 30 with hand held equipment;*
- 2. Widths shall not exceed forty-eight inches and trail grade shall not exceed twenty percent;*
- 3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;*
- 4. Located no closer than twenty-five feet to a wetland or the top of banks of a perennial stream, or no closer than ten feet of an intermittent stream;*
- 5. No impervious surfaces; and*
- 6. No native trees greater than one-inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least two-inch diameter and planted within ten feet of the trail.*

Finding: Not Applicable Trails are not being proposed for this development.

G. Land divisions provided they meet the following standards, and indicate the following on the final plat:

- 1. Lots shall have their building sites (or buildable areas) entirely located at least five feet from the NROD boundary shown on the City's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least 3,500 square feet with minimum dimensions of forty feet wide by forty feet deep;*
- 2. All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) are located outside the NROD;*
- 3. Impervious streets, driveways and parking areas shall be located at least ten feet from the NROD; and*
- 4. The NROD portions of all lots are protected by:*
 - a. A conservation easement; or*
 - b. A lot or tract created and dedicated solely for unimproved open space or conservation purposes.*

Finding: Not Applicable. Land divisions are not being proposed for this development.

H. Site Plan and Design Review applications where all new construction is located outside of the NROD boundary shown on the City's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the City.

Finding: Not Applicable. Most of the proposed paved road and some of the stormwater facility is located within the NROD.

I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.

Finding: Complies Routine repair and maintenance of existing structures (existing asphalt pavement repair and stormwater system) is being reviewed through a separate Type I Exemption application (NROD 19-0011). All dewatering wells installed on pervious ground are considered part of this Type II review and have been added to the mitigation calculation.

J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities,

etc., where the ground level impervious surface area is not increased.

Finding: Complies as Conditioned. Replacement of the existing asphalt pavement that does not increase the impervious coverage of the site is being reviewed through a (NROD 19-0011). Type I Exemption application. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

K. Measures approved by the City of Oregon City to remove or abate nuisances or hazardous conditions.

Finding: Complies as Conditioned. The apartment buildings on the Lower Campus were evacuated in the winter of 2015 following emergency declarations by the City Commission (Resolution 15-39 and 15-40) due to significant rainfall that saturated the soil and created a dangerous situation for the residents. With renewed significant landslide activity, the Building Official deemed the lower campus builds to be “Dangerous Buildings” and the Lower Campus was closed for occupancy, and it has been vacant since 2015.

The property was purchased by RJI Holdings, LLC in 2016 with the purpose of stabilizing and rehabilitating the lower campus. In July 2018, GeoDesign, Inc. provided the City with a comprehensive geotechnical report summarizing the geologic characterization of the site, subsurface exploration program, slope stability analysis, preliminary geotechnical recommendations, and installation and performance of a preliminary subsurface dewatering system installed at the Lower Campus. Since preparation of the comprehensive report, PACE Engineers, Inc. has prepared preliminary plans for reconstructing the Lower Campus. Plans include reconstruction of roads and utilities to restore the complex to a habitable condition. A new stormwater management system is proposed to manage stormwater from both the Lower and Upper Campuses to a discharge point at an established natural drainage downstream of the built area. Surface water from the Berryhill slope will also be collected and diverted as part of this new stormwater system to mitigate the slope stability hazards.

As part of this analysis, the applicant’s geotechnical engineer, recommended not repairing or concentrating stormwater discharge in the existing stormwater pond as it would exacerbate the hazard condition. The applicant’s geotechnical engineer rather, recommended using the tributary drainage as the outfall point for stormwater. Jeffery Tucker, PE Principal Engineer at Geo Design, the applicant’s Geotechnical Engineer, did not recommend infiltrating any additional water on the surrounding hillside which, requires the redesigned stormwater outfall to be relocated specifically at the tributary farther west of the existing outfall. This location is more than ½ the distance of the NROD buffer, a requirement of OCMC 17.49.155.

1. Staff finds that this stormwater approach is needed to remove or abate nuisances or hazardous conditions and is an exempt use per this section of the code. The remainder of the stormwater installation is being reviewed under OCM 17.49 and applicable conditions of approval added to ensure compliance.
2. Staff also finds that the applicant’s mitigation approach, not providing mulching and piped interim irrigation measures at the sloped mitigation area, is also needed to remove or abate nuisances or hazardous conditions onsite and is an exempted use per 17.49.155D. In order for this approach to be approved, the applicant shall submit their watering and erosion control approach in writing with concurrence from the applicant’s environmental professional that the proposed mitigation plan will ensure eighty percent survival at the end of the required five-year monitoring period in the mitigation area, meets the requirements of Oregon City’s Erosion Control Standards and can be approved by Oregon City’s Assistant City Engineer.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

K Tree Removal. The Community Development Director may permit the removal of any tree determined to be a dead, hazardous, or diseased tree as defined in OCMC 17.04. Any tree that is removed in accordance with this Section (L) shall be replaced with a new tree of at least ½-inch caliper or at least six-foot overall height. An exception to this requirement may be granted if the applicant demonstrates that a replacement tree has already been planted in anticipation of tree removal, or if the existing site conditions otherwise preclude tree replacement (due to existing dense canopy coverage or other ecological reasons). The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within NROD on the property. The replacement tree(s) shall be identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland). The property owner shall ensure that the replacement tree(s) survives at least two years beyond the date of its planting.

Finding: Complies as Conditioned. Removal of invasive species within the mitigation plan will be conditioned as part of this application. No tree removal is being proposed as part of this application. Native trees shall be preserved unless they are located within ten feet of any proposed structures or within five feet of new driveways within the NROD boundary, or if deemed not wind-safe by a certified arborist. An existing tree is located near STA 23+30 (See Mitigation Plan Map) and is within 10 feet of the proposed paved fire truck access road or stormwater line. The applicant has indicated that this tree shall be preserved and protected. If, during construction, the tree or another onsite cannot remain, it shall be mitigated for using 17.41.060-1 Column A or if it is a dead, hazardous, or diseased tree as defined in OCMC 17.04. It shall be replaced with a new tree of at least ½-inch caliper or at least six-foot overall height. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

M. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry), and removal of refuse and fill, provided that:

- 1. All work is done using hand-held equipment;*
- 2. No existing native vegetation is disturbed or removed; and*
- 3. All work occurs outside of wetlands and the top-of-bank of streams.*

Finding: Complies as Conditioned. An environmental professional has recommended the removal of invasive species within the mitigation plan area and the replanting of 50 trees and 249 shrubs as part of the mitigation plan. The mitigation plan is further discussed in the Mitigation Plan report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

N. Activities in which no more than one hundred square feet of ground surface is disturbed outside of the bankfull stage of water bodies and where the disturbed area is restored to the pre-construction conditions, notwithstanding that disturbed areas that are predominantly covered with invasive species shall be required to remove the invasive species from the disturbance area and plant trees and native plants pursuant to this Chapter.

Finding: Not Applicable. Activities, such as those discussed above or near areas such as discussed as above, are not being proposed for this development.

New fences meeting all of the following:

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

Finding: Complies with Condition. Fences are not being proposed for the proposed development. However, if a fence is proposed outside of this process- it will be reviewed for compliance with 17.49080N, which will require a separate Type I or Type II NROD review. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

- O. Gardens, fences and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to be maintained but cannot expand further into the overlay district.

Finding: Not Applicable. Gardens, fences and lawns within the NROD are not being proposed for this development.

17.49.090 - Uses allowed under prescribed conditions.

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

- A. Alteration to existing structures within the NROD when not exempted by OCMC 17.49.080, subject to OCMC 17.49.130.

Finding: Not Applicable The proposed paved road is not an alteration to an existing structure within the NROD.

- B. A residence on a highly constrained vacant lot of record that has less than three thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in OCMC 17.49.120.A.

Finding: Not Applicable A residence, such as the one described in the previous paragraph, is not being proposed for this development.

- C. A land division that would create a new lot for an existing residence currently within the NROD, subject to OCMC 17.49.160.

Finding: Not Applicable A land division is not being proposed for this development.

- D. Land divisions when not exempted by OCMC 17.49.080, subject to the applicable standards of OCMC 17.49.160.

Finding: Not Applicable A land division is not being proposed for this development.

- E. Trails/pedestrian paths when not exempted by OCMC 17.49.080, subject to OCMC 17.49.170 (for trails) or OCMC 17.49.150 (for paved pedestrian paths).

Finding: Not Applicable Trails/pedestrian paths are not being proposed for this development.

- F. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by OCMC 17.49.080.

Finding: Not Applicable. The proposed paved road is a new fire truck access road that is not exempted by OCMC 17.49.080. This section standard has been met.

G. *Roads, bridges/creek crossings Subject to OCMC 17.49.150.*

Finding: Not Applicable The proposed paved road is a new fire truck access road that is not exempted by OCMC 17.49.080. This section standard has been met.

H. *Utility lines subject to OCMC 17.49.140.*

Finding: Not Applicable Utility lines are not being proposed for this development.

I. *Stormwater detention or pre-treatment facilities subject to OCMC 17.49.155.*

Finding: Applicable. Stormwater detention or pre-treatment facilities are reviewed in 17.49.155.

J. *Institutional, industrial or commercial development on a vacant lot of record situated in an area designated for such use that has more than seventy-five percent of its area covered by the NROD, subject to OCMC 17.49.120.B.*

Finding: Not Applicable Institutional, industrial or commercial development are not being proposed for this development.

K. *City, county and state capital improvement projects, including sanitary sewer, water and storm water facilities, water stations, and parks and recreation projects.*

Finding: Not Applicable City, county, and state capital improvement projects are not being proposed for this development.

L. *Non-hazardous tree removal that is not exempted pursuant to OCMC 17.49.080.K.*

Finding: Not Applicable Non-hazardous tree removal is not being proposed for this development.

M. *Fences that do not meet the standards for exemption pursuant to OCMC 17.49.080.O.4.*

Finding: Complies as Conditioned Fences are not being proposed for the proposed development. However, if a fence is proposed outside of this process- it will be reviewed for compliance with 17.49080N, which will require a separate Type I or Type II NROD review. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

i. General development standards.

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

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

Finding: Complies as Conditioned Native trees shall be preserved unless they are located within ten feet of any proposed structures or within five feet of new driveways within the NROD boundary, or if deemed not wind-safe by a certified arborist. An existing tree is located near STA 23+30 (See Mitigation Plan Map) and is within 10 feet of the proposed paved fire truck access road. The applicant has indicated that this tree shall be preserved and protected Trees. If, during construction, the tree cannot remain, it shall be mitigated for using 17.41.060-1 Column A. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

2. *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.

Finding: Not applicable. The applicant is not requesting this analysis

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

Finding: Complies as Conditioned. All replanted vegetation within the mitigated plan appear to be native or listed on the OC Native Plant List or as otherwise described above. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

4. *Grading is subject to installation of erosion control measures required by the City;*

Finding: Complies as Conditioned. Erosion control measures shall be installed prior to any grading activity on the site. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

5. *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;*

Finding: Not Applicable. Minimum setbacks are not required for the proposed paved fire truck access road or stormwater system.

6. *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.*

Finding: Not Applicable. Maximum setbacks are not required for the proposed paved fire truck access road.

7. *Fences in compliance with OCMC 17.49.080.N;*

Finding: Complies as Conditioned. Fences are not being proposed for the proposed development. However, if a fence is proposed outside of this process- it will be reviewed for compliance with 17.49080N, which will require a separate Type I or Type II NROD review. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Not Applicable. New exterior lighting is not being proposed for the proposed development. Some lighting already exists within the site.

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

Finding: Not Applicable. The proposed development is not being constructed within the 100-year floodplain.

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

Finding: Complies as Conditioned A mitigation plan is being proposed, see section 17.49.180 and -190 for additional information. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.110 - Width of vegetated corridor.

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

Table 17.49.110

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

Notes:

1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of OCMC 17.49.120.
 2. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.
 3. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the ≥25 percent slope.
- B. *Habitat Areas within City Parks. For habitat and water features identified by Metro as regionally significant which are located within city parks, the NROD Boundary shall correspond to the Metro Regionally Significant Habitat Map.*
- C. *Habitat Areas outside city limit/within UGB. For habitat and water features identified by Metro as regionally significant which are located outside of the city limits as of the date of adoption of this ordinance, the minimum corridor width from any non-anadromous fish-bearing stream or wetland shall be fifty feet.*

Finding: Complies. The applicant has chosen to utilize the city created NROD buffer for Newell Creek and its tributaries rather than provide a separate delineation.

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

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

- A. *Standard for Residential Development. In the NROD where the underlying zone district is zoned Residential (R-10, R-8, R-6, R-5, R-3.5): the maximum disturbance area allowed for new residential development within the NROD area of the lot is three thousand square-feet.*
- B. *Standard for all developments not located in R-10, R-8, R-6, R-5, and R-3.5. For all other underlying zone districts, the maximum disturbance area allowed for a vacant, constrained lot of record development within the NROD is that square footage which when added to the square footage of the lot lying outside the NROD portion equals twenty-five percent of the total lot area.*
 - 1. *Lots that are entirely covered by the NROD will be allowed to develop twenty-five percent of their area.*
 - 2. *This can be determined by: (1) Multiplying the total square footage of the lot by .25; or (2) Subtracting from that amount the square footage of the lot that is located outside the NROD. The result is the maximum square footage of disturbance to be allowed in the NROD portion of the lot. If the result is < or = to 0, no disturbance is permitted and the building shall be located outside of the boundary.*
- C. *In all areas, the disturbance area of a vacant, highly constrained lot of record within the NROD shall be set back at least fifty feet from the top of bank on Abernethy Creek, Newell Creek, or Livesay Creek or twenty-five feet from the top of bank of any tributary of the aforementioned Creeks, other water body, or from the delineated edge of a wetland located within the NROD area.*
- D. *If the highly constrained lot of record cannot comply with the above standards, a maximum 1,500 square foot disturbance within the NROD area may be allowed.*

Finding: Not Applicable. The proposed development is not located within any of the residential zones, and other locations described above.

17.49.130 - Existing development standards.

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

Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.

17.49.140 - Standards for utility lines.

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

- A. *The disturbance area for private connections to utility lines shall be no greater than ten feet wide;*
- B. *The disturbance area for the upgrade of existing utility lines shall be no greater than fifteen feet wide;*
- C. *New utility lines shall be within the right-of-way, unless reviewed under subsection D.*
- D. *New utility lines that cross above or underneath a drainage way, wetland, stream, or ravine within the NROD but outside of a right-of-way shall be processed as a Type III permit pursuant to OCMC 17.49.200, Adjustment from Standards.*
- E. *No fill or excavation is allowed within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;*
- F. *The Division of State Lands must approve any work that requires excavation or fill in a wetland;*
- G. *Native trees more than ten inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and*
- H. *Each six to ten-inch diameter native tree cut shall be replaced at a ratio of three trees for each one removed. Each eleven-inch or greater diameter native tree shall be replaced at a ratio of five trees*

for each removed. The replacement trees shall be a minimum one-half-inch diameter and selected from the Oregon City Native Plant List. All trees shall be planted within the NROD on the subject property. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees shall be planted between the utility line and the stream channel.

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

Finding: Complies as Conditioned: The applicant is proposing to install a new underground stormwater detention system underneath the existing impervious parking area which is partly located within the NROD boundary and will require an additional 200 square feet of disturbance area during construction. A new stormwater private connection pipe will be installed from the storage tank to the outfall of the neighboring unnamed creek. This private connection pipe does cross over or under a drainage way, wetland, stream, or ravine. No trees are proposed to be removed as part of this installation. The applicant will determine at the time of civil plan if the stormwater pipe can be bored or will need to be excavated and the disturbance area covered. Prior to the approval of civil plans, the application shall ensure that the stormwater facility shall not impact more than one thousand square feet of the NROD. Impacts greater than one thousand square feet shall be processed as a Type III application. The applicant shall provide documentation identifying if approval of any other governmental agency, such as the Division of State Lands or the US Army Corps of Engineers, is required and provide documentation of the approval of required permits from outside agencies. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.150 - Standards for vehicular or pedestrian paths and roads.

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

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

Finding: Not applicable There are currently no stream crossings that are located near the proposed paved road.

17.49.155 Standards for stormwater facilities.

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

- A. The forest canopy within the driplines of existing trees shall not be disturbed.*
- B. Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.*
- C. Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.*
- D. The stormwater facility may encroach up to one-half the distance of the NROD corridor.*

- E. *The stormwater facility shall not impact more than one thousand square feet of the NROD. Impacts greater than one thousand square feet shall be processed as a Type III application.*
- F. *The community development director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the Natural Resource Overlay District.*
- G. *The design of the stormwater facility shall be subject to OCMC 13.12.*

Finding: Complies as conditioned. The applicant is proposing to install a new underground stormwater detention system being reviewed through OCMC 13.12. located underneath the existing impervious parking area which is partly located within the NROD boundary and will require an additional 200 square feet of disturbance area during construction. A new stormwater private connection pipe will be installed from the storage tank to the outfall of the neighboring unnamed creek located onsite. Per code, the new private connection pipe and the stormwater facility will not impact more than 1000 square feet of new disturbance area. The underground stormwater facility is located between 30-50 feet into the NROD buffer which is less than one-half the distance of the 200-foot NROD corridor.

The applicant will determine at the time of civil plan if the stormwater pipe can be bored or will need to be excavated and the disturbance area covered. Prior to the approval of Civil Plans, the application shall ensure that the stormwater facility shall not impact more than one thousand square feet of the NROD. Impacts greater than one thousand square feet shall be processed as a Type III application.

In a January 5, 2020 email, the applicant provided additional information on the approach to replacing the existing non-functioning stormwater facility: "The existing pond (and previously approved stormwater management facility) is significantly deteriorated due to ground movements and deferred maintenance. From our recent in-field observations only the downhill berm remains. To be consistent with Geotechnical recommendations to dewater the more regional slide affected area, the existing pond will not be restored or reused. The proposed stormwater management system, as shown and detailed on PACE's submitted drawings, is placed northwest and significantly away from the originally constructed pond and stormwater management facility. This proposed system is designed to prevent subterranean infiltration while providing the detention function required per Oregon City stormwater design standards. Please see PACE's drawings that show the non-infiltration detention stormwater pipes located at the lower access road area. This location was selected in consideration of past documented ground movement. Only the discharge pipe will extend downhill to discharge into the unnamed creek tributary. Disturbance/ Improvements to the existing downhill (lower) berm will be limited to what is required to reestablish a discharge piping system and its associated outflow energy dissipation provisions."

As discussed previously in section 17.49.080K- *Measures approved by the City of Oregon City to remove or abate nuisances or hazardous conditions*. Staff finds that this stormwater approach, releasing the stormwater at the tributary outfall, is needed to remove or abate nuisances or hazardous conditions onsite and is an exempt use under 17.49.155D. The remainder of the stormwater installation is being reviewed under OCMC 17.49 and applicable conditions of approval added to ensure compliance. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.160 - Standards for land divisions.

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

- A. *For a lot for an existing residence currently within the NROD. This type of lot is allowed within the NROD for a residence that existed before the NROD was applied to a subject property. A new lot*

for an existing house may be created through a partition or subdivision process when all of the following are met:

1. There is an existing house on the site that is entirely within the NROD area; and
2. The existing house will remain; and
3. The new lot is no larger than required to contain the house, minimum required side setbacks, garage, driveway and a twenty-foot deep rear yard, with the remaining NROD area beyond that point protected by a conservation easement, or by dedicating a conservation tract or public open space.

B. Protection and ownership of NROD areas in land divisions:

1. New partitions shall delineate the NROD area either as a separate tract or conservation easement that meets the requirements of subsection 2. of this section.
2. Prior to final plat approval, ownership and maintenance of the NROD area shall be identified to distinguish it from the buildable areas of the development site. The NROD area may be identified as any one of the following:
 - a. A tract of private open space held by the homeowners association;
 - b. For residential land divisions, a tract of private open space held by a homeowner's association subject to an easement conveying stormwater and surface water management rights to the City and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document;
 - c. Public open space where the tract has been dedicated to the City or other governmental unit;
 - d. Conservation easement area pursuant to OCMC 17.49.180.G. and approved in form by the Community Development Director; or
 - e. Any other ownership proposed by the owner and approved by the Community Development Director.
 - f. NROD tracts shall be exempt from minimum frontage requirements, dimensional standards of the zoning designation, street frontage requirements, or flag lot standards pursuant to OCMC 16.08.053.

Finding: Not Applicable. Land divisions are not being proposed for this development.

17.49.170 - Standards for trails.

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

Finding: Not Applicable Trails are not being proposed for this development.

ii. - Mitigation standards.

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

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

Finding: Complies as Conditioned. The proposed NROD disturbance area for the proposed paved road is 4,975 SF. For a mitigation plan to occur at a 2:1 ratio (mitigation area: proposed NROD disturbance area), a mitigation plan area of 9,950 SF shall be required. A wetland is not located near the proposed development.

The applicant also submitted an addendum to the mitigation calculation to incorporate the dewatering wells that were installed within pervious areas as well as repair to the existing stormwater facility. Some of the dewatering wells were located in landscaped areas, which would be considered new disturbed NROD areas that would require additional area to be mitigated. A 2' x 3' structure will surround each dewatering well at construction completion; dewatering wells located in the new disturbed areas will require mitigation. The following dewatering wells (DW) were located in landscaped areas: DW-2, DW-9, DW-10, DW-11, and DW-12. Each of these dewatering wells has been assumed to require a 6 SF disturbance area (2' x 3' = 6 SF). In addition to the disturbed areas surrounding the five previously mentioned dewatering wells, a disturbed area for the repair of the stormwater system will also require mitigation. The stormwater system will consist of repair of an existing manhole and a portion of the stormwater detention facility located within the pervious NROD area located northeast of the lower campus. A disturbance area of approximately 200 SF shall be assumed for the repair of the existing stormwater system.

A total disturbance area of 60 SF, from the five dewatering wells and manhole, shall require mitigation at a 2:1 ratio. The new mitigation area has been calculated as shown below:

$$(4,975 \text{ SF}) + [60 \times 2] + [200 \text{ SF} \times 2] = 10,470 \text{ SF}$$

Mitigation Option 2 as discussed in OCMC 17.49.180 requires the following number of trees and shrubs to be planted within the mitigation area:

$$\text{Trees: } [4,975 + 200 + 120] \text{ SF} / 500 \times 5 = 54.95 \approx 55 \text{ trees}$$

$$\text{Shrubs: } [4,975 + 200 + 120] \text{ SF} / 500 \times 25 = 258.75 \approx 274 \text{ shrubs}$$

The revised Site Plan with Mitigation plan shall be revised to be a minimum of 10,470 SF with a total number of 55 trees and 275 shrubs. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

2. *Mitigation shall occur on the site where the disturbance occurs, pursuant to the following:*
 - a. *The mitigation required for disturbance associated with a right-of-way or utility in the right-of-way shall be located as close to the impact area as possible within the NROD;*
 - b. *If not possible to locate mitigation on the same site, the mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and*
 - c. *An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.*

Finding: Complies as Conditioned. The Mitigation Plan area is located northeast of the lower campus of Forest Edge apartments and located relatively close to the disturbance area. This location was recommended by the Geotechnical Engineer in order to reduce to possibility of land movement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

3. *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.*

Finding: Complies. The Mitigation Plan area is located within the NROD area.

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

Finding: Complies as Conditioned. Invasive species are being proposed to be removed within the mitigation area as part of the mitigation plan. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

5. *Required Mitigation Planting. An applicant shall meet Mitigation Planting Option 1 or 2 below, whichever option results in more tree plantings, except that where the disturbance area is one acre or more, Mitigation Option 2 shall be required. All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.*

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

a. Mitigation Planting Option 1-

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

Table 17.49.180E.1.a. — Required Planting

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

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

Finding: Complies as Conditioned. The applicant has chosen to comply with Option 2 for the mitigation plan discussed in the following paragraphs. Mitigation Plan Option 1 has been crossed out (ie. ~~crossed out~~) as this section shall not apply to the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

b. *Mitigation Planting Option 2.*

- i. *Planting Quantity. In this option, the mitigation requirement is calculated based on the size of the disturbance area within the NROD. Native trees and shrubs are required to be planted at a rate of five trees and twenty-five shrubs per every five hundred square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by five hundred, and then multiplying that result times five trees and twenty-five shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be three hundred thirty square feet of disturbance area, then three hundred thirty divided by five hundred equals .66, and .66 times five equals 3.3, so three trees shall be planted, and .66 times twenty-five equals 16.5, so seventeen shrubs shall be planted). Bare ground shall be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs*

Finding: Complies as Conditioned. NROD Disturbed area = 4,975 SF Required number of trees to be replanted = $(4,975 \text{ SF} / 500) \times 5 = 50$ trees (actual 49.75) Required number of shrubs to be replanted = $(4,975 \text{ SF} / 500) \times 25 = 249$ shrubs (actual 248.75) Bare ground shall be planted or seeded. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as Conditioned. Plantings may vary in size, but the applicant has indicated that no initial plantings shall be shorter than 12-inches in height. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

- iii. *Plant Spacing. Trees shall be planted at average intervals of seven feet on center. Shrubs may be planted in single-species groups of no more than four plants, with clusters planted on average between eight and ten feet on center.*

Finding: Complies as Conditioned. Spacing for trees are at an average interval of 7 feet on center and spacing for a single-species cluster of 4 shrubs at an average between 8 and 10 feet on center. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

- iv. *Mulching and Irrigation shall be applied in the amounts necessary to ensure eighty percent survival at the end of the required five-year monitoring period.*

Finding: Complies as Conditioned. Mulching and irrigation are not currently being proposed for the mitigation plan area due to a recommendation by the geotechnical engineer. The applicant's geotechnical engineer believes that the soil within the mitigation plan area does not have much bearing capacity due to the slope stability and previous land movements in the area; watering the area would have negative impacts. Staff finds that the applicant's mitigation approach, not providing mulching and piped interim irrigation measures at the mitigation area, is needed to remove or abate nuisances or hazardous conditions onsite and is an exempted use per 17.49.155D. In order for this approach to be approved, the applicant shall submit their watering and erosion control approach in writing with concurrence from the applicant's environmental professional that the proposed mitigation plan will ensure eighty percent survival at the end of the required five-year monitoring period, meets the requirements of Oregon City's Erosion Control Standards and can be approved by Oregon City's Assistant City Engineer. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

- v. *Plant Diversity. Shrubs shall consist of at least three different species. If twenty trees or more are planted, no more than one-third of the trees may be of the same genus.*

Finding: Complies as Conditioned. The mitigation plan indicates that proposed shrubs and trees consists of at least 3 different genus each. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

6. *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.*

Finding: Not Applicable. An alternative planting plan is not being proposed, mitigation plan option 2 is being proposed.

7. *Monitoring and Maintenance. The mitigation plan shall provide for a five-year monitoring and maintenance plan with annual reports in a form approved by the Community Development Director. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the Planning Division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of eighty percent survival of trees and shrubs of those species planted is required at the end of the five-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind to meet the eighty percent survival requirement. Bare spots and areas of invasive vegetation larger than ten square feet that remain at the end the five-year monitoring period shall be replanted or reseeded with native grasses and/or ground cover species.*

Finding: Complies as Conditioned. Monitoring and maintenance shall be the responsibility of the owner. The life expectancy of the new plantings for the mitigation plan area should exceed the 80% minimum survival requirement throughout the winter season in Oregon. The owner shall monitor and maintain the same 80% minimum survival rate during the summer or dry seasons for the next 5 years. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as Conditioned. The applicant shall record a covenant or conservation easement that is provided by the city for the proposed mitigation plan area. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

9. *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.*

Finding: Complies as Conditioned. A financial guarantee shall be paid for establishment of the mitigation plan area. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.190 - Alternative mitigation standards.

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

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

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

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

Finding: Not Applicable. The alternative mitigation standard discussed in section 17.49.190 is not being proposed for this application. The applicant is adhering to comply by mitigation plan option 2.

17.49.200 - Adjustment from standards.

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

- A. There are no feasible alternatives for the proposed use or activity to be located outside the NROD area or to be located inside the NROD area and to be designed in a way that will meet all of the applicable NROD development standards;*
- B. The proposal has fewer adverse impacts on significant resources and resource functions found in*

the local NROD area than actions that would meet the applicable environmental development standards;

- C. The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;*
- D. Fish and wildlife passage will not be impeded;*
- E. With the exception of the standard(s) subject to the adjustment request, all other applicable NROD standards can be met; and*
- F. The applicant has proposed adequate mitigation to offset the impact of the adjustment.*

Finding: Not applicable. As discussed previously in section 17.49.080K- *Measures approved by the City of Oregon City to remove or abate nuisances or hazardous conditions*. Staff finds that this irrigation approach, not providing mulching and piped interim irrigation measures at the mitigation area, and the redesigned/relocation of the stormwater outfall is needed to remove or abate nuisances or hazardous conditions onsite and is an exempt use under 17.49.155D and is exempted from this chapter and the adjustment standards.

17.49.210 - Type II development permit application.

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

Finding: Complies This proposal for a paved fire truck access road shall be processed as an NROD Type II development permit application.

Required site plans.

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

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

Finding: Complies. The items listed above have been incorporated into the site plan.

- B. Within the NROD area of the subject property:*
 - 1. The distribution outline of shrubs and ground covers, with a list of most abundant species;*
 - 2. Trees six inches or greater in diameter, identified by species. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;*
 - 3. An outline of the disturbance area that identifies the vegetation that will be removed. All trees*

- to be removed with a diameter of six inches or greater shall be specifically identified as to number, trunk diameters and species;*
4. *If grading will occur within the NROD, a grading plan showing the proposed alteration of the ground at two foot vertical contours in areas of slopes less than fifteen percent and at five foot vertical contours of slopes fifteen percent or greater.*

Finding: Complies as Conditioned. Compliance of the items listed above will be incorporated as a condition of approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

- 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.*

Finding: Complies as Conditioned. Compliance of the items listed above will be incorporated as a condition of approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

- D. *A mitigation site plan demonstrating compliance with OCMC 17.49.180 or 17.49.190, including:*
1. *Dams, weirs or other in-water features;*
 2. *Distribution, species composition, and percent cover of ground covers to be planted or seeded;*
 3. *Distribution, species composition, size, and spacing of shrubs to be planted;*
 4. *Location, species and size of each tree to be planted;*
 5. *Stormwater management features, including retention, infiltration, detention, discharges and outfalls;*
 6. *Water bodies or wetlands to be created, including depth;*
 7. *Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.*

Finding: Complies as Conditioned. That applicant has submitted a mitigation plan that includes the above required information. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.230 - Mitigation plan report.

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

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

Finding: Complies. A mitigation plan report was prepared by an environmental professional and addressees all items above.

17.49.240 - Density transfer.

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

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

- A. *Density may be transferred from the NROD to non-NROD portions of the same property or of contiguous properties within the same development site;*
- B. *The residential transfer credit shall be as follows: for new residential partitions and subdivisions, one-third of the area of the NROD tract or conservation easement area may be added to the net developable area outside of the tract or conservation easement area within the boundary of the development site in order to calculate the allowable number of lots.*
- C. *Permitted Modifications to Residential Dimensional Standards. In order to allow for a transfer of density pursuant to subsection B. above, the dimensional standards of the base zone may be modified in order minimize disturbance to the NROD. The permissible reductions are specified in Tables 17.49.240C.—17.49.240D.*
- D. *The applicant shall demonstrate that the minimum lot size of the underlying zone has been met. The area of the NROD in subsection B. above that is used to transfer density may be included in the calculation of the average minimum lot size.*

E. *The applicant may choose to make the adjustments over as many lots as required. Table 17.49.240 A: Lot Size Reductions Allowed for NROD Density Transfers*

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

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

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

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

<i>Size of Reduced Lot</i>	<i>Front Yard</i>	<i>Rear Yard</i>	<i>Side yard</i>	<i>Corn er</i>	<i>Lot Covera</i>
<i>3,500—7,000 square</i>	<i>10 feet</i>	<i>15 feet</i>	<i>5/0* feet</i>	<i>10 feet</i>	<i>40%</i>
<i>1,800—3,499 square</i>	<i>5 feet</i>	<i>15 feet</i>	<i>5/0* feet</i>	<i>10 feet</i>	<i>55%</i>

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

- F. For density transfers on properties zoned Commercial, Institutional, Industrial or Multi-Family, the transfer credit ratio is ten thousand square feet per acre of land within the NROD;*
- G. The area of land contained in the NROD area may be excluded from the calculations for determining compliance with minimum density requirements of the land division code.*
- H. The owner of the transferring property shall execute a covenant that records the transfer of density. The covenant shall be found to meet the requirements of this section and be recorded before building permits are issued; and*
- I. All other applicable development standards, including setbacks, building heights, and maximum lot coverage shall continue to apply when a density transfer occurs.*

Finding: Not applicable. A density transfer is not being proposed for this development.

17.49.250 - Verification of NROD boundary.

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

Finding: Not applicable. An NROD boundary verification is not being proposed. The applicant is accepting the city's delineation boundary.

17.49.255 - Type I verification.

- A. Applicants for a determination under this section shall submit a site plan meeting the requirements of OCMC 17.49.220, as applicable.*
- B. An applicant may request a Type I Verification determination by the Community Development Director. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:*
 - 1. No soil, vegetation, hydrologic features have been disturbed;*
 - 2. No hydrologic features have been changed;*
 - 3. There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.*
 - 4. The property does not contain a wetland as identified by the City's Local Wetland Inventory or Water Quality and Flood Management Areas map.*
 - 5. There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or manmade storm or surface water runoff structures or artificial water collection devices.*
 - 6. Evidence of prior land use approvals that conform to the Natural Resource Overlay District, or which conformed to the Water Quality Resources Area Overlay District that was in effect prior to the current adopted NROD (Ord. 99-1013).*

7. *There is an existing physical barrier between the site and a protected water feature, including:*
 - a. *Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the City storm sewer system, as approved by the City.*
 - b. *Walls, buildings, drainages, culverts, topographic features or other structures which form a physical barrier between the site and the protected water features, as approved by the City.*
- C. *If the City is not able to clearly determine, through the Type I verification process that the applicable criteria subsection B.1.—B.7 above are met, the verification application shall be denied. An applicant may then opt to apply for a verification through the Type II process defined below.*

Finding: Not Applicable. A Type I verification is not being proposed for this development.

17.49.260. - Type II verification.

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

- A. *Applicants for a determination under this section shall submit a site plan meeting the requirements of OCMC 17.49.220 as applicable.*
- B. *Such requests may be approved provided that there is evidence that demonstrates in an environmental report prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry, that a resource function(s) and/or land feature(s) does not exist on a site-specific area.*
- C. *Verification to remove a recently developed area from the NROD shall show that all of the following have been met:*
 1. *All approved development in the NROD has been completed;*
 2. *All mitigation required for the approved development, located within the NROD, has been successful; and*
 3. *The previously identified resources and functional values on the developed site no longer exist or have been subject to a significant detrimental impact.*

Finding: Not Applicable. A Type II verification is not being proposed for this development.

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

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

Finding: Not applicable. A correction to a violation is not being proposed for this development

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.010 - Purpose.

The purposes of site plan and design review are to: encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with

necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

Finding: Complies as Conditioned. This Type II Minor Site Plan Review Application is for a modification to the parking lot to include a paved fire truck access road within the lower campus of the existing Forest Edge Apartments in the exact same location as approved in the original land use decision. The length of the fire truck access road is approximately 250 feet.

It should be noted that a road previously existed within the approximate footprint location of this proposed paved fire truck access road several years ago until it was removed between 2006 through 2008 (based on OCWebMaps aerial photos). The paved fire truck access road shall be used a fire truck turn-around and access road, and is not intended for public use for the tenants of these apartment dwellings.

17.62.15 - Modifications that will better meet design review requirements.

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

A. Applicability.

1. *This process shall apply to modifications to:*
 - a. *Landscaping in OCMC 17.62.050.A;*
 - b. *Vehicular Connections to Adjoining Properties in OCMC 17.62.050.B.2;*
 - c. *On-site pedestrian circulation in OCMC 17.62.050.C;*
 - d. *Utility Undergrounding Requirements in OCMC 16.12.095.G;*
 - e. *Building location in OCMC 17.62.055.D;*
 - f. *Building Details in OCMC 17.62.050.B.9.055.I;*
 - g. *Windows in OCMC 17.62.050.B.10.055.J Parking Lot Landscaping in OCMC 17.52.060.*
2. *Modifications that are denied through Type II design review may be requested as a variance through the Variance process pursuant to OCMC 17.60.020 or Master Plan Adjustment pursuant to OCMC 17.65.070 as applicable.*
3. *Rather than a modification, applicants may choose to apply for a Variance through the Variance process pursuant to OCMC 17.60.020 or Master Plan Adjustment pursuant to OCMC 17.65.070 as applicable.*

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

1. *The modification will result in a development that better meets the applicable design guidelines; and*
2. *The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Finding: Not applicable. No modifications of the items listed in this section are being proposed.

17.62.030 - When required.

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

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

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

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

Finding: Not Applicable. No modifications of the items listed in this section are being proposed.

17.62.35 - Minor site plan and design review.

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

A. Type I Minor Site Plan and Design Review.

1. **Applicability.** Type I applications involve no discretion and are typically processed concurrently with a building permit application. The Type I process is not applicable for:
 - a. Any activity which is included with or initiates actions that require Type II-IV review.
 - b. Any increase in square footage of a conditional or nonconforming use (excluding nonconforming structures).
 - c. Any proposal in which nonconforming upgrades are required under OCMC 17.58.
 - d. Any proposal in which modifications are proposed under OCMC 17.62.015.
2. **The following projects may be processed as a Type I application:**
 - a. Addition of up to two hundred square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than two hundred square feet in a twelve-month period shall be processed as Type II.
 - b. Addition of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than one thousand square feet in a twelve-month period shall be processed as Type II.
 - c. Temporary structures, excluding mobile vendors.
 - d. Removal, replacement or addition of awnings, or architectural projections to existing structures.
 - e. Addition, modification, or relocation of refuse enclosure.
 - f. Changes to amount, location, or design of bicycle parking.
 - g. Installation of mechanical equipment.
 - h. Repaving of previously approved parking lots with no change to striping.
 - i. Replacement of exterior building materials.
 - j. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.
 - k. Addition or alteration of parapets or rooflines.
 - l. Modification of building entrances.

- m. *Addition to or alteration of a legal nonconforming single or two-family dwelling.*
- n. *Change to parking lot circulation or layout, excluding driveway modifications.*
- o. *Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.*
- p. *Adoption of shared parking agreements.*
- q. *Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC 13.12.*
- r. *New or changes to existing pedestrian accessways, walkways or plazas.*
- s. *Installation of or alterations to ADA accessibility site elements.*
- t. *Modification or installation of a fence, hedge, or wall, or addition of a fence, hedge or wall.*
- u. *Addition of or alterations to outdoor lighting.*
- v. *Demolition of any structure or portion of a structure*
- w. *Tree removal*
- x. *Type I Master Plan Amendments under OCMC 17.65.080.*
- y. *Mobile food carts in one location for five hours or less as identified in OCMC 17.54.115*
- z. *3-4 plex, duplex, single-family attached dwellings, single-family detached residential unit, internal conversions, live/work dwelling and accessory dwelling unit.*
- aa. *Placement of a single manufactured home within an existing space or lot in a manufactured home park.*
- 3. *Submittal Requirements. A Type I application shall include:*
 - a. *A narrative describing the project.*
 - b. *Site plan drawings showing existing conditions/uses and proposed conditions/uses.*
 - c. *Architectural drawings, including building elevations and envelopes, if architectural work is proposed.*
 - d. *A completed application form.*
 - e. *Any other information determined necessary by the Community Development Director.*

Finding: Not Applicable. The items listed above are not applicable to the proposed paved access road; a Type I application is not required.

B. Type II Minor Site Plan and Design Review.

- 1. *Type II Minor Site Plan and Design Review applies to the following uses and activities unless those uses and activities qualify for Type I review per OCMC 17.62.035.A.:*
 - a. *Modification of an office, commercial, industrial, institutional, public or multi-family structure that does not increase the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).*
 - b. *Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.*
 - c. *A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.*
 - d. *Mobile food carts in OCMC 17.54.115.*
 - e. *Other land uses and activities may be added if the Community Development Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.*
- 2. *Application. The application for the Type II Minor Site Plan and Design Review shall contain the following elements:*

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

Finding: Complies. The new paved fire access road would fall under either Section B. *Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.* Or E *Other land uses and activities may be added if the Community Development Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.* Staff believes that repaving the previous fire access road falls under section B as it was part of the original parking lot design and including it back in is a modification to the parking lot circulation. Secondly, it could also fall under section E as this type of small safety modification to the site does not add additional square footage, does it impact offsite residences, nor is it in public view.

17.62.40 – Items required.

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

- A. *A site plan or plans, to scale, containing the following:*
 1. *Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;*
 2. *The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;*
 3. *Contour lines at two foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent;*
 4. *The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:*
 - a. *Areas indicated on floodplain maps as being within the one-hundred-year floodplain,*
 - b. *Unstable slopes, as defined in OCMC 17.44.020,*
 - c. *Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;*
 5. *The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;*
 6. *The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;*
 7. *The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty five feet of the site, and the current or proposed uses of the structures;*
 8. *The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;*
 9. *The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other*

- pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;*
10. *The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred feet of the boundaries of the site;*
 11. *All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in OCMC 17.52;*
 12. *Site access points for automobiles, pedestrians, bicycles and transit;*
 13. *On-site pedestrian and bicycle circulation;*
 14. *Outdoor common areas proposed as open space;*
 15. *Total impervious surface created (including buildings and hard ground surfaces);*
 16. *The proposed location, dimensions and materials of fences and walls.*

Finding: Complies: The items listed above have been included in the site plan.

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

Finding: Complies: The mitigation plan, which shows the proposed replanting of 50 trees and 249 shrubs, have been included in the site plan

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

Finding: Not Applicable. Architectural plans are not required for the proposed paved access road.

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

Finding: Not Applicable. There are no building materials required for this development.

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

Finding: Complies. An erosion/sedimentation control plan has been provided, see Construction Management Plan.

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

Finding: Not Applicable. An exterior light plan exists for the site and no new lights are not being proposed.

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

1. *A letter or email from the Oregon State Historic Preservation Office Archaeological Division*

indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty- five days of notification by the applicant; and

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

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

Finding: Complies. Notice was sent to all parties' name above as part of the applicant's pre-application conference.

- H. Such special studies or reports as the Community Development Director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The Community Development Director shall require an applicant to submit one or more development impact evaluations as may be necessary to establish that the City's traffic safety or capacity standards, natural resource, including geologic hazard and flood plain overlay districts, will be satisfied.*
- I. The Community Development Director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:*
 - 1. The Community Development Director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the Community Development Director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter is forwarded to the Planning Commission for initial review, the information required by this paragraph shall be included in the staff report;*
 - 2. The Community Development Director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance as necessary to comply with the applicable standards. If additional information is required, the Community Development Director shall, in the decision, explain the reasons for requiring the additional information.*
- J. One full-sized copy of all architectural and site plans.*

Finding: Not Applicable. No special studies were requested or waiver of standards given by the Community Development Director.

17.62.50 - General Standards

All development shall comply with the following standards:

A. *Landscaping.*

1. *Existing native vegetation is encouraged to be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.*
2. *Except as allowed elsewhere in Title 16 or 17 of this Code, all areas to be credited towards landscaping shall be installed with growing plant materials.*
3. *Pursuant to OCMC 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.*
4. *A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five hundred square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the landscape area. Plant species listed on the Oregon City Nuisance Plant list are prohibited and native species are encouraged. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.*
5. *Landscaping shall be visible from public thoroughfares to the extent practicable.*
6. *The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of OCMC 10.32, Traffic Sight Obstructions.*

Finding: Complies. A mitigation plan within the NROD is required based on a 2:1 ratio (mitigation plan area: NROD disturbed area). Based on Mitigation Plan Option 2 discussed in section 17.49, the replanting of 50 trees and 249 shrubs are being required. The landscaping for the mitigation plan has been prepared by a licensed arborist and the mitigation plan report has been prepared by an environmental professional.

B. *Vehicular Access and Connectivity.*

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

Finding: Complies. New parking spaces are not being proposed for this development. There is existing parking that is located on the site, but no changes for the existing parking is being proposed. This development consists of a paved access road that is not intended for public use, only for fire truck turn-around and access road. No new connections to abutting properties are envisioned due to topographic and geologic hazard constraints nor are they proportional to this proposal as it is limited in scope.

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

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

2. *The pedestrian circulation system shall connect all main entrances, parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard.*
3. *The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.*
4. *Elevated external stairways or walkways shall not extend beyond the building facade except for external stairways or walkways located in, or facing interior courtyard areas that are not visible from the street or a public access easement. This standard does not apply to sky-bridges or sky-ways.*
- 5e. *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.*

Finding: Not Applicable. On-site pedestrian circulation systems are not required for the proposed paved access road because the development is not intended for public use. Any future changes or additions to pedestrian circulation will be reviewed at that time.

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

Finding: Complies with Condition. Compliance with federal, state, and city standards shall be observed. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Not Applicable. The proposed development is a paved access road that will be primarily used for fire truck turn-around and access. New water and/or sanitary sewer facilities are not being proposed.

- F. *If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of*

development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the City's Transportation System Plan.

Finding: Not Applicable. The items discussed in the previous paragraph are not being proposed for this development.

G. Screening of Mechanical Equipment:

- 1. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened from view from the adjacent street. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening.*
- 2. Wall-mounted mechanical equipment shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning or HVAC equipment and groups of multiple utility meters, that extends six inches or more from the outer building wall shall be screened from view from streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building. Vents which extend six inches or less from the outer building wall shall exempt from this standard if painted.*
- 3. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view.*
- 4. This section shall not apply to the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.*

Finding: Not Applicable. Mechanical equipment is not being proposed for this development, therefore screening is not required.

H. Building Materials.

- 1. Prohibited Materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the Community Development Director based on the integration of the material into the overall design of the structure.*
 - i. Vinyl or plywood siding (including T-111 or similar plywood).*
 - ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.*
 - iii. Corrugated fiberglass.*
 - iv. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, or when located on properties within the General Industrial District).*

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

Finding: Not Applicable. Building materials is not being proposed for this development.

Temporary Structures. Temporary structures are permitted pursuant to the following standards:

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

- a. *Shall not be on a property for more than seven consecutive days;*
 - b. *Shall comply with the minimum dimensional standards of the zoning designation;*
 - c. *Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;*
 - d. *Shall not disturb ingress or egress to the site; and*
 - e. *Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.*
3. *Government owned properties are exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.H and I and the dimensional standards of the zoning designation.*

Finding: Not Applicable The proposed paved access road is not a temporary structure.

J. Development shall comply with requirements of the following Oregon City Municipal Code chapters, as applicable, including but not limited to:

1. *12.04 Streets, Sidewalks and Public Places*
2. *12.08 Public and Street Trees*
3. *13.04 Water Service System*
4. *13.08 Sewer Regulations*
5. *13.12 Stormwater Management*
6. *16.12 Minimum Improvements and Design Standards for Development*
7. *17.20 Residential Design Standards for ADU's, Cluster Housing, Internal Conversions, Live/Work Units, and Manufactured Home Parks*
8. *17.40 Historic Overlay District*
9. *17.41 Tree Protection Standards*
10. *17.42 Flood Management Overlay District*
11. *17.44 Geologic Hazards*
12. *17.47 Erosion and Sediment Control*
13. *17.48 Willamette River Greenway*
14. *17.49 Natural Resource Overlay District*
15. *17.50 Administration and Procedures*
16. *17.52 Off-Street Parking and Loading*
17. *17.54 Supplemental Zoning Regulations and Exceptions*
18. *17.58 Lawful Nonconforming Uses, Structures, and Lots*

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

- A. *Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved in compliance with these standards are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety through informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.*
- B. *Applicability. This section applies to institutional, office, multi-family, retail and commercial buildings except accessory structures less than one thousand square feet and temporary structures.*
- C. *Conflicts. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the*

underlying zoning district, the standard in the zoning district shall prevail.

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

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

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

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

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

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

G. Corner Lots.

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

- 1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.*
- 2. Chamfer the corner of the building (i.e. cut the corner at a forty-five degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.*
- 3. Standards 1 and 2 above do not apply to multi-family buildings or multi-family portions of residential mixed-use buildings.*

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

- 1. A minimum depth of two percent of the length of the façade and a minimum width of thirty*

percent of the length of the façade; or

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

I. Building Design Elements.

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

- a. Change in building material or texture;
- b. Window or door;
- c. Balcony; or
- d. Pillar or post

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

- a. Decorative materials on more than ten percent of the total wall area (e.g., brick or stonework, shingles, wainscoting, ornamentation, and similar features);
- b. Decorative cornice and/or roof line (e.g., for flat roofs);
- c. Roof gable;
- d. Recessed entry;
- e. Covered canopy entry;
- f. Cupola or tower;
- g. Dormer;
- h. Balcony;
- i. Pillars or posts;
- j. Repeating pattern of building materials;
- k. A change in plane of at least two feet in width and six inches in depth;
- l. Bay or oriel window; or
- m. An alternative feature providing visual relief and detail as approved by the Community Development Director

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

J. Windows.

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

Table 17.62.055.J Minimum Windows				
Use	Ground Floor: Front and Street Facing Facades	Upper floor(s): Front and Street Facing Facades	Ground Floor: Side(s) Facades	Upper Floor(s): Side(s) Facades
Non-Multi-Family (or Portions of Buildings Thereof)	60%	10%	30%	10%
Multi-Family (or Portions of Buildings Thereof)	15%	15%	10%	10%

2. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective

factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.

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

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

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

L. Drive-through facilities shall:

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

M. Special development standards along transit streets.

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

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

3. Development Standards.

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

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

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

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

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

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

Finding: Not Applicable. The proposed development consists of a paved access road and the items in this section do not apply. No building is proposed.

17.62.56 - Additional standards for large retail establishments.

Retail building(s) occupying more than ten thousand gross square feet of floor area

shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

A. Patio/seating area;

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

Finding: Not Applicable. The proposed development is not a large retail establishment, this section does not apply.

17.62.57 - Multifamily Usable Open Space Requirements

- A. *Intent. Creating areas of usable open space that are easily accessed by residents provides focal points for community recreation and interaction and adds to the overall quality of life for residents. Given the environmental and recreational benefits of common open space, it should be integrated purposefully into the overall design of a development and not merely be residual areas left over after buildings and parking lots are sited.*
- B. *Open Space Required. All new multi-family developments in all zones shall provide usable open space.*
 - 1. *In residential zones, each development shall provide a minimum of one hundred square feet of open space per dwelling unit.*
 - 2. *In non-residential, commercial and mixed-use zones, each development shall provide a minimum of fifty square feet of open space per dwelling unit.*
 - 3. *Required setback areas shall not count toward the open space requirement unless setback areas are incorporated into spaces that meet all other requirements of this section.*
 - 4. *Required open space areas may be counted towards both the open space requirements and the minimum landscaping requirements in OCMC 17.62.050.A, if the spaces meet the requirements of both sections.*
- C. *Usable Open Space Types.*
 - 1. *Common open spaces shall be accessible to all residents of the development and include landscaped courtyards, decks, gardens with pathways, children's play areas, common rooftop decks and terraces, and other multipurpose recreational or green spaces. Common open spaces may be used to meet one hundred percent of the usable open space requirement. Design standards:*
 - a. *Minimum dimensions for common open space shall be twelve feet with a minimum size of two hundred square feet for developments with twenty units or less, and twenty feet with a minimum size of four hundred square feet for developments with twenty-one or more units.*
 - b. *Common open space shall feature a mix of natural and recreational amenities to make the area more functional and enjoyable for a range of users. Sites with twenty units or less shall provide a minimum of two of the following amenities, and sites with twenty-one units or more shall provide a minimum of three of the following amenities and an additional amenity for every twenty units over forty, rounded up.*
 - 1. *Landscaping areas.*
 - 2. *Community gardening areas.*

3. *Large trees expected to reach over eighteen inches dbh at maturity.*
4. *Seating.*
5. *Pedestrian-scaled lighting.*
6. *Hard-surfaced pedestrian paths in addition to those required for internal pedestrian circulation.*
7. *Paved courtyard or plaza.*
8. *Gazebos or other decorative shelters.*
9. *Play structures for children.*
10. *Sports courts.*
11. *An alternative amenity as approved by the Community Development Director.*
- c. *Common open space shall be separated from ground level windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the City that enhance safety and privacy for both the common open space and dwelling units.*
- d. *Common open space shall be accessible from the dwelling units and, as appropriate, from public streets and sidewalks. The space shall be oriented to encourage activity from local residents.*
2. *Private open space that is not open to all residents includes balconies, patios, and other outdoor multi-purpose recreational or green spaces. It may be used to meet up to fifty percent of the usable open space requirement.*
 - a. *Minimum dimensions for private open space shall be five feet with a minimum size of forty square feet.*
3. *Indoor recreational space may be used to meet up to twenty-five percent of the usable open space requirement provided the space is:*
 - a. *Accessible to all dwelling units. Designed for and includes equipment for a recreational use (e.g., exercise, group functions, etc.).*

Finding: Not Applicable. The proposed paved access road is not intended for public use, it is specifically for fire truck turn around access. No building is proposed.

17.62.059 - Cluster housing.

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

Finding: Not Applicable Cluster housing is not being proposed.

17.62.065 - Outdoor lighting.

- A. *Purpose. The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:*
 1. *Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;*
 2. *Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;*
 3. *Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;*
 4. *Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and*
 5. *Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.*

6. *Encourage energy efficient lighting with new technologies such as Light Emitting Diodes (LED) or similar to reduce ongoing electrical demand and operating costs.*
- B. Applicability.*
1. *General.*
 - a. *All exterior lighting for any type of commercial, mixed-use, industrial, or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.*
 - b. *The City Engineer or Public Works Director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.*
 2. *Lighting Plan Requirement. All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan shall be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.*
 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.*
- C. Design and Illumination Standards.*
1. *Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line.*
 2. *Lighting shall be provided in parking lots and vehicular circulation areas.*
 3. *Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.*
 4. *Lighting shall be provided at all building entrances.*
 5. *With the exception of pedestrian scale lighting, all light sources shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.*
 6. *The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.*
 7. *Floodlights shall not be utilized to light all or any portion of a building facade between 10 p.m. and 6 a.m.*
 8. *Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.*

9. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
10. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
11. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
12. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
13. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, are allowed a light post height up to eighty feet in height.
14. Main building entrances shall be well lighted and visible from any transit street. The minimum lighting level for building entries fronting on a transit street shall be three foot-candles.

Finding: Not applicable. Proposed lighting is not required for the proposed paved access road. No additional lighting is proposed with this application.

17.62.85 - Refuse and recycling standards for commercial, industrial, office, institutional, and multi-family developments.

The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses, other than single-family or duplex residences, single-family attached dwellings, 3-4 plexes, internal conversions, or accessory dwelling units (ADUs), shall include a refuse and recycling enclosure. The area(s) shall be:

- A. Fully enclosed and visually screened;
- B. Located in a manner easily and safely accessible by collection vehicles;
- C. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;
- D. On a level, hard surface designed to discharge surface water runoff and avoid ponding;
- E. Maintained by the property owner;
- F. Used only for purposes of storing solid waste and recyclable materials;
- G. Designed in accordance with applicable sections of the Oregon City Municipal Code (including OCMC 8.20—Solid Waste Collection and Disposal) and city adopted policies.

Enclosures are encouraged to be sized appropriately to meet the needs of current and future tenants and designed with sturdy materials which are compatible to the primary structure(s).

Finding: Complies as Conditioned. Refuse and recycling is not required for the proposed paved access road.

CHAPTER 17.52 OFF STREET PARKING AND LOADING

17.52.010 - Applicability.

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

Finding: Complies as Conditioned. This Minor Site Plan Review Application is for the paved fire truck access road being proposed within the lower campus of the existing Forest Edge Apartments in the exact same location as approved in the original land use decision. The length of the fire truck access road is approximately 250 feet. It should be noted that a road previously existed within the approximate footprint location of this proposed paved fire truck access road several years ago until it was removed between 2006 through 2008 (based on OCWebMaps aerial photos). The paved fire truck access road shall be used a fire truck turn-around and access road, and is not intended for public use for the tenants of these apartment

dwelling. Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

17.52.015 - Planning commission adjustment of parking standards.

- A. *Purpose: The purpose of permitting a Planning Commission adjustment to parking standards is to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would adversely impact the surrounding or planned neighborhood. Adjustments provide flexibility to those uses which may be extraordinary, unique, or provide greater flexibility for areas that can accommodate a denser development pattern based on existing infrastructure and ability to access the site by means of walking, biking or transit. An adjustment to a minimum parking standard may be approved based on a determination by the Planning Commission that the adjustment is consistent with the purpose of this Code, and the approval criteria can be met.*
- B. *Procedure: A request for a Planning Commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in Chapter 17.50.*
- C. *Approval criteria for the adjustment are as follows:*
 - 1. *Documentation: The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.*
 - 2. *Parking analysis for surrounding uses and on-street parking availability: The applicant shall show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the Community Development Director.*
 - a. *For the purposes of demonstrating the availability of on street parking as defined in OCMC 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the Community Development Director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the Community Development Director.*
 - b. *The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:*
 - i. *Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and*
 - ii. *Vacant on-street parking spaces between three hundred and six hundred feet of the site will reduce onsite parking requirements by 0.2 parking spaces.*
 - 3. *Function and Use of Site: The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.*
 - 4. *Compatibility: The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.*
 - 5. *Safety: The proposal does not significantly impact the safety of adjacent properties and rights-of-way.*
 - 6. *Services: The proposal will not create a significant impact to public services, including fire and*

emergency services.

Finding: Complies as Conditioned. Adjustment to parking standards are not being proposed for this development. No changes to the parking lot area are being proposed, repair of the existing asphalt within the lower campus is being proposed in a different application separate from this application, please see Type I NROD 19-00111 application for exemption. If the applicant chooses to add additional parking spaces, it will require a separate review. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.52.020 - Number of automobile spaces required.

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

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

<i>Light Industrial, Industrial Park</i>	<i>1.3</i>	<i>1.60</i>
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1. *Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.*
2. *Requirements for types of buildings and uses not specifically listed herein shall be determined by the Community Development Director, based upon the requirements of comparable uses listed.*
3. *Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.*
4. *The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use.*
5. *A change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.*
- B. *Parking requirements can be met either onsite, or offsite by meeting one or multiple of the following conditions:*
 1. *Parking may be located on the same site as the associated use which it is supporting.*
 2. *Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the Community Development Director.*
 3. *Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially 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.*
 4. *On-Street Parking. On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space shall not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses shall conform to the following standards:*
 - a. *Dimensions. The following constitutes one on-street parking space:*
 1. *Parallel parking: twenty-two feet of uninterrupted and available curb;*
 2. *Forty-five and/or sixty-degree diagonal parking: Fifteen feet of curb;*
 3. *Ninety-degree (perpendicular) parking: Twelve feet of curb.*
 4. *Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.*
- C. *Reduction of the Number of the Minimum Automobile Spaces Required. Any combination of the reductions below is permitted unless otherwise noted.*
 1. *Downtown Parking Overlay. The minimum required number of parking stalls is reduced within the Downtown Parking Overlay by fifty percent.*
 2. *Transit Oriented Development. For projects not located within the Downtown Parking Overlay*

District, the minimum required number of parking stalls is reduced up to twenty- five percent when:

- a. In a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred foot radius) or
 - b. When adjacent to multi-family development with over eighty units or
 - c. Within 1,320 feet of an existing or planned public transit street and within 1,320 feet of the opposite use (commercial center or multi-family development with over eighty units).
3. *Tree Preservation.* The Community Development Director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a designated heritage tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition.
4. *Transportation Demand Management.* The Community Development Director shall reduce the required number of parking stalls up to twenty-five percent when a parking- traffic study prepared by a traffic engineer demonstrates alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements. A transportation demand management (TDM) program shall be developed to include strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the City determines the plan is not successful, the plan may be revised. If the City determines that no good-faith effort has been made to implement the plan, the City may take enforcement actions.
5. The minimum required number of stalls may be reduced by up to ten percent when the subject property is adjacent to an existing or planned fixed public transit route or within one thousand feet of an existing or planned transit stop.

Finding: Complies as Conditioned. Adjustment to parking standards are not being proposed for this development. No changes to the parking lot area are being proposed, repair of the existing asphalt within the lower campus is being proposed in a different application separate from this application, please see Type I NROD 19-00111 application for exemption. If the applicant choses to add additional parking spaces, it will require a separate review. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.52.030 - Standards for automobile parking.

- A. *Access.* Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety and meet requirements of OCMC 16.12.035. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- B. *Surfacing.* Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the City's stormwater and low impact development design standards are encouraged.
- C. *Drainage.* Drainage shall be designed in accordance with the requirements of OCMC 13.12 and the City public works stormwater and grading design standards.
- D. *Dimensional Standards.*
 1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or

structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The Community Development Director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.

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

PARKING STANDARD

PARKING ANGLE SPACE DIMENSIONS

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

All dimensions are to the nearest tenth of a foot.

TYPICAL PARKING LAYOUT ENTRY A NOTE: SPACE 1

CONTINGENT UPON ENTRY B OVERHANG

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

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

Finding: Complies as Conditioned. The proposed paved access road does not propose any parking areas. The access road is not intended for public use, it is specifically for fire truck turn around access for the lower campus. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.52.040 - Bicycle parking standards.

- A. *Purpose-Applicability.* To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than exclusively residential use with less than five dwellings onsite (excluding cluster housing).
- B. *Number of Bicycle Spaces Required.* For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the Community Development Director, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in OCMC

17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

TABLE A Required Bicycle Parking Spaces*

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

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

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

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

C. Design Standards.

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

2. *Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign shall be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings.*
3. *All bicycle racks shall be designed so that:*
 - a. *The bicycle frame is supported horizontally at two or more places.*
 - b. *The frame and at least one wheel of the bicycle can be locked to the rack with a standard U-type lock.*
 - c. *The user is not required to lift the bicycle onto the bicycle rack.*
 - d. *Each bicycle parking space is accessible without moving another bicycle.*
 - e. *It is a minimum of thirty inches tall and eighteen inches wide between the two points of contact.*
 - f. *Provides an area of six feet by two feet per bicycle.*
 - g. *All bicycle racks and lockers shall be securely anchored to the ground or to a structure.*

Finding: Not Applicable. The proposed paved access road does not trigger the creation of any new any bicycle parking facilities.

17.52.60 - Parking lot landscaping.

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

1. *To enhance and soften the appearance of parking lots;*
 2. *To limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas;*
 3. *To shade and cool parking areas;*
 4. *To reduce air and water pollution;*
 5. *To reduce storm water impacts and improve water quality; and*
 6. *To establish parking lots that are more inviting to pedestrians and bicyclists.*
- A. *Applicability. Unless otherwise specified, construction of new parking lots and alterations of existing parking lots shall comply with parking lot landscaping standards. Parking lot landscaping requirements within this section do not apply to parking structures or parking garages, except landscaping as required in OCMC 17.62.*
- B. *Development Standards.*
1. *The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.*
 2. *All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.*
 3. *Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping.*
 4. *Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List or approved by an arborist;*
 5. *At maturity, all of the landscaped area shall be planted in ground cover plants, which includes grasses. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.*
 6. *Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the Community Development Director, that can demonstrate adequate maintenance;*
 7. *All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.*
- C. *Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots*

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

1. The perimeter parking lot are[a] shall include:
 - a. Trees spaced a maximum of thirty feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
 - b. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right- of-ways.
- D. Parking Area/Building Buffer. Except for parking lots with fewer than five parking stalls, parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:
 1. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) meeting the standards for perimeter parking lot area landscaping; or:
 2. Minimum seven foot sidewalks with shade trees spaced a maximum of thirty feet apart in three-foot by five-foot tree wells.
- E. Interior Parking Lot Landscaping. Surface parking lots with more than five parking stalls shall include at least forty-five square feet of interior parking lot landscaping per parking stall to improve the water quality, reduce storm water runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Fractions shall be rounded up when calculating the required number of plantings. Interior parking lot landscaping shall include:
 - a. A minimum of one tree per four parking spaces.
 - b. A minimum of 1.5 shrubs per parking space.
 - c. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.
- F. Alternative landscaping plan.

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

1. General Review Standard. The alternative shall meet the standards in OCMC 17.62.015-Modifications that will better meet design review requirements.
2. Credit for Pervious/Low Impact Development. The Community Development Director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the City's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc.).

Finding: Not Applicable. New parking or an expansion to the parking lot is not being proposed in this application; therefore parking lot landscaping is not required.

17.52.80 - 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.*

Finding: Complies as Conditioned. Maintenance of the proposed paved access road shall be the responsibility of the owner. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.52.090 - Loading areas.

A. Purpose.

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

B. Applicability.

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

C. Standards.

- 1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the City Engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.*
- 2. Where parking areas are prohibited between a building and the street, loading areas or drive isles are also prohibited.*
- 3. The City Engineer and decision maker, through site plan and design review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:*
 - a. Short in duration (i.e., less than one hour);*
 - b. Infrequent (less than three operations daily between 5:00 a.m. and 12:00 a.m. or all operations between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);*
 - c. Does not obstruct traffic during peak traffic hours;*
 - d. Does not interfere with emergency response services; and*
 - e. Is acceptable to the applicable roadway authority.*

Finding: Not Applicable. Loading areas are not being proposed. The proposed paved access road is not intended for public use, but specifically for fire truck turn around.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

17.50.030 Summary of the City's Decision-Making Processes.

Finding: Complies as Proposed. The Site Plan, Natural Resource Overlay District review and Geologic Hazards overlay review application is being reviewed pursuant to the Type II process. Notice was posted onsite, online and mailed to property owners within 300 feet of the proposed development site. The City Commission called up the application for review at a public hearing on December 18, 2019. The noticed public hearing for this application is January 15, 2020.

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.

Finding: Complies as Proposed. The applicant held a pre-application conference on August 14, 2019 (file PA 18-32).

17.50.055 Neighborhood Association Meeting

Finding: Not Applicable. A neighborhood association meeting is not required for a Type II Geologic Hazards Overlay and Natural Resource Overlay District review or a Minor Site Plan and Design Review.

17.50.060 Application Requirements.

Finding: Complies as Proposed. All application materials required are submitted with this narrative. The applicant has provided full-size and two reduced size sets of plans to accompany the submittal items.

17.50.070 Completeness Review and 120-day Rule.

Finding: Complies as Proposed. The land use application was submitted within one year of the pre-application conference on March 19, 2019. The application was deemed incomplete on April 18, 2019 and July 24, 2019 and after the submittal of additional information the application was deemed complete on July 29, 2019.

GEO 19-00001 Application Submitted: 03/19/2019 Application Complete: 07/29/2019 120-Day Decision Deadline: 11/26/2019 Extended to: 2/24/2020	SP 19-00127, NROD 19-00012 Application Submitted: 11/12/2019 Application Complete: 12/5/2019 120-Day Decision Deadline: 4/30/2020
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17.50.080 Complete Application--Required Information.

Finding: Complies as Proposed. The land use application for the Geotechnical Review was submitted within one year of the pre-application conference on March 19, 2019. The application was deemed incomplete on April 18, 2019 and July 24, 2019 and after the submittal of additional information the application was deemed complete on July 29, 2019. The Site Plan and Design Review and Natural Resource Overlay District portions of the application were deemed complete on December 5, 2019.

17.50.090 Public Notices.

Finding: Complies as Proposed. Staff provided public notice within 300 feet of the site via mail, the site was posted with multiple Land Use Notices, and posted on the Oregon City website. Staff provided email transmittal of the application and notice to affected agencies, the Natural Resource Committee and to all Neighborhood Associations requesting comment. The call up sign notice was posted on December 20, 2019.

17.50.100 Notice Posting Requirements.

Finding: Complies as Proposed. The site was posted with a sign longer than the minimum requirement.

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff concludes that the proposed development located at 114155 Beavercreek Rd- Clackamas County Map and Tax Lot # 3-2E-04C -00807 can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, recommends approval of file GLUA 19-00008 with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Applicant's Site Plan and Mitigation Plan
2. Geo Hazard Plans- Updated July 2019
3. Geotechnical Evaluation- Geo Design Inc
4. Geotechnical Evaluation -Geo Design Inc Supplementary Letter 3.12.19
5. Geotechnical Evaluation -Geo Design Inc Response to Staff Comments 6.28.19
6. Geotechnical Evaluation-Geo Design Inc Memo 1.6.20
7. Geo Hazard Preliminary Drainage Report
8. NROD and Site Plan Application and Narrative
9. NROD and Site Plan Mitigation Findings and Management Plan
10. December 4, 2019 City Commission Work Session Agenda
 - a. Commission/Staff Report
 - b. Building Division Requirements for Occupancy of Lower Units
 - c. Forest Edge 2015 Evacuation Area Graphic Applicant's
 - d. Pre-Application Package
11. Applicant's December 30, 2019 Addendum Email - Response to City Questions from Josh Wheeler and John Lewis
12. Applicant's January 5, 2020 Addendum Email - Response to City Questions from Josh Wheeler and John Lewis
13. Public Comments
 - a. Public Comment: Oregon City School District
 - b. December 21, 2019 Email from Doug Neely and John Lewis Response
 - c. Public Comment: Applicant Response to City Questions from Josh Wheeler and John Lewis, December 30, 2019

- d. Public Comment: Applicant Response to City Stormwater Questions from Josh Wheeler and John Lewis-January 6, 2020
- 14. Draft Minutes of December 4, 2019 City Commission Work Session (onfile)
- 15. Video of December 4, 2019 City Commission Work Session (onfile)