



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

8/2/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Oregon City Plan Amendment
DLCD File Number 003-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, August 13, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Dan Drentlaw, City of Oregon City
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Amanda Punton, DLCD Regional Representative
Bill Holmstrom, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE
S
T
A
M
P

DEPT OF
JUL 23 2010
LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: **City of Oregon City**

Local file number: **L 08-01**

Date of Adoption: **July 7, 2010**

Date Mailed: **July 23, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 12/16/2009

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: Slope and Geology Map

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

In 2009 the city adopted code to address and implement the Beaver Creek and Park Place Concept Plans, Metro's Title 11, general Zoning and Development Code updates and limited upzoning in existing residential neighborhoods. The code amendments were adopted on July 1, 2009 and became effective on July 31, 2009, with the passage of Ordinance 08—1014. The ordinance additionally setup a six-month update process to review the code language to determine if any sections needed revisions.

Does the Adoption differ from proposal? Yes, Please explain below:

Revised standards and procedures for landscaping and tree protection, neighborhood association noticing, tribal notification, natural resource area protection, geologic hazards, flood management, design review, master plans, and telecommunication facilities.

Plan Map Changed from: **varies**

to: **varies**

Zone Map Changed from: **varies**

to: **varies**

Location: **city-wide**

Acres Involved: **0**

Specify Density: Previous: **varies**

New: **varies**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment:

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 003-08 (17011) [16243]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT, METRO, Clackamas County, South Fork Water Board, Clackamas River Water District

Local Contact: **Tony Konkol, Director**

Phone: (503) 496-1562 Extension:

Address: 221 Molalla Ave, Ste. 200

Fax Number: 503-722-3880

City: Oregon City, OR

Zip: 97045

E-mail Address: tkonkol@orccity.org

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

ORDINANCE NO. 10-1003

**AN ORDINANCE OF THE CITY OF OREGON CITY ADOPTING AMENDMENTS TO TITLES
12, 13, 16, and 17 OF THE OREGON CITY MUNICIPAL CODE**

WHEREAS, the development regulation sections of the Municipal Code (found in Titles 12, 13, 16, and 17) are comprised of standards governing zoning, site development, land division, street design, architectural review, parking, signs, natural resources, hillside development, home occupations, variances and other similar topics; and

WHEREAS, these standards reflect the vision for the future development of Oregon City, implement our Comprehensive Plan, and allow the City to manage future growth effectively. The Municipal Code and associated zoning maps are periodically reviewed and updated. This was a collaborative process whereby the City worked with interested citizens to improve the economic health and livability of the City. After over a year of review by the public, Planning Commission, and elected officials, the code amendments were adopted on July 1, 2009 and became effective on July 31, 2009, with the passage of Ordinance 08-1014; and

WHEREAS, Ordinance 08-1014 additionally setup a six-month update process to review the code language to determine if any sections needed revisions or adjustments that were unforeseen. At the end of the hearing adopting Ordinance 08-1014, the City Commission also directed staff to study some outstanding issues and bring them back during the 6-month review. The Planning Commission met on November 23, 2009, January 25, 2010, February 8, 2010, and February 22, 2010 to review the proposed code amendments.

WHEREAS, the Planning Commission, based on the oral and written testimony they received at the public hearings, adopted minor revisions to the Zoning and Development Code and unanimously recommended that the City Commission adopt the revisions; and

WHEREAS, the City Commission additionally reviewed the creation of the Oregon City Municipal Code section 17.44 Geologic Hazards Overlay District Map that was previously outlined in code but did not exist in map form and;

WHEREAS, the amended Zoning and Development Codes complies and is consistent with state statutes, Statewide Planning Goals, the amended Oregon City Comprehensive Plan, the Downtown Community Plan, the Metro Regional Framework Plan, the Oregon City Transportation System Plan, and the Oregon City Park and Recreation Master Plan; and

WHEREAS, the City Commission, based on the oral and written testimony they received at the public hearings, adopted revisions to the Development Code; and

WHEREAS, adopting the revisions to the Development Code is in the best interest of Oregon City to ensure that the goals and policies of the City can be realized.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The amendments to the Oregon City Zoning and Development Codes, as provided in Exhibit 1, are hereby adopted based on the findings contained in the Staff Report.

Section 2. The Oregon City Geological Hazards Overlay Map, attached as Exhibit 2, is hereby adopted.

Read for the first time at a regular meeting of the City Commission held on the 16th day of June, 2010, and the City Commission finally enacted the foregoing ordinance this 7th day of July, 2010.



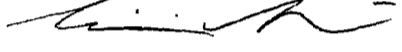
ALICE NORRIS, Mayor

Attested to this 7th day of July 2010



Nancy Ide, City Recorder

Approved as to legal sufficiency:



City Attorney



NOTICE OF DECISION

Date: July 23, 2010

FILE NO.: L 08-01 (6-month update)

APPLICATION TYPE: Legislative

**APPLICANTS/
OWNERS:** City of Oregon City
PO Box 3040
625 Center Street
Oregon City, Oregon 97045

REQUEST: General Code Updates to Chapters 12, 6, and 17 of the Oregon City Municipal Code, Comprehensive Plan Map Amendments, Zone Changes.

LOCATION: City Wide.

REVIEWER: Tony Konkol, Community Development Director

DECISION: After reviewing all of the evidence in the record and considering all of the arguments made by the applicant and citizens, the City Commission concluded that adoption of the code amendments met all of the requirements of each applicable section of the Oregon City Municipal Code and Oregon City Comprehensive Plan and **APPROVED** Ordinance 10-1003.

Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The planning manager shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.
2. Planning Manager's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the planning manager shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.
3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.

C. City Commission Review.

1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.
2. Notice of Final Decision. Not later than five days following the city commission final decision, the planning manager shall mail notice of the decision to DLCD in accordance with ORS 197.615(2). (Ord. 98-1008 §1(part), 1998)

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. The application, decision, and supporting documents are available for inspection at the Oregon City Planning Division located at 320 Warner-Milne Road, Oregon City, OR 97045, (503) 657-0891, between the hours of 8am and 1pm. Copies of these documents are available (for a fee) upon request.



FILE NO.: L 08-01 6-Month Development Code Update

APPLICATION TYPE: Legislative

HEARING DATE: February 22, 2010 – 7:00 p.m., City Hall
Oregon City, OR 97045

APPLICANTS/ City of Oregon City

REQUEST: General Code Updates to Chapters 12, 6, and 17 of the Oregon City Municipal Code, Comprehensive Plan Map Amendments, Zone Changes.

LOCATION: City-Wide

REVIEWERS: Tony Konkol, Community Development Director
Christina Robertson-Gardiner, AICP Associate Planner
Pete Walter, AICP, Associate Planner
Laura Butler, AICP Assistant Planner
Bob Cullison, Community Services Manager
Nancy Kraushaar, City Engineer/Public Works Director

RECOMMENDATION: Staff recommends approval of this application based on the satisfaction of all required criteria for a Legislative action.

OCMC 17.50.170 -- Legislative Hearing Process.

A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The planning manager shall notify the

Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

2. The Community Development Director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090C. and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.
3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.

C. City Commission Review.

1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.
2. Notice of Final Decision. Not later than five days following the city commission final decision, the planning manager shall mail notice of the decision to DLCD in accordance with ORS 197.615(2). (Ord. No. 08-1014, §§ 1—3 (Exhs. 1—3), 7-1-2009).

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT TONY KONKOL IN THE PLANNING DIVISION OFFICE AT 657-0891.

A. PROPOSED PROJECT

This “6-month update” project provides needed updates to the development regulation sections of the Oregon City Municipal Code adopted July 31, 2009 (primarily found in Chapters 12, 15, 16, and 17).

LOCATION

City-wide. Legislative actions involve the adoption or amendment of the city’s land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it.

B. PUBLIC NOTICE

The Planning Commission reviewed the amendments at five meetings beginning on November 23, 2009. The Planning Commission agendas and proposed code amendments’ were sent to the Citizen Involvement Council (CIC), available online through streaming video at www.orcity.org as well as on a project website on the City’s Planning Division home page. Since this project is a continuation of Legislative File L 08-01 per the requirements set out in Ordinance. 1014, no additional Measure 56 noticing is required.

C. BACKGROUND

The development regulation sections of the Municipal Code (primarily found in Chapters 12, 15, 16, and 17) are comprised of standards which govern zoning, site development, land division, street design, tree protection, architectural review, parking, signs, overlay districts (geologic hazards, flood plains, and water quality and habitat resources), home occupations, variances and other similar topics.

These standards reflect our future vision for the development of Oregon City, implement our Comprehensive Plan, and allow us to manage future growth effectively. The Municipal Code and associated zoning maps are periodically reviewed and updated to respond to City needs and statewide goals. The most recent update was a collaborative process whereby we worked together to improve the economic health and livability of the City. After over a year of review by the public, Planning Commission, and elected officials, the code amendments were adopted on July 1, 2009 and became effective on July 31, 2009, with the passage of Ordinance No. 08—1014 (Exhibit 5).

Ord. 08-1014 additionally setup a six-month update process to review the adopted code language to determine if any sections needed revisions or tweaks that were unforeseen. The Ordinance set forth November 9th, 2009 for the Planning Commission initial public hearing, and January 20th, 2010 for the City Commission initial public hearing to review the 6-month updates. No additional Measure 56 or Land Use noticing was required. At the end of the hearing process adopting Ord. 08-1014, the City Commission also directed staff to study some outstanding development regulation issues and bring back further information to consider during the six-month update process.

The Planning Commission reviewed the code amendments at the 11.23.09, 12.14.09, 1.11.10 1.20.10 and 2.22.10 meetings. The City Commission will review the proposed amendments in March and April, 2010.

Copies of the updated draft code can be found in Exhibit 3. Summary descriptions of the changes to each code can be found in Exhibit 2.

**DECISION-MAKING CRITERIA:
CHAPTER 17.68 ZONING CHANGES AND AMENDMENTS**

17.68.010 Initiation of the amendment.

A text amendment to this title or the comprehensive plan, or an amendment to the zoning map or the comprehensive plan map, may be initiated by:

- A. A resolution by the commission;*
- B. An official proposal by the planning commission;*
- C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.*

All requests for amendment or change in this title shall be referred to the planning commission.

Finding: the City Commission directed the request for text amendments to the Municipal Code, through the adopted Ordinance 08-1014. Planning Commission review of the code changes commenced on November 23, 2009.

17.68.020 Criteria.

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

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

Goal 1.2 Community and Comprehensive Planning

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

Finding: The Planning Commission held five hearings over a period of three months to discuss the proposed changes in detail. A project website was created on the city's website that tracked all proposed code amendments. Additionally, All Planning Commission packets were made available on the City's website and links were emailed to the CIC and all Neighborhood Association Land Use chairs.

Goal 2.1 Efficient Use of Land

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

Finding: The over-arching goal of the proposed code changes is to ensure land inside city limits is developed in a more sustainable and efficient manner. These efforts can be found throughout the code chapters, from the revised Natural Resources Overlay District in Chapter 17.49 and Tree Protection regulations in Chapter 17.41, to stricter design guidelines that promote better pedestrian connections. The regulations have also been revised in anticipation of the passage of new Low Impact Development (LID) and Stormwater Design standards which are being drafted for adoption by the City Commission in 2010, and provide specific incentives and cross-references to those standards in the parking lot, landscaping and street design standards of the code (Chapters 17.52, 17.62 and 12.04, respectively).

Goal 2.3 Corridors

Focus transit-oriented, higher intensity, mixed-use development along selected transit corridors.

Finding: The revisions to OCMC 17.62 Site Plan and Design Review and OCMC 07.52 Off Street Parking and loading provide additional flexibility for staff and developers, yet at the same time raise the minimum design threshold of buildings to ensure that the new developments and additions along transit corridors produce buildings that are well designed, promote multi-modal travel and have a long lifespan.

Goal 2.4 Neighborhood Livability

Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

Finding: In Oregon, we have made a commitment to accommodate growth within the urban growth boundary (UGB), rather than develop the adjacent county with low-density homes and businesses. Land inside the urban growth boundary includes cities and services such as water and sewer systems, parks, schools and fire and police protection while land outside the boundary is primarily rural residential, farm and forest use. The urban growth boundary is one of the tools managed by Metro, our regional government, to protect farms and forests from urban development and to promote the efficient use of land, public facilities and services inside the boundary. Amendments to the development regulations of the Municipal Code continue the city's effort to create design guidelines that promote better pedestrian connections, protect habitat, promote tree protection, raise the quality of development and promote the efficient use of land.

Goal 2.6 Industrial Land Development

Ensure an adequate supply of land for major industrial employers with family-wage jobs.

Finding: The proposed code changes will not materially affect the existing inventory of industrially designated lands. No lands that are currently zoned for industrial used are being proposed for rezoning with this 6-month update.

Goal 5.1 Open Space

Establish an open space system that conserves fish and wildlife habitat and provides recreational opportunities, scenic vistas, access to nature and other community benefits.

Finding: In accordance with Metro Title 3, Water Quality, and Metro Title 13, Nature in the Neighborhoods, adoption of the revised code chapter 17.49, Natural Resource Overlay District, assures that key habitat fish and wildlife habitat areas throughout the city are protected as one contiguous system and that new development minimizes and mitigates disturbances to these sensitive areas. The mapping of these areas has been refined and improved using more accurate slope data. Along with the city's park and trail system, these areas provide recreational opportunities, scenic vistas, access to nature and other community benefits. The recent code revisions clarify the review process for development in or abutting these areas, and provide clear and objective criteria for approval and mitigation requirements.

Goal 5.2 Scenic Views and Scenic Sites

Protect the scenic qualities of Oregon City and scenic views of the surrounding landscape.

Finding: Adoption of the revised natural resource overlay district in OCMC 17.49, the Tree Protection code in OCMC 17.44, along with the existing Willamette River Greenway overlay district, assures that the municipal code continues to protect scenic views.

Goal 5.4 Natural Resources

Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.

Finding: In accordance with Metro Title 3, Water Quality, and Metro Title 13, Nature in the Neighborhoods, adoption of the revised code chapter 17.49, Natural Resource Overlay District, assures that key habitat fish and wildlife habitat areas throughout the city are protected as one contiguous system and that new development minimizes and mitigates disturbances to these sensitive areas. The mapping of these areas has been refined and improved using more accurate slope (LIDAR) data. Along with the city's park and trail system, these areas provide recreational opportunities, scenic vistas access to nature and other community benefits.

Goal 7.1 Natural Hazards

Protect life and reduce property loss from the destruction associated with natural hazards

Finding: Revisions to the Geologic Hazard Overlay District zoning regulations, along with refined and improved slope (LIDAR) data, continue to protect geologic hazard areas and steep slopes and that development in or adjacent to such areas is safely designed and engineered, when permitted.

Goal 9.1 Improve Oregon City's Economic Health

Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.

Finding: The proposed code amendments are intended to assure that commercially and industrially zoned land is provided in appropriate locations throughout the city, are built to urban standards and which promote multi-modal and sustainable land use. Most importantly, many of the proposed amendments allow the Community Development Director to approve alternative plans that can also meet the adopted standards, such as through the use of Low Impact Development techniques to improve storm water management. This level of flexibility is important to developers and business owners when choosing to develop or expand existing businesses within the city.

Goal 10.1 Diverse Housing Opportunities

Provide for the planning, development and preservation of a variety of housing types and lot sizes.

Finding: Through the revisions to the cottage housing and tree protection and natural resource regulations, a diversity of housing stock can be maintained. These chapters look to integrate lot sizes throughout the single family development areas and provide incentives such as greater flexibility in dimensional standards to improve site design. Multi-family design regulations have been adopted that require diversity in unit types. Segregation of lot sizes and housing types are being relaxed in order to protect trees and provide for alternative housing opportunities.

Goal 10.2 Supply of Affordable Housing

Provide and maintain an adequate supply of affordable housing.

Finding: The revisions to the Cottage housing chapter will continue to provide an option for a residential product that will provide an "age-in-place" affordable housing alternative for many segments of Oregon City's population. The new R-5 zone district, along with the R-2 and R-3.5 Dwelling Districts provide development opportunities for multi-family and more affordable single family detached and attached housing units.

Goal 11.1 Provision of Public Facilities

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

Finding: Many of the code changes being proposed encourage development adjacent to existing developed areas, thereby reducing costly public facilities extensions.

Goal 11.4 Stormwater Management

Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat.

Finding: The public works department has completed a final draft of revisions to the City's stormwater and low impact development standards. These standards include a variety of techniques to minimize impacts to the city stormwater system through a combination of techniques such as vegetated swales, rain gardens, green roofs, pervious pavers and other techniques to manage stormwater naturally.

Goal 11.6 Transportation Infrastructure

Optimize the City's investment in transportation infrastructure.

Finding: Many of the code changes being proposed encourage development adjacent to existing developed areas and along existing transportation corridors, thereby reducing costly public facilities extensions.

Goal 12.1 Land Use-Transportation Connection

Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.

Finding: The proposed code amendments are consistent with the 2001- Transportation System Plan. The Land Use and transportation hierarchy remains the same.

Goal 12.3 Multi-Modal Travel Options

Develop and maintain a transportation system that provides and encourages a variety of multi-modal travel options to meet the mobility needs of all Oregon City residents.

Finding: The revisions to OCMC 17.62 Site Plan and Design Review and OCMC 07.52 Off Street Parking and Loading provide additional flexibility for staff and developers yet at the same time raise the minimum design threshold of buildings to ensure that the new developments and

additions along transit corridors produce buildings that are well designed, promote multi-modal travel and have a long lifespan.

Goal 12.6 Capacity

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

Finding: Transportation standards will be applied proportionally to off-set the impacts of new development and assure the development of a contiguous, safe and efficient multi-modal transportation system.

Goal 12.7 Sustainable Approach

Promote a transportation system that supports sustainable practices.

Finding: Sustainable transportation practices are inherent throughout the code amendments. They aim at fully utilizing the existing commercial and residential transportation infrastructure. The revisions to OCMC 17.62 Site Plan and Design Review and OCMC 07.52 Off Street Parking and loading provide additional flexibility for staff and developers yet at the same time raise the minimum design threshold of buildings to ensure that the new developments and additions along transit corridors produce buildings that are well designed, promote multi-modal travel and have a long lifespan. The regulations have also been revised in anticipation of the passage of new Low Impact Development (LID) and Stormwater Design standards which are being drafted for adoption by the City Commission in 2010, and provide specific incentives and cross-references to those standards in the parking lot, landscaping and street design standards of the code.

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

Finding: No changes to the Oregon City Zoning map or Comprehensive Plan map are being proposed at this time.

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

Finding: The proposed land use code amendments are intended to ensure that the transportation system is utilized as efficiently and safely as possible. As infill occurs, the standards will be applied proportionally to off-set the impacts of new development and assure the development of a contiguous, safe and efficient multi-modal transportation system.

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

Finding: This criterion is not applicable. The Oregon City Comprehensive Plan addresses the Statewide Planning goals.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the Municipal Code text amendments, Zone to the City Commission as included in Exhibits 3 for their consideration at the March 17, 2010 City Commission hearing.

EXHIBITS

1. Draft Ordinance 10-03 (will be presented at 3.17.10 CC meeting)
2. Memo Describing Proposed Amendments
3. Proposed Municipal Code Amendments by Chapter
4. Planning Commission packets, minutes, video, oral comment cards (on file)
 - a. November 23, 2009 PC Hearing
 - b. December 11, 2009 PC Hearing
 - c. January 25, 2010 PC Hearing
 - d. February 8, 2010 PC Hearing
5. ORD 08-1014 (will be presented at 3.17.10 CC meeting)
6. L 08-01 (on file)

City of Oregon City GEOGRAPHIC INFORMATION SYSTEM Slope and Geology Map

Printed June 8, 2010

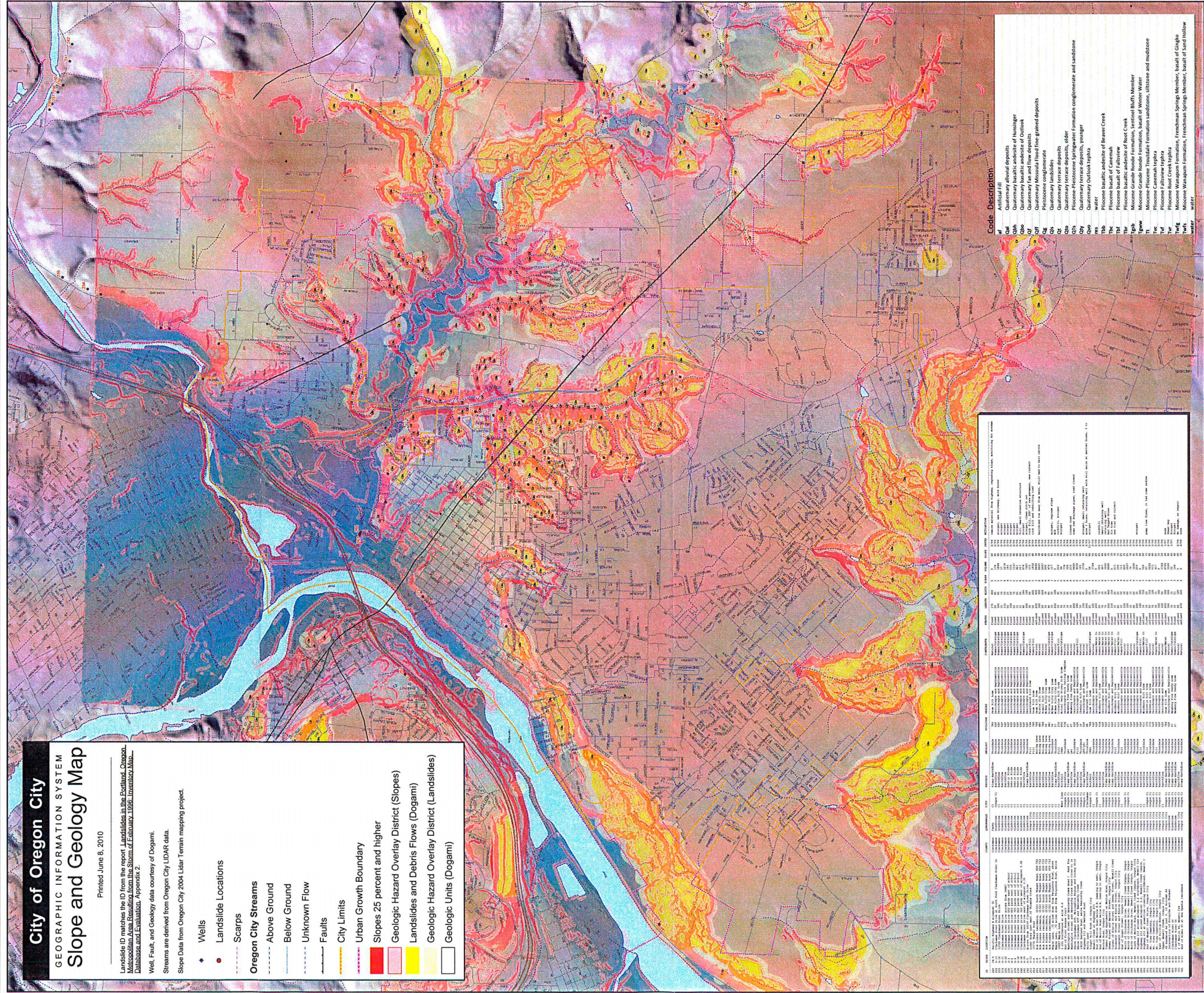
Landslide ID matches the ID from the report "Landslides in the Portland, Oregon Metropolitan Area, Resulting from the Storm of February, 1996," Inventory, Map Database and Evaluation, Appendix 2.

Well, Fault, and Geology data courtesy of Dogami.

Streams are derived from Oregon City LIDAR data.

Slope Data from Oregon City 2004 Lidar Terrain mapping project.

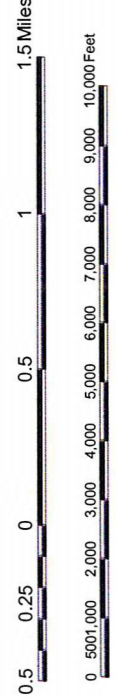
- ◆ Wells
- Landslide Locations
- Scarps
- Oregon City Streams**
- Above Ground
- Below Ground
- Unknown Flow
- Faults
- City Limits
- Urban Growth Boundary
- Slopes 25 percent and higher
- Geologic Hazard Overlay District (Slopes)
- Landslides and Debris Flows (Dogami)
- Geologic Hazard Overlay District (Landslides)
- Geologic Units (Dogami)



Code	Description
Qal	Quaternary alluvial deposits
Qbh	Quaternary basaltic andesite of Hamling
Qbo	Quaternary basaltic andesite of Outlook
Qf	Quaternary fan and flow deposits
Qf1	Quaternary Missoula Flood fine-grained deposits
Qg	Quaternary conglomerate
Qh	Quaternary hillsides
Qo	Quaternary terrace deposits, older
Qo1	Quaternary terrace deposits, younger
Qo2	Quaternary Outlook terraces
Qo3	Quaternary Outlook terraces, older
Qo4	Quaternary Outlook terraces, younger
Qo5	Quaternary Outlook terraces, older
Qo6	Quaternary Outlook terraces, younger
Qo7	Quaternary Outlook terraces, older
Qo8	Quaternary Outlook terraces, younger
Qo9	Quaternary Outlook terraces, older
Qo10	Quaternary Outlook terraces, younger
Qo11	Quaternary Outlook terraces, older
Qo12	Quaternary Outlook terraces, younger
Qo13	Quaternary Outlook terraces, older
Qo14	Quaternary Outlook terraces, younger
Qo15	Quaternary Outlook terraces, older
Qo16	Quaternary Outlook terraces, younger
Qo17	Quaternary Outlook terraces, older
Qo18	Quaternary Outlook terraces, younger
Qo19	Quaternary Outlook terraces, older
Qo20	Quaternary Outlook terraces, younger
Qo21	Quaternary Outlook terraces, older
Qo22	Quaternary Outlook terraces, younger
Qo23	Quaternary Outlook terraces, older
Qo24	Quaternary Outlook terraces, younger
Qo25	Quaternary Outlook terraces, older
Qo26	Quaternary Outlook terraces, younger
Qo27	Quaternary Outlook terraces, older
Qo28	Quaternary Outlook terraces, younger
Qo29	Quaternary Outlook terraces, older
Qo30	Quaternary Outlook terraces, younger
Qo31	Quaternary Outlook terraces, older
Qo32	Quaternary Outlook terraces, younger
Qo33	Quaternary Outlook terraces, older
Qo34	Quaternary Outlook terraces, younger
Qo35	Quaternary Outlook terraces, older
Qo36	Quaternary Outlook terraces, younger
Qo37	Quaternary Outlook terraces, older
Qo38	Quaternary Outlook terraces, younger
Qo39	Quaternary Outlook terraces, older
Qo40	Quaternary Outlook terraces, younger
Qo41	Quaternary Outlook terraces, older
Qo42	Quaternary Outlook terraces, younger
Qo43	Quaternary Outlook terraces, older
Qo44	Quaternary Outlook terraces, younger
Qo45	Quaternary Outlook terraces, older
Qo46	Quaternary Outlook terraces, younger
Qo47	Quaternary Outlook terraces, older
Qo48	Quaternary Outlook terraces, younger
Qo49	Quaternary Outlook terraces, older
Qo50	Quaternary Outlook terraces, younger
Qo51	Quaternary Outlook terraces, older
Qo52	Quaternary Outlook terraces, younger
Qo53	Quaternary Outlook terraces, older
Qo54	Quaternary Outlook terraces, younger
Qo55	Quaternary Outlook terraces, older
Qo56	Quaternary Outlook terraces, younger
Qo57	Quaternary Outlook terraces, older
Qo58	Quaternary Outlook terraces, younger
Qo59	Quaternary Outlook terraces, older
Qo60	Quaternary Outlook terraces, younger
Qo61	Quaternary Outlook terraces, older
Qo62	Quaternary Outlook terraces, younger
Qo63	Quaternary Outlook terraces, older
Qo64	Quaternary Outlook terraces, younger
Qo65	Quaternary Outlook terraces, older
Qo66	Quaternary Outlook terraces, younger
Qo67	Quaternary Outlook terraces, older
Qo68	Quaternary Outlook terraces, younger
Qo69	Quaternary Outlook terraces, older
Qo70	Quaternary Outlook terraces, younger
Qo71	Quaternary Outlook terraces, older
Qo72	Quaternary Outlook terraces, younger
Qo73	Quaternary Outlook terraces, older
Qo74	Quaternary Outlook terraces, younger
Qo75	Quaternary Outlook terraces, older
Qo76	Quaternary Outlook terraces, younger
Qo77	Quaternary Outlook terraces, older
Qo78	Quaternary Outlook terraces, younger
Qo79	Quaternary Outlook terraces, older
Qo80	Quaternary Outlook terraces, younger
Qo81	Quaternary Outlook terraces, older
Qo82	Quaternary Outlook terraces, younger
Qo83	Quaternary Outlook terraces, older
Qo84	Quaternary Outlook terraces, younger
Qo85	Quaternary Outlook terraces, older
Qo86	Quaternary Outlook terraces, younger
Qo87	Quaternary Outlook terraces, older
Qo88	Quaternary Outlook terraces, younger
Qo89	Quaternary Outlook terraces, older
Qo90	Quaternary Outlook terraces, younger
Qo91	Quaternary Outlook terraces, older
Qo92	Quaternary Outlook terraces, younger
Qo93	Quaternary Outlook terraces, older
Qo94	Quaternary Outlook terraces, younger
Qo95	Quaternary Outlook terraces, older
Qo96	Quaternary Outlook terraces, younger
Qo97	Quaternary Outlook terraces, older
Qo98	Quaternary Outlook terraces, younger
Qo99	Quaternary Outlook terraces, older
Qo100	Quaternary Outlook terraces, younger

City of Oregon City
P.O. Box 3040
320 Warner Mine Rd.
Oregon City, OR 97045
503-657-0891 phone
503-657-6629 fax
www.ci.oregon-city.or.us

Print date: June 8, 2010
File name: Slope and Geology Map 20100608.mxd
Plot name: Slope and Geology Map Size 60 20 100x600.pdf



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.

Please recycle with colored office grade paper.

Amendments to the Oregon City
Municipal Code
City of Oregon City
Planning Division

Tony Konkol – Community Development Director

For more information, contact:
Pete Walter, AICP, Associate Planner
Christina Robertson-Gardiner, AICP, Associate Planner
Laura Butler, AICP, Assistant Planner
Phone: (503) 722-3789

City of Oregon City Planning Division
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Phone: (503) 722-3789
Fax: (503) 722-3880

The Planning Division is committed to providing equal access to information and hearings. For equal access to information, call the Planning Division at (503) 722-3789.

Version 1.5 (Final)

INDEX

CHAPTER	PAGE
COVER	1
TABLE OF CONTENTS	2
CHAPTER 12 – STREETS, SIDEWALKS, AND PUBLIC PLACES	3-15
Chapter 12.04 – Streets and Sidewalks Generally	3-15
CHAPTER 13 – PUBLIC SERVICES	16-18
Chapter 13.04 -Water Service System	16
Chapter 13.08- Sewer Regulations	17
Chapter 13.12- Stormwater Management	18
CHAPTER 16 – LAND DIVISIONS	19-26
Chapter 16.08 – Subdivisions- – Process and Standards	19-23
Chapter 16.16 – Partitions: Process and Standards	24-26
CHAPTER 17 – ZONING	27-174
Chapter 17.04 – Definitions	27-29
Chapter 17.20 – Residential Design and Landscaping Standards	30-36
Chapter 17.32 – C General Commercial District	36-37
Chapter 17.40 – Historic Overlay	38-43
Chapter 17.41 – Tree Protection Standards	44-50
Chapter 17.42 – Flood Management Overlay District	51-61
Chapter 17.44 –Geologic Hazards	62-68
Chapter 17.49 – Natural Resource Overlay District	69-86
Chapter 17.50 – Administration and Procedures	87-102
Chapter 17.52 – Off-Street Parking and Loading	103-112
Chapter 17.54 – Supplemental Zoning Regulations and Exceptions	113-118
Chapter 17.62 – Site Plan and Design Review	119-157
Chapter 17.65 – Master Plan	158-166
Chapter 17.80 – Communications Facilities	167-174

Oregon City Municipal Code
Chapter 12.04 Streets Sidewalks and Public Places

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

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

12.04.010 Construction specifications—Improved streets.

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

12.04.020 Construction specifications—Unimproved streets.

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

12.04.25 Street design--Curb cuts.

A. To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, such as a cul-de-sac or dead-end street, the decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable where any of the following conditions are necessary:

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

Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development, driveway curb cuts shall be limited to those widths as approved by the Public Works Street Standard Drawings. Shared residential driveways shall be limited to twenty-four feet in width adjacent to the sidewalk and property line and may extend to a maximum of thirty feet abutting the street

pavement to facilitate turning movements. Non-residential development driveway curb cuts in these situations shall be limited to those widths as approved by the Public Works Street Standard Drawings or as approved by the City Engineer upon review of the vehicle turning radii based on a professional engineer's design submittal.

- B. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least 10 feet and preferably 20 feet back into the lot as measured from the current edge of street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the City Engineer.
- C. It shall be a code violation to drive vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or City-approved temporary driveway approach. Damages caused by such action shall be corrected by the adjoining property owner.
- D. It shall be a code violation to place soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway. Damages caused by such action shall be corrected by the adjoining property owner.
- E. Any driveway built within public street or alley right-of-way shall be built and permitted per City requirements as approved by the City Engineer.
- F. Exceptions. The Public Works Director reserves the right to waive this policy in certain instances, if it is determined through written findings, that it is in the best interest of the public to do so. Examples of allowable exceptions include:
 - 1. Corner properties or properties adjacent to more than one street frontage provided at least one on-street parking space on each frontage remains available after the installation of a second driveway.
 - 2. Special needs for disabled access.
 - 3. When the size of the lot or the length of the street frontage is adequate to support more than one driveway, the installation of a driveway will result in the loss of no more than one on-street parking space and there is no shortage of on-street parking available for neighboring property.

In no case shall more than two driveways be allowed on any single family residential property.

- G. Appeals. Decisions made by the Public Works Director are final unless appealed in writing to the Transportation Advisory Committee for review and recommendation to the City Commission.
- H. Failure to Comply. Failure to meet the intent of this section shall be a violation of this Code and enforceable as a civil infraction.

12.04.030 Maintenance and repair.

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

12.04.031 Liability for sidewalk injuries.

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

the damages paid. The city may maintain an action in a court of competent jurisdiction to enforce this section.

12.04.032 Required sidewalk repair.

- A. When the public works director determines that repair of a sidewalk is necessary he or she shall issue a notice to the owner of property adjacent to the sidewalk.
- B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the city may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.
- C. The public works director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the public works director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.
- D. The person serving the notice shall file with the city recorder a statement stating the time, place and manner of service or notice.

12.04.033 City may do work.

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

12.04.034 Assessment of costs.

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

12.04.040 Streets--Enforcement.

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

12.04.045 Street Design--Constrained Local Streets and/or Rights-of-Way.

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

Table 12.04.045

STREET DESIGN STANDARDS FOR LOCAL CONSTRAINED STREETS		
	Minimum	Required
Type of Street	Right-of-way	Pavement Width
Constrained local street	20 to 40	20 to less than 32 feet

12.04.050 Retaining walls--Required.

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

12.04.060 Retaining walls--Maintenance.

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

12.04.070 Removal of sliding dirt.

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

12.04.080 Excavations--Permit required.

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

12.04.090 Excavations--Permit restrictions.

The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.

12.04.095 Street Design – Curb Cuts.

To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, such as a cul-de-sac or dead-end street, the decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable where any of the following conditions are necessary:

- A. To provide adequate space for on-street parking;
- B. To facilitate street tree planting requirements;
- C. To assure pedestrian and vehicular safety by limiting vehicular access points; and
- D. To assure that adequate sight distance requirements are met.

Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development, single residential driveway curb cuts shall be limited to 12 feet in width adjacent to the sidewalk and property line and may extend to a maximum of 18 feet abutting the street pavement to

facilitate turning movements. Shared residential driveways shall be limited to 24 feet in width adjacent to the sidewalk and property line and may extend to a maximum of 30 feet abutting the street pavement to facilitate turning movements. Non-residential development driveway curb cuts in these situations shall be limited to the minimum required widths based on vehicle turning radii based on a professional engineer's design submittal and as approved by the decision maker.

12.04.100 Excavations – Restoration of Pavement

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the city for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to put the street or alley in as good condition as it was before it was so broken, dug up or disturbed, and shall remove all surplus dirt, rubbish, or other material from the street or alley.

12.04.110 Excavations--Nuisance--Penalty.

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

12.04.120 Obstructions – Permit Required

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

1. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.
2. The applicant shall submit at least the following information in the permitting process in order to allow the commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;
 - b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
 - d. Alternative routes if necessary;
 - e. Minimizing obstruction area; and
 - f. Hold harmless/maintenance agreement.
3. If the commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the city engineer shall issue a right-of-way permit with any conditions deemed necessary by the commission.

B. Temporary Obstructions.

1. A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.
2. The city engineer, or designee, is authorized to grant a permit for a temporary obstruction.
3. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.
4. The applicant shall submit, and the city engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the city engineer:
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;
 - b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
 - d. Alternative routes if necessary;
 - e. Minimizing obstruction area; and
 - f. Hold harmless/maintenance agreement.

5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the city engineer may issue such a permit only after finding that the following criteria have been satisfied:
 - a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;
 - b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;
 - c. No alternative locations are available that would not require use of the public right-of-way; and
 - d. Any other factor that the city engineer deems relevant.
 6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.
- C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the commission.

12.04.130 Obstructions--Sidewalk sales.

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

12.04.140 Obstructions--Nuisance--Penalty.

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

12.04.150 Street and alley vacations--Cost.

At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by city commission resolution shall be paid to the city.

12.04.160 Street vacations--Restrictions.

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

12.04.170 Street Design - Purpose and General Provisions.

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

12.04.175 Street Design--Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future

transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. Where location is not shown in the development plan, the arrangement of streets shall either:

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
- B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Access control in accordance with section 12.04.200 shall be required to preserve the objectives of street extensions.

12.04.180 Street Design--Minimum Right-of-Way.

All development shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:

- A. Complying with the Street Design Standards contained in the table provided in chapter 12.04. The Street Design Standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan (TSP), in particular, the following TSP figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These TSP figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

Table 12.04.020 STREET DESIGN STANDARDS		
Type of Street	Maximum Right-of-Way Width	Pavement Width
Major arterial	124 feet	98 feet
Minor arterial	114 feet	88 feet
Collector street	86 feet	62 feet
Neighborhood Collector street	81 feet	59 feet
Local street	54 feet	32 feet
Alley	20 feet	16 feet

- B. The applicant may submit an alternative street design plan that varies from the Street Design Standards identified above. An alternative street design plan may be approved by the City Engineer if it is found the alternative allows for adequate and safe traffic, pedestrian and bicycle flows and transportation alternatives and protects and provides adequate multi-modal transportation services for the development as well as the surrounding community.

12.04.185 Street Design--Access Control.

- A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the City as a City controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the

dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

- B. The City may grant a permit for the adjoining owner to access through the access control.
- C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."
- D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

12.04.190 Street Design--Alignment.

The centerline of streets shall be:

- A. Aligned with existing streets by continuation of the centerlines; or
- B. Offset from the centerline by no more than 10 feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

12.04.195 Minimum Street Intersection Spacing Standards.

- A. All new development and redevelopment shall meet the following Public Street Intersection Spacing Standards:

Table 12.04.040 - Public Street Intersection Spacing Standards

	Distance in Feet between Streets of Various Classifications								
	Between Arterial and Arterial	Between Arterial and Collector	Between Arterial and Neighborhood Collector	Between Arterial and Local Street	Between Collector Street and Collector Street	Between Collector Street and Neighborhood Collector	Between Collector and Local Street	Between Neighborhood Collector and Local Street	Between two adjacent Local Streets
Measured along an Arterial Street	1320	800	600	300	600	300	150	150	150
Measured along a Collector Street	800	800	600	300	600	300	150	150	150
Measured along a Neighborhood Collector Street	800	600	300	300	300	150	150	150	150
Measured along a Local Street	600	600	300	300	300	150	150	150	150

Note: With regard to public intersection spacing standards, the same distances apply to both major arterial and minor arterial streets. In this table, the term "arterial" applies to both major arterial and minor arterial streets.

or

B. A lesser distance between intersections may be allowed, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the reduction in intersection spacing will not pose a safety hazard.

12.04.200 Street Design--Constrained Local Streets and/or Rights-of-Way.

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

Table 12.04.045
STREET DESIGN STANDARDS FOR LOCAL CONSTRAINED

STREETS		
	Minimum	Required
Type of Street	Right-of-Way	Pavement Width
Constrained local street	30 to 40 feet	20 to less than 32 feet

12.04.205 Intersection Level of Service Standards.

When reviewing new developments, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level Of Service (LOS) upon full build-out of the proposed development. The minimum acceptable LOS standards are as follows:

- A. For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole *and* no approach operating at worse than LOS "E" *and* a v/c ratio not higher than 1.0 for the sum of critical movements.
- B. For signalized intersections within the Regional Center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" *and* a v/c ratio not higher than 1.0.
- C. For unsignalized intersection throughout the city a LOS "E" or better for the poorest approach and with no movement serving more than 20 peak hour vehicles operating at worse than LOS "F" will be tolerated for minor movements during a peak hour.

12.04.210 Street design--Intersection Angles.

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

12.04.215 Street design--Off-Site Street Improvements.

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

12.04.220 Street Design--Half Street.

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

provided and improved when that adjacent property divides or develops. Access Control as described in 12.04.200 may be required to preserve the objectives of half streets.

12.04.225 Street Design--Cul-de-sacs and Dead-End Streets.

The City discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as unstable soils, wetland, natural or historic resource areas, dedicated open space, existing development patterns, or arterial access restrictions. When permitted, cul-de-sacs and permanent dead-end streets shall have a maximum length of three hundred fifty feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face, and include pedestrian/bicycle accessways as provided in Section 17.90.220 of this code and Chapter 12.24. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed to provide adequate lot coverage.

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

12.04.230 Street Design--Street Names.

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

12.04.235 Street Design--Grades and Curves.

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

12.04.240 Street Design--Development Abutting Arterial or Collector Street.

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

12.04.245 Street Design--Pedestrian and Bicycle Safety.

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

All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive

slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the City Engineer.

12.04.255 Street design--Alleys.

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

12.04.260 Street Design--Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with Tri-Met where the application impacts transit streets as identified on Figure 5.7: Public Transit System Plan of the Oregon City Transportation System Plan. Pedestrian/bicycle access ways shall be provided as necessary in conformance with the requirements in Section 17.90.220 of this code and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

12.04.265 Street design--Planter Strips.

All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within 10 feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

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

12.04.270 Standard Construction Specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "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 Street Design Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

12.04.280 Violation--Penalty.

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

13.04.030 Permits – Renewal – Change of Service

- A. The City issues engineering permits for water line work in the right-of-way either as a separate Public Works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the City Commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code.
- B. When permits for renewal or change of service are granted, the old service will be shut-off and disconnected at the main by employees of the city. The charge for same shall be the reasonable costs as determined by administrative policy.

13.04.340 Standard Construction Specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "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 Water Distribution System Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Water Distribution System Design Standards shall be complied with.

13.08.050 Engineer - Permits

- A. The City issues engineering permits for sewer line work in the right-of-way either as a separate Public Works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the City Commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code.
- B. The engineer is authorized to grant such permits as he may deem necessary for allowing persons to tap the public sewers, and to make connections therewith; provided however, that the permit shall be granted on the express condition that the owner or tenant for whose benefit such connection shall be made, and each succeeding tenant shall in consideration of the privilege thereby granted, hold the city harmless for any loss or damage that may in any way result from or be occasioned by any such tap or connection.

13.08.230 Standard Construction Specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "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 Sanitary Sewer Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Sanitary Sewer Design Standards shall be complied with.

13.12.010 Purpose

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

- A. Minimize increased stormwater runoff rates from any new development so as to minimize the impact upon any downstream natural channel that may exist between the subject area and the Willamette or Clackamas Rivers;
- B. Prevent water runoff generated by development from exceeding the capacity of downstream stormwater facilities;
- C. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, from lands that were developed without the stormwater management controls required by this chapter;
- D. Prevent the uncontrolled or irresponsible discharge of stormwater from new development onto adjoining public or private property;
- E. Maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes;
- F. Have stormwater conveyance facilities of adequate design to manage all volumes of water generated in the contributing drainage area, for both the existing condition and the anticipated future condition;
- G. Have all stormwater facilities:
 - 1. Designed in a manner to allow economical future maintenance,
 - 2. If city owned or maintained, designed for maintenance with city owned equipment,
 - 3. Designed using materials that will ensure a minimum practical design life of seventy-five years, and
 - 4. Designed to have sufficient structural strength to resist erosion and all external loads (construction, traffic, seismic) which may be imposed;
- H. Establish maintenance easements with the owners of privately owned/maintained stormwater facilities to ensure an appropriate level of maintenance and to help minimize public safety hazards;
- I. Have all new stormwater facilities comply with applicable National Pollutant Discharge Elimination System (NPDES) requirements;
- J. Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures;
- K. Minimize increases in nonpoint source pollution; and
- L. Allow for periodic inspections of both private and public stormwater quantity control and quality control facilities to verify that they are functioning in substantial conformance with the approved design intent.
- M. Allow Issuance of engineering permits for stormwater work in the right-of-way or public easements either as a separate Public Works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the City Commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code.

13.12.180 Violation--Penalty.

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

Oregon City Municipal Code
Chapter 16.08 Subdivisions – Process and Standards

16.08.010 Purpose and General Provisions.

- A. **Applicability.** This chapter controls the process and approval standards applicable to subdivisions including Chapters 16.08, 12.04, 16.12, and 17.50 of the Oregon City Municipal Code as well as any other applicable chapters. A subdivision is defined as a single division of land into four or more lots within a calendar year.
- B. These applications shall generally follow a Type II process. However, if an applicant opts to process either application as an expedited land division, the city shall follow the decision-making process provided by state law and apply the applicable approval standards set forth in this code and elsewhere.
- C. **Purpose.** The purpose of this chapter is to provide a speedy review and decision-making process with relatively clear and objective criteria indicating little discretion, with little opportunity to deviate from the City's dimensional standards. If an applicant wishes greater flexibility in lotting pattern or layout, phasing of development, or relief from dimensional or public improvement standards, the appropriate procedure would be a master plan under Chapter 17.65 or an additional application for a variance(s) under Chapter 17.60.
- D. **Process Overview.** Subdivision review process requires a two-step process: preliminary and final plats. The preliminary plat, reviewed through a Type II process, provides all of the essential information about the proposal, including layout, number and pattern of lots, location of all existing structures and improvements, significant natural features, development schedule and any other required information. The final plat is a formal reproduction of the approved preliminary plat, including all conditions imposed by the decision-maker, submitted in recordable form. So long as the final plat does not deviate from the product approved in the preliminary plat, the City's review of the final plat shall be conducted through a Type I process. If the final plat deviates significantly from the approved preliminary plat, the final plat review shall be processed in the same manner as was the preliminary plat.

16.08.015 Preapplication Conference Required.

Before the City will accept a subdivision application, the applicant must schedule and attend a preapplication conference in accordance with Section 17.50.050. At a minimum, an applicant should bring to the preapplication conference a tax map of the subject tax lot(s) and surrounding tax lots, scale drawings of the proposed subdivision lotting pattern, streets, utilities and important site features and improvements, and a topographic map of the property.

16.08.020 Preliminary Subdivision Plat Application.

Within six (6) months of the preapplication conference, an applicant may apply for preliminary subdivision plat approval. The applicant's submittal must provide a complete description of existing conditions, the proposed subdivision and an explanation of how the application meets all applicable approval standards. The following sections describe the specific submittal requirements for a preliminary subdivision plat, which include plan drawings, a narrative statement and certain tabular information. Once the application is deemed to be complete, the Community Development Director shall provide notice of the application and an invitation to comment for a minimum of fourteen days to surrounding property owners in accordance with 17.50.090(A). At the conclusion of the comment period, the Community Development Director will evaluate the application, taking into consideration all relevant, timely filed comments, and render a written decision in accordance with Section 17.50. The Community Development Director's decision may be appealed to the City Commission with notification to the Planning Commission.

16.08.025 Preliminary Subdivision Plat--Required Plans.

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

- A. Site Plan. A detailed site development plan showing the location and dimensions of lots, streets, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.) and an indication of existing and proposed land uses for the site. If required by staff at the pre-application conference, a subdivision connectivity analysis shall be prepared by a transportation engineer licensed by the State of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The subdivision connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed subdivision will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards.
- B. Traffic/Transportation Plan. The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. The City Engineer may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.
- C. Natural Features Plan and Topography, Preliminary Grading and Drainage Plan. The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within two hundred fifty feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features must include all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all stormwater management features. This plan shall identify the location of drainage patterns and courses on the site and within two hundred fifty feet of the property boundaries where practicable. Features that must be illustrated shall include the following:
1. Proposed and existing street rights-of-way and all other transportation facilities;
 2. All proposed lots and tracts;
 3. All trees proposed to be removed prior to final plat with a diameter six inches or greater diameter at breast height (d.b.h);
 4. All natural resource areas pursuant to Chapter 17.49, including all jurisdictional wetlands shown in a delineation according to the Corps of Engineers Wetlands Delineation Manual, January, 1987 edition, and approved by the Division of State Lands and wetlands identified in the City of Oregon Local Wetlands inventory, adopted by reference in the City of Oregon City comprehensive plan;
 5. All known geologic and flood hazards, landslides or faults, areas with a water table within one foot of the surface and all flood management areas pursuant to Chapter 17.42;
 6. The location of any known state or federal threatened or endangered species;
 7. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;
 8. All wildlife habitat or other natural features listed on any of the City's official inventories.

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

1. A letter or email from the Oregon State Historic Preservation Office Archeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within 45 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 45 days of notification by the applicant.

If, after 45 days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

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

16.08.030 Preliminary Subdivision Plat--Narrative Statement.

In addition to the plans required in the previous section, the applicant shall also prepare and submit a narrative statement that addresses the following issues:

- A. Subdivision Description. A detailed description of the proposed development, including a description of proposed uses, number and type of residential units, allocation and ownership of all lots, tracts, streets, and public improvements, the structure of any homeowner's association, and each instance where the proposed subdivision will vary from some dimensional or other requirement of the underlying zoning district. For each such variance, a separate application will be required pursuant to Chapter 17.60, Variances;
- B. Timely Provision of Public Services and Facilities. The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:
 1. Water,
 2. Sanitary sewer,
 3. Storm sewer and stormwater drainage,
 4. Parks and recreation,
 5. Traffic and transportation,
 6. Schools,
 7. Fire and police services;Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before recording of the plat;
- C. Approval Criteria and Justification for Variances. The applicant shall explain how the proposed subdivision is consistent with the standards set forth in Chapter 16.12, 12.04 and any other applicable approval standards identified in the municipal code. For each instance where the applicant proposes a variance from some applicable dimensional or other numeric requirement, the applicant shall address the approval criteria from Chapter 17.60 .

- D. Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, homeowner association agreements, dedications, deeds easements, or reservations of public open spaces not dedicated to the city, and related documents for the subdivision;
- E. A description of any proposed phasing, including for each phase the time, acreage, number of residential units, amount of area for nonresidential use, open space, development of utilities and public facilities;
- F. Overall density of the subdivision and the density by dwelling type for each.

16.08.035 Notice and Invitation to Comment.

Upon the City's determination that an application for a preliminary subdivision plat is complete, pursuant to Section 17.50, the city shall provide notice of the application in accordance with requirements of Section 17.50 applicable to Type II decisions.

16.08.040 Preliminary Subdivision Plat--Approval Standards and Decision.

The minimum approval standards that must be met by all preliminary subdivision plats are set forth in Chapter 16.12, and in the dimensional and use requirements set forth in the chapter of this code that corresponds to the underlying zone. The Community Development Director shall evaluate the application to determine that the proposal does, or can through the imposition of conditions of approval, meet these approval standards. The Community Development Director's decision shall be issued in accordance with the requirements of Section 17.50.

16.08.045 Building Site--Frontage Width Requirement.

Each lot in a subdivision shall abut upon a cul-de-sac or street other than an alley for a width of at least twenty feet.

16.08.050 Flag Lots in Subdivisions

Flag lots shall not be permitted within subdivisions except as approved by the Community Development Director and in compliance with the following standards.

- A. Where the applicant can show that the existing parcel configuration, topographic constraints or where an existing dwelling unit is located so that it precludes a land division that meets the minimum density, lot width and/or depth standards of the underlying zone.
- B. If a flag lot is created, a joint accessway shall be provided unless the location of the existing dwelling unit prevents a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the city attorney.
- C. The pole portion of the flag lot shall connect to a public street.
- D. The pole shall be at least 8 feet wide for the entire length.
- E. The pole shall be part of the flag lot and must be under the same ownership as the flag portion of the lot.

16.08.055 Final Subdivision Plat--Application Requirements and Approval Standards.

The applicant shall apply for final subdivision plat approval within twenty-four months following approval of a preliminary subdivision plat. The applicant shall apply for final plat approval to the City and shall pay the applicable fees as set forth on the City's adopted fee schedule. The final subdivision plat is processed as an administrative decision by the City so long as the final subdivision plat is consistent with the approved preliminary subdivision plat as conditioned by the decision-maker.

- A. If the Community Development Director determines that the final subdivision plat submitted by the applicant is not consistent with the approved preliminary subdivision plat, the modified subdivision shall be subject to the same Type II process and review standards as were applicable to the preliminary subdivision plat. However, if such a review is necessary, the review shall be limited only

to those aspects of the final subdivision plat that deviate from the approved preliminary subdivision plat. The decision-maker's original approval of all other aspects of the subdivision may be relied upon as a conclusive determination of compliance with the applicable standards.

- B. The Community Development Director shall approve a final subdivision plat that is consistent with the approved preliminary subdivision plat, including any conditions attached thereto and required permits for access to facilities owned by another jurisdiction.

16.08.060 Filing and Recording of Final Subdivision Plat.

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

16.08.065 Post-Approval Modifications to Approved Plat.

All modifications to a subdivision that has received final plat approval shall be applied for and processed in the same manner as was the original preliminary subdivision plat and subject to the same approval standards. However, the city is entitled to rely upon the prior decision and findings for those portions of the subdivision that the applicant does not propose to modify.

Oregon City Municipal Code
Chapter 16.16 Minor Partitions—Process and Standards

16.16.010 Purpose and General Provisions.

- A. Minor Partitions shall be processed as a Type II decision by the Community Development Director in the same manner as set forth in Section 16.04.020.A and the applicable provisions in Chapters 16.16 12.04, 16.12 and 17.50 of the Oregon City Municipal Code as well as any other applicable chapter. A minor partition is defined as a single division of land into two or three lots. Approval shall be granted only upon determination that all applicable requirements of this title and ORS Chapter 92 have been met.
- B. If a parcel of land to be partitioned will create lots large enough to be divided again, the applicant shall provide a hypothetical non-binding plan or "shadow plat" depicting possible future development of the resulting lots.
- C. Lot Size Limitations for Partitions in Residential Zoning Designations. A residentially zoned parcel of land or the aggregate of contiguous parcels under the same ownership containing sufficient net buildable area to be subdivided by the minimum lot size requirements of the underlying zone into 4 or more lots shall be subject to the Subdivision procedures and standards specified in Sections 16.08 and 16.12. The calculation of the net buildable area for the parcel or lot to be divided shall be determined by the Community Development Director. This standard shall not apply to a multi-family zoning designation.
- D. A parcel of land in existence at the time this ordinance was adopted may be partitioned once if solely for the purpose of segregating one separate smaller parcel for an existing or proposed single-family house. The original parcel shall be exempt from the Lot Size Limitation for Partitions found in (C) above. The parcel to be created for the single-family house shall not contain sufficient lot area to allow further partitioning under the standards of the applicable existing zone including the use of administrative variances.

16.16.015 Preapplication Conference Required.

Before the city will accept an application for a partition, the applicant must attend a preapplication conference under Section 17.50.

16.16.020 Minor Partition Application Submission Requirements.

A minor partition application shall include twelve copies of the proposed partition to the Community Development Director on a reproducible material, drawn at a minimum scale of one-inch equals one hundred feet with the following information:

- A. A completed land use application form as provided by the planning division;
- B. Legal descriptions of the parent parcel(s) and a preliminary plat map;
- C. The name and address of the owner(s) and the representative, if any;
- D. County tax assessment map number(s) of the land to be partitioned;
- E. The map scale and north point;
- F. Approximate courses and dimensions of all parts of the partition;
- G. Around the periphery of the proposed minor partition, the boundary lines and names of adjacent minor partitions and subdivisions, streets and tract lines of adjacent parcels of property;
- H. The location, width and names of all existing or platted streets, other public ways and easements within the proposed partition, and other important features, such as the general outline and location of permanent buildings, pedestrian/bicycle access ways, watercourses, power lines, telephone lines, railroad lines, gas lines, water lines, municipal boundaries and section lines;
- I All areas designated as being within an overlay district
- J. A connectivity analysis may be required as directed at the pre-application conference. If required, the partition connectivity analysis shall be prepared by an engineer licensed by the State of Oregon which describes the existing and future vehicular, bicycle and pedestrian connections between the proposed partition and existing or planned land uses on adjacent properties. The connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the

proposed partition will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards.

K. 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 45 days of notification by the applicant; and
2. A letter or email from the applicable tribal cultural resource representative as designated by the Oregon Legislative Commission on Indian Services (CIS) and 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 45 days of notification by the applicant.

If, after 45 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.

16.16.025 Frontage Width Requirement.

For parcels of land created by a minor partition the parcels shall have a minimum of twenty feet of frontage on an existing public, county, state or federal road or street (unless as otherwise permitted in OCMC Chapter 16.16).

16.16.030 Flag Lots – R-10, R-8, R-6, and R-3.5.

- A. Flag lots may be permitted in Partitions only where the configuration, topography, or an existing dwelling unit is located on the property so that it would otherwise preclude the partitioning and development of the property.
- B. A joint accessway shall be provided unless the existing topography of the site or the dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable to the city attorney.
- C. Access ways shall have a pavement width of at least sixteen feet to service one to two units or twenty feet to service three or more units. A fire access corridor of at least twenty feet shall be provided to all parcels with a minimum pavement width of sixteen feet to service two units or twenty feet to service three or more units. At least 6 inches of shoulder on each side of the fire access corridor shall be provided in order that construction work does not infringe on adjacent properties. A narrower pavement width may be approved by the Fire District and Planning Division. The approval may require that additional fire suppression devices be provided to assure an adequate level of fire and life safety. No vehicular obstruction, including trees, fences, landscaping or structures, shall be located within the fire access corridor.
- D. The pole must connect to a public street.
- E. The pole must be at least 8 feet wide for its entire length.
- F. The pole must be part of the flag lot and must be under the same ownership as the flag portion of the lot.

16.16.035 Pavement Requirements.

Accessways for lots created through the minor partitioning process shall satisfy the requirements of Section 16.16.040 and 16.16.050. If the proposed accessway exceeds one hundred fifty feet in length the accessway shall conform to Fire District standards and shall be paved to a minimum width of twenty feet unless an alternative is approved by the Planning Division and Fire District. If more than two residences are served, a

turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the City Engineer and Fire District. Improvements shall comply with Chapter 16.12, Minimum Improvements and Design Standards for Land Divisions.

16.16.040 Final Recordable Partition Plat.

If the partition application is approved, the applicant shall prepare a final partition plat that meets all applicable requirements and conditions of the planning manager decision, and the applicable requirements of ORS Chapter 92. The applicant shall then submit the final plat for signature by the appropriate city official prior to recording with the county.

16.16.045 Final Minor Partition Plat Requirements.

The City shall review the final partition plat for conformance with any conditions, required permits for access to facilities owned by another jurisdiction, and the applicable requirements of ORS Chapter 92. The final partition plat shall contain, or be accompanied by, the following information:

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

17.04 Definitions

17.04.515 - Geologic Hazards Overlay Zone.

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

1. The following areas identified on the city's slope and geology map which represents:
 - a) Areas within fifty feet of the crest or toe of a slope that is twenty-five percent or greater, or within 200 feet of the crest or toe of a landslide geologic units Qls and Qf identified by DOGAMI and derived from LIDAR IMS-29 and IMS-26 publications in 2009, whichever is greater;
 - b) Areas with a slope of twenty-five percent or more;
 - c) Geologic Hazards areas identified by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) as landslide or debris flow fan (Qls and Qf geologic units derived from LIDAR IMS-29 and IMS-26 publications in 2009);
 - d) Geologic Hazards areas identified in Bulletin 99, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon (1979); and;
2. Any other area that is identified by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession as being subject to soil instability, slumping or earth flow, high groundwater level, and landslide.

17.04 Definitions

17.04.178

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

17.04.1458

“Vanpool” means a group of five or more commuters, including the driver, who share the ride to and from work, school or other destination on a regularly scheduled basis.

17.04. 743

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

17.04.245 - Highly constrained residential lot.

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

17.04 Definitions

17.04.1360 - Tree, hazardous or diseased.

"Hazardous or diseased tree" means a tree that has a naturally occurring disease that is expected to kill the tree or that presents a significant risk to life or property as determined by a certified arborist. To the extent that the Community Development Director determines that the hazardous or diseased condition of the tree is the result of intentional action, the removal of that tree shall require mitigation pursuant to Section 17.41.060. An otherwise healthy tree that may become a hazard to a proposed future development shall not be considered a hazardous tree. Hazardous trees may include, but are not limited to dead, diseased, broken, split, cracked, leaning, and uprooted trees. A tree harboring communicable diseases or insects of a type that could infest and cause the decline of adjacent or nearby trees may also be identified as a hazardous tree.

Oregon City Municipal Code
Chapter 17.20 Residential Design and Landscaping Standards

17.20.010 Purpose.

The Residential Design Standards are intended to:

- A. Enhance Oregon City through the creation of attractively designed housing and streetscapes.
- B. Ensure that there is a physical and visual connection between the living area of the residence and the street.
- C. Improve public safety by providing “eyes on the street”.
- D. Promote community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.
- E. Prevent garages from obscuring or dominating the primary facade of the house.
- F. Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of this chapter.
- G. The Community Development Director may approve an alternative design that achieves the intent of this chapter.

17.20.015 Street Trees.

All new single or two-family dwellings or additions of 25 percent or more of the existing square footage of the home (including the living space and garage(s)) shall install a street tree along the frontage of the site, within the abutting developed right-of-way. Existing trees may be used to meet this requirement. A picture of the planted tree shall be submitted to the Planning Division prior to issuance of occupancy. Upon approval by the Community Development Director, when a planter strip is not present, a tree may be placed within an easement on the abutting private property within 10 feet of the public right-of-way if a covenant is recorded for the property with the Clackamas County Recorders Office identifying the tree as a city street tree, subject to the standards in Chapter 12.08 of the Oregon City Municipal Code. The street tree shall be a minimum of 2-inches in caliper and either selected from the Oregon City Street Tree List or approved by a certified arborist for the planting location.

17.20.020 Applicability.

The standards in section 17.20.030 through 17.20.050 apply to the street-facing facades of all single and two-family dwellings. New dwellings, new garages or expansions of an existing garage require compliance with one of the residential design options in chapter 17.20.030 or Chapter 17.21.

For the purpose of this chapter, garages are defined as structures, or portions thereof used or designed to be used for the parking of vehicles, including carports. The garage width shall be measured based on the foremost interior garage walls or carport cover. The Community Development Director may approve an alternative measurement location if the exterior façade screens a section of the garage or better accomplishes the goals of this Chapter.

17.20.030 Residential Design Options.

- A. A dwelling with no garage or a detached garage shall comply with 5 of the residential design elements in 17.20.040.A on the front façade of the structure.
- B. A dwelling without a garage on the primary street-facing façade may be permitted if shall include 5 of the residential design elements in 17.20.040.A on the front façade of the structure.
- C. A dwelling with a front garage where the building is less than 24 feet wide may be permitted if:
 - 1. The garage is no more than 12 feet wide and;

2. The garage does not extend closer to the street than the furthest forward living space on the street-facing façade; and
 3. 6 of the residential design elements in 17.20.040.A are included on the front façade of the structure; and
 4. 1 of the following is provided:
 - a. Interior living area above the garage is provided. The living area must be set back no more than 4 feet from the street-facing garage wall; or
 - b. A covered balcony above the garage is provided. The covered balcony must be at least the same length as the street-facing garage wall, at least 6 feet deep and accessible from the interior living area of the dwelling unit; or
 - c. The garage is rear loaded.
- D. A dwelling with a garage that extends up to 50% of the length of the street-facing façade and is not closer to the street than the furthest forward living space on the street-facing façade may be permitted if:
6 of the residential design elements in 17.20.040.A are included on the front façade of the structure.
- E. A dwelling with a garage that extends up to 60% of the length of the street-facing-façade and is recessed 2 feet or more from the furthest forward living space on the street-facing façade may be permitted if:
1. 7 of the residential design elements in 17.20.040.A are included on the front façade of the structure.
- F. A dwelling with a garage that extends up to 60% of the length of the street-facing façade may extend up to 4 feet in front of the furthest forward living space on the street-facing façade may be permitted if:
1. 8 of the residential design elements in 17.20.040.A are included on the front façade of the structure; and
2. 1 of the options in 17.20.040.B is provided on the front façade of the structure.
- G. A dwelling with a garage that extends up to 50% of the length of the street-facing façade may extend up to 8 feet in front of the furthest forward living space on the street-facing façade if:
1. 9 of the residential design elements in 17.20.040.A are included on the front of the structure; and
2. 1 of the options in 17.20.040.B is provided on the front façade of the structure.
- H. A dwelling with a garage that is side-orientated to the front lot line and may extend up to 32 feet in front of the furthest forward living space on the street-facing facade if:
1. Windows occupy a minimum of 15% of the lineal length of the street-facing wall; and
2. 6 of the residential design elements in 17.20.040.A are included on the front façade of the structure.

17.20.035 Corner Lots and Through Lots

- A. Homes on corner lots and through lots shall comply with one of the options in 17.20.030 for the front of the home.
- B. The other street-facing side of the home shall include the following:
1. windows and doors for a minimum of 15% of the lineal length of the ground floor façade; and
 2. minimum 4-inch window trim; and
 3. 3 additional residential design elements selected from 17.20.040.A.

17.20.040 Residential Design Elements.

- A. The residential design elements listed below shall be provided as required in section 17.20.030 above. Alternatives to the standards in Chapter 17.20.040 may be approved through a Type II Land Use decision that is in compliance with the purpose of this Chapter listed in 17.20.010.
1. The design of the dwelling includes dormers, which are projecting structures built out from a sloping roof housing a vertical window;
 2. The roof design utilizes a:

- a. Gable, which is a roof sloping downward in two parts from a central ridge, so as to form a gable at each end; or
 - b. Hip, which is a roof having sloping ends and sides meeting at an inclined projecting angle.
3. The building facade includes 2 or more offsets of 16-inches or greater;
 4. A roof overhang of 16-inches or greater;
 5. A recessed entry that is at least 2 feet behind the furthest forward living space on the ground floor, and a minimum of 8 feet wide;
 6. A minimum 60 square-foot covered front porch that is at least 5 feet deep or a minimum 40 square-foot covered porch with railings that is at least 5 feet deep and elevated entirely a minimum of 18-inches;
 7. A bay window that extends a minimum of 12-inches outward from the main wall of a building and forming a bay or alcove in a room within;
 8. Windows and main entrance doors that occupy a minimum of 15% of the lineal length of the front façade (not including the roof and excluding any windows in a garage door);
 9. Window trim (minimum 4-inches);
 10. Window grids (excluding any windows in the garage door or front door).
 11. Windows on all elevations include a minimum of 4-inch trim (worth 2 elements);
 12. Windows on all of the elevations are wood, clad wood, or fiberglass (worth 2 elements);
 13. Windows on all of the elevations are recessed a minimum of two inches from the façade (worth 2 elements);
 11. A balcony that projects from the wall of the building and is enclosed by a railing or parapet;
 14. Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of 60 square feet of the street façade;
 15. All garage doors are a maximum 9-feet wide;
 16. All garage doors wider than 9-feet are designed to resemble 2 smaller garage doors;
 17. There are a minimum of two windows in each garage door;
 15. A third garage door is recessed a minimum of 2 feet;
 16. A window over the garage door that is a minimum of 12 square feet with window trim (minimum 4-inches);
 17. There is no attached garage onsite;
 18. The living space of the dwelling is within 5 feet of the front yard setback; or
 19. The driveway is composed entirely of pervious pavers or porous pavement.
- B. If the garage projects in front of the furthest forward living space on the street facing façade, one of the residential design elements (1) or (2) below, shall be provided in addition to the residential design elements required in Section 17.20.040.A above. Residential design elements utilized in Section 17.20.040.B can be additionally utilized in Section 17.20.040.A.
1. A minimum 60 square-foot covered front porch that is at least 5 feet deep; or a minimum 40 square-foot covered porch with railings that is at least 5 feet deep and elevated entirely a minimum of 18-inches.
 2. The garage is part of a 2-level façade. The 2nd level façade shall have a window (minimum 12 square feet) with window trim (minimum 4-inches).

17.20.050 Main Entrances.

The main entrance for each structure shall:

- A. Face the street; or
- B. Be at an angle up to 45 degrees from the street;
- C. Open onto a covered porch that is at least 60 square feet with a minimum depth of 5 feet on the front or, in the case of a corner lot, the side of the home.

17.20.060 Residential Yard Landscaping

The intent of this section is to ensure that residential lots are landscaped and to encourage the retention of trees, minimize the impact of tree loss during development and ensure a sustainable tree canopy in Oregon City. Though not required, the use of native species and low water use vegetation is recommended, but in no case may materials identified on the Oregon City Nuisance Plant list be used.

A. Tree requirement. This requirement may be met using one or any combination of the three options below (Tree Preservation, Tree Planting, or Tree Fund). Table 17.20.060(A) identifies the minimum number of inches of tree diameter per lot that shall be preserved, planted or paid into the Tree Fund. Adjustments from this section are prohibited. The applicant shall submit a residential yard landscaping plan for Options (1) and (2) demonstrating compliance with the requirements of this section.

TABLE 17.20.060(A) - Tree Requirements

Lot Size (square feet)	Tree Diameter Inches Required to be Protected, Planted or Paid into Tree Fund
0 – 4,999	4"
5,000 – 7,999	6"
8,000 – 9,999	8"
10,000 – 14,999	10"
15,000 +	12"

1. Tree preservation. The size of existing trees to be preserved shall be measured as Diameter at Breast Height (DBH).
 - a. This standard shall be met using trees that are located on the lot and trees that are located within public and private right-of-way shall not be used to meet this standard. When this option is used, a tree preservation plan is required.
 - b. Trees to be preserved may be located anywhere on the lot, and shall be a minimum of 2" caliper DBH.
 - c. Large Native or Heritage Tree Incentive. If a tree is preserved that is selected from the list in Table 17.20.060(A)(2)(c), the diameter of the tree may be doubled when demonstrating compliance with the minimum tree requirements indicated in Table 17.20.060(A) above. For example, an Oregon White Oak with a 2" caliper at DBH may count as a tree diameter of 4".

2. Tree planting. All planted trees shall measure a minimum 2" caliper at 6" above the root crown. When this option is used, a tree planting plan is required.
 - a. Trees planted pursuant to this section on R-6, R-8 and R-10 zoned lots shall include at least one tree in the front yard setback, unless it is demonstrated that it is not feasible due to site constraints.
 - b. Trees planted pursuant to this section on R-5 and R-3.5 zoned lots may be planted anywhere on the lot as space permits.
 - c. Large Native or Heritage Tree Incentive. If a tree is planted that is selected from the list in Table 17.20.060(A)(2)(c), the diameter of the tree may be doubled when demonstrating compliance with the minimum tree requirements indicated in Table 17.20.060(A) above. For example, an Oregon White Oak with a 2" caliper at 6" above the root crown may count as a tree diameter of 4".

TABLE 17.20.060(A)(2)(c) - Large Native and Heritage Tree List

Common Name	Scientific Name
Oregon White Oak	<i>Quercus garryana</i>
Pacific willow	<i>Salix lucida spp. lasiandra</i>
Western red cedar	<i>Thuja plicata</i>
Western hemlock	<i>Tsuga heterophylla</i>
Northern Red Oak	<i>Quercus rubra</i>
Bur Oak	<i>Quercus macrocarpa</i>
Bigleaf Maple	<i>Acer macrophyllum</i>
Grand Fir	<i>Abies grandis</i>
Douglas Fir	<i>Pseudotsuga menziesii</i>
American Elm hybrids (disease resistant)	<i>Ulmus spp.</i>
Western yew	<i>Taxus brevifolia</i>

3. Tree fund. This option may be used where site characteristics or construction preferences do not support the preservation or planting options identified above. The Community Development Director may approved this option in-lieu-of or in addition to requirements (1) and/or (2) above. In this case, the Community Development Director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above. The large native or heritage tree incentive does not apply when using this option to calculate the number of required inches.

- a. The cash-in-lieu payment per tree shall utilize the adopted fee schedule when calculating the total tree fund payment.
- b. The amount to be paid to the tree fund shall be calculated by subtracting the total inches of trees preserved and planted per section 2 and 3 above from the minimum tree diameter inches required in Table 17.20.060(A), dividing the sum by 2" and multiplying the remainder by the adopted fee from the Oregon City fee schedule. For example:

Lot Size	a. Tree Requirement per Table 17.20.060(A) (inches)	b. Trees Preserved (inches)	c. Trees Planted (inches)	d. To be mitigated (inches) a. - b. - c.	Number of trees owed to tree fund. d. / 2" minimum caliper tree
10,000 - 14,999	10"	2"	4"	4"	2

A. Residential front yard landscaping requirements. The following minimum landscaping standards shall apply to residential uses in residential zones:

- 1. At a minimum, a three-gallon shrub or three-gallon accent plant shall be planted between the front property line and the front building line for every 4 linear feet of foundation.
- 2. On lots zoned R-5, R-6, R-8 and R-10, 50% of the area between the front lot line and the front building line shall be landscaped.
- 3. On lots zoned R-3.5, at least 40% of the area between the front lot line and the front building line shall be landscaped.

4. At a minimum, the required landscaped area shall be planted with ground cover. Up to one-third of the required landscaped area may be for recreational use or for use by pedestrians, such as walkways, play areas or patios.
5. A landscaping plan is required.

Oregon City Municipal Code
Chapter 17.32 C General Commercial District

17.32.010 Designated.

Uses in the general commercial district are designed to serve the city and the surrounding area. Land uses are characterized by a wide variety of establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities or a similar use as defined by the Community Development Director.

17.32.020 Permitted Uses.

- A. Any use permitted in the MUC - Mixed Use Corridor zone with no maximum footprint size, unless otherwise restricted in Sections 17.24.020, 17.24.030 or 17.24.040;
- B. Hotels and motels
- C. Drive-in or drove through facilities
- D. Passenger terminals (water, auto, bus, train)
- E. Gas Stations
- F. Outdoor markets that do not meet 17.29.020.H
- G. Motor vehicle and recreational vehicle sales and/or incidental service
- H. Motor vehicle and recreational vehicle repair and/or service
- I. Custom or specialized vehicle alterations or repair wholly within a building.

17.32.030 Conditional Uses.

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

- A. Religious Institutions
- B. Hospitals
- C. Self service storage facilities
- D. Public utilities, including sub-stations (such as buildings, plants and other structures);
- E. Public and/or Private educational or training facilities
- F. Parking structures and lots not in conjunction with a primary use
- G. Emergency service facilities (police and fire), excluding correctional facilities;

17.32.040 Prohibited Uses in the General Commercial District.

The following uses are prohibited in the General Commercial District:

- A. Distribution, wholesaling and warehousing
- B. Outdoor sales or storage (Except secured areas for overnight parking or temporary parking of vehicles used in the business. Sales of products not located under a roof may be allowed if they are located in an area that is architecturally connected to the primary structure, is an ancillary use and is approved through the Site Plan and Design Review process. This area may not exceed 15% of the building footprint of the primary building).
- C. General manufacturing or fabrication
- D. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment)

17.32.050 Dimensional Standards.

- A. Minimum lot area: none.
- B. Maximum building height: sixty feet.
- C. Minimum required setbacks if not abutting a residential zone: none.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- E. Maximum Allowed Setbacks.
 - 1. Front yard setback: five feet (may be expanded with Site Plan and Design Review Section 17.62.055).
 - 2. Interior side yard setback: none.
 - 3. Corner side yard setback abutting street: none
 - 4. Rear yard setback: none.
- F. Maximum site coverage of building and parking lot: eighty five percent
- G. Minimum landscaping requirement (including parking lot): fifteen percent.

Oregon City Municipal Code
Chapter 17.40 Historic Overlay District

17.40.010 Purpose.

It is declared as a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this chapter is to:

- A. Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;
- B. Safeguard the city's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and districts;
- C. Complement any National Register Historic districts designated in the city;
- D. Stabilize and improve property values in such districts;
- E. Foster civic pride in the beauty and noble accomplishments of the past;
- F. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- G. Strengthen the economy of the city;
- H. Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing and public welfare of the city; and
- I. Carry out the provisions of LCDC Goal 5.

17.40.030 Designated.

- A. The historic overlay district shall apply to the following:
 - 1. Historic districts, upon designation in accordance with this section;
 - 2. Conservation districts designated in accordance with this section;
 - 3. Landmarks as designated by this section; and
 - 4. Historic corridors designated in accordance with this section.
- B. The boundaries of the historic districts, the boundaries of conservation districts, historic corridors, the location of buildings and structures in conservation districts and the location of landmarks shall be designated on a special city zoning map or maps.
- C. The following are designated within the historic overlay district:
 - 1. The Canemah Historic District; the minimum boundaries of which are those designated by the United States Department of the Interior on the National Register of Historic Places as indicated in the city comprehensive plan.
 - 2. The McLoughlin Conservation District; the surveyed buildings indicated by map in the comprehensive plan shall constitute the designated structures in the McLoughlin Conservation District, along with any structures designated through the Historic Review Board designation process since initial adoption of the comprehensive plan on March 13, 1980.
 - 3. The Oregon Trail-Barlow Road Historic Corridor: properties identified in the 1993 Barlow Road Historic Corridor inventory of the Barlow Road by Clackamas County.
 - 4. Designations undertaken pursuant to Section 17.40.050. The established historic overlay district shall allow for the designation of two types of districts so that areas with a high concentration of historic structures are designated historic districts and areas with a lower concentration are designated conservation districts. Also allowed is the designation of structures of historic or architectural significance not located in an historic or conservation district as landmarks.

17.40.040 Citizen involvement.

- A. The planning department shall be authorized to incur expenses in holding public workshops in the historic districts and conservation districts, distribute written information, show slides and answer questions on remodeling and rehabilitation of older buildings, and to educate the public in the need to comply with state and federal laws protecting or encouraging protection of antiquities and other related matters concerning historic preservation.
- B. Citizens making applications for district or landmark designations or for exterior alterations or new construction in an historic or conservation district, and historic corridor or on a landmark site may consult with and receive advice from the planning department staff concerning their applications.

17.40.050 Designation procedure--Application--Review.

- A. Institution of Proceedings. The city commission, the planning commission, the historic review board, a recognized neighborhood group or any interested person may initiate the proceedings for designation of an historic or conservation district, landmark, or historic corridor as follows:
 - 1. The city commission or the historic review board may initiate designation proceedings by sending a written proposal or application to the planning staff. Such proposal is not subject to any minimal information requirements other than a description of the boundaries of the area to be designated.
 - 2. Any interested person or recognized neighborhood group may start designation proceedings by sending a written application to the planning staff.
- B. Application Information. The planning staff may specify the information required in an application and may from time to time change the content of that information, but at all times the planning staff shall require the following information:
 - 1. The applicant's name and address;
 - 2. The owner's name and address, if different from the applicant;
 - 3. A description of the boundaries of the proposed district or a description of the proposed landmark;
 - 4. A map illustrating the boundaries of the proposed district or the location of the proposed landmark;
 - 5. A statement explaining the following:
 - a. The reasons why the proposed district or landmark should be designated,
 - b. The reason why the boundaries of the proposed district are adequate and suitable for designation,
 - c. The positive and negative effects, if any, which designation of the proposed district or landmark would have on the residents or other property owners of the area.
- C. The planning staff shall deliver a proposal or an application for the designation to the historic review board within thirty days after the day on which a proposal or application is received. The historic review board shall review the proposal on the application and prepare a written recommendation or decision approving or rejecting the proposed designation.
- D. In preparing the recommendation or decision, the historic review board shall limit its review to:
 - 1. Whether the proposed district or landmark would serve the purpose of the historic overlay district as stated in Section 17.40.010; and
 - 2. Conformity with the purposes of the city comprehensive plan.
- E. City Commission Review of District.
 - 1. The historic review board shall deliver a copy of its recommendation to the city commission within thirty days.
 - 2. The city commission shall hold a public hearing pursuant to procedures contained in Chapter 17.68.
 - 3. After the hearing, the city commission may engage in one of the following actions:
 - a. Refuse to designate the proposed district; or
 - b. Designate the proposed district by a duly enacted ordinance; or
 - c. Remand the matter to the historic review board for additional consideration of a specific matter or matters.

4. The city commission may limit itself to the proposed district, and as so modified, approve it. Enlargement of the proposed district shall require additional notice and public hearing. The commission may hold such hearing or hearings.
5. The approval or disapproval of the designation by the city commission shall be in writing and shall state the reasons for approval or disapproval.
6. Amendment or Rescission. The district designation may be amended or rescinded after the board and city commission have utilized the same procedures required by this title for establishment of the designation. The board shall give priority to designation of potential districts and landmarks indicated in the city comprehensive plan.

17.40.060 Exterior Alteration and New Construction.

- A. Except as provided pursuant to subsection I of this section, no person shall alter any historic site in such a manner as to affect its exterior appearance, nor shall there be any new construction in an historic district, conservation district, historic corridor, or on a landmark site, unless a certificate of appropriateness has previously been issued by the historic review board. Any building addition that is thirty percent or more in area of the historic building (be it individual or cumulative) shall be considered new construction in a district. Further, no major public improvements shall be made in the district unless approved by the board and given a certificate of appropriateness.
- B. Application for such a certificate shall be made to the planning staff and shall be referred to the historic review board. The application shall be in such form and detail as the board prescribes.
- C. 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 45 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 45 days of notification by the applicant.

If, after 45 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.

- D. The historic review board, after notice and public hearing held pursuant to Chapter 17.50, shall approve the issuance, approve the issuance with conditions or disapprove issuance of the certificate of appropriateness.
 2. The following exterior alterations to historic sites may be subject to administrative approval:
 - a. Work that conforms to the adopted Historic Review Board Policies.
- E. For exterior alterations of historic sites in an historic district or conservation district or individual landmark, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall be:
 1. The purpose of the historic overlay district as set forth in Section 17.40.010;
 2. The provisions of the city comprehensive plan;
 3. The economic use of the historic site and the reasonableness of the proposed alteration and their relationship to the public interest in the structure's or landmark's preservation or renovation;
 4. The value and significance of the historic site;

5. The physical condition of the historic site;
 6. The general compatibility of exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used with the historic site;
 7. Pertinent aesthetic factors as designated by the board;
 8. Economic, social, environmental and energy consequences; and
 9. Design guidelines adopted by the historic review board.
- F. For construction of new structures in an historic or conservation district, or on an historic site, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall include the following:
1. The purpose of the historic conservation district as set forth in Section 17.40.010;
 2. The provisions of the city comprehensive plan;
 3. The economic effect of the new proposed structure on the historic value of the district or historic site;
 4. The effect of the proposed new structure on the historic value of the district or historic site;
 5. The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new building or structure
 6. Economic, social, environmental and energy consequences;
 7. Design guidelines adopted by the historic review board.
- G For construction of new structures in an historic corridor, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall include the following:
1. The purpose of the historic overlay district as set forth in Section 17.40.010;
 2. The policies of the city comprehensive plan;
 3. The impact on visible evidence of the trail;
 4. The impact on archaeological evidence when there exists documented knowledge of archeological resources on the property;
 5. The visual impact of new construction within the historic corridor; and
 6. The general compatibility of the site design and location of the new construction with the historic corridor considering the standards of subsection G of this section.
- H The following standards apply to development within historic corridors:
1. Within the Oregon Trail-Barlow Road historic corridor, a minimum of a thirty-foot wide-open visual corridor shall be maintained and shall follow the actual route of the Oregon Trail, if known. If the actual route is unknown, the open visual corridor shall connect within the open visual corridor on adjacent property.
 2. No new building or sign construction shall be permitted within required open visual corridors. Landscaping, parking, streets, driveways are permitted within required open visual corridors.
- I. In rendering its decision, the board's decision shall be in writing and shall specify in detail the basis therefore.
- J Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features which does not involve a change in design, material or the outward appearance of such feature which the building official shall certify is required for the public safety because of its unsafe or dangerous condition.
- K The following exterior alterations may be made subject to the administrative procedures as outlined below:
- Construction of fences on historic sites.
Exterior alterations, excluding additions, to incompatible structures in the Canemah Historic District.
1. A notice of the proposed certificate of appropriateness shall be mailed to the following persons:
 - a. The applicant;
 - b. All owners of property within three hundred feet of the property which is the subject of application;
 - c. A recognized neighborhood association and a citizen involvement committee representative of the neighborhood involved, if the property which is the subject of the application lies wholly or partially within the boundaries of such organization.
 2. The failure of the property owner to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons entitled to personal notice.
 3. Notice shall also be given by publication in a newspaper of general circulation in the area affected.

4. Within ten days of the issuance of notice of the proposed certificate of appropriateness, any person who has received personal notice pursuant to subdivision 1 of this subsection or who demonstrates sufficient interest in the outcome to participate in such proceedings, as determined by the historic review board, may request a public hearing before the historic review board.
5. Within forty-five days after a request for public hearing is made, a public hearing shall be held before the historic review board following procedures as established in Chapter 17.50.
6. The historic review board shall then deny or approve the application, either with or without conditions, following procedures as established in Chapter 17.50.
7. In the event no request for hearing is filed, the historic review board, through its chairperson and planning staff, shall issue a certificate of appropriateness in accordance with the notice given without further hearing.
8. The board may adopt policies for review of applications of certificates of appropriateness in the historic overlay district. Such policies shall be adopted only after notice and an opportunity to be heard is provided and shall include specific opportunity for comment by the planning staff, the planning commission, and the city commission. Such policies shall carry out the city's comprehensive plan, especially those elements relating to historic preservation. In the absence of such policies, the board shall apply such elements directly.

17.40.65 Historic Preservation Incentives

- A. Purpose. Historic preservation incentives increase the potential for historically designated properties to be used, protected, renovated, and preserved. Incentives make preservation more attractive to owners of locally designated structures because they provide flexibility and economic opportunities.
- B. Eligibility for historic preservation incentives. All exterior alterations of designated structures and new construction in historic and conservation districts are eligible for historic preservation incentives if the exterior alteration or new construction has received a certificate of appropriateness from the Historic Review Board per OCMC 17.50.110(c)
- C. Incentives allowed. The dimensional standards of the underlying zone as well as for accessory buildings (OCMC 17.54.100) may be adjusted to allow for compatible development if the expansion or new construction is approved through historic design review.
- D. Process. The applicant must request the incentive at the time of application to the Historic Review Board.

17.40.070 Demolition and moving.

- A. If an application is made for a building or moving permit to demolish or move all or part of a structure which is a landmark or which is located in a conservation district or an historic district, the building inspector shall, within seven days, transmit to the historic review board a copy of the transaction.
- B. The historic review board shall hold a public hearing within forty-five days of application pursuant to the procedures in Chapter 17.50.
- C. In determining the appropriateness of the demolition or moving as proposed in an application for a building or moving permit, the board shall consider the following:
 1. All plans, drawings and photographs as may be submitted by the applicant;
 2. Information presented to a public hearing held concerning the proposed work;
 3. The city comprehensive plan;
 4. The purpose of this section as set forth in Section 17.40.010;
 5. The criteria used in the original designation of the landmark or district in which the property under consideration is situated;
 6. The historical and architectural style, the general design, arrangement, materials of the structure in question or its fixtures; the relationship of such features to similar features of the other buildings within the district and the position of the building or structure in relation to public rights-of-way and to other buildings and structures in the area;

7. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the district, which cause it to possess a special character or special historical or aesthetic interest or value;
 8. Whether denial of the permit will involve substantial hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this section;
 9. The economic, social, environmental and energy consequences.
- D. The failure of the applicant to provide the information required by Subsection C(1)-(9) shall be grounds for deeming the application incomplete.
 - E. The board may approve or deny the demolition or moving request after considering the criteria contained in Section 17.40.070(C). Action by the board approving or denying the issuance of a permit for demolition or moving may be appealed to the city commission by any aggrieved party, by filing a notice of appeal, in the same manner as provided in Section 17.50 for appeals. If no appeal of a demolition permit is filed, the building official shall issue the permit in compliance with all other codes and ordinances of the city.
 - F. In any case where the city commission has ordered the removal or demolition of any structure determined to be dangerous to life, health or property, nothing contained in this title shall be construed as making it unlawful for any person, without prior approval of the historic review board, pursuant to this title, to comply with such order.

Oregon City Municipal Code
Chapter 17.41 Tree Protection Standards

17.41.010 Protection of Trees- Intent.

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

17.41.020 Tree Protection – Applicability.

1. Applications for development subject to Chapter 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 25% on sites greater than 25% percent slope, unless exempted under section 17.41.040, shall be subject to these standards.
4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter 12.08.050 shall be subject to the standards of this section.

17.41.030 – Tree Protection - Conflicting Code Provisions.

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

17.41.040 – Tree Protection – Exemptions.

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

17.41.050 - Tree Protection – Compliance Options.

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

- A. Option 1 - Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to section 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.
- B. Option 2 – Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to sections 17.41.080-100; or
- C. Option 3 – Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to section 17.41.110-120.; or
- D. Option 4 - Cash-in-lieu of planting pursuant to Section 17.41.130.

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

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

- (1) Preclude achieving 80% of minimum density with reduction of lot size; or
- (2) Preclude meeting minimum connectivity requirements for subdivisions.

17.41.060 - Tree Removal and Replanting - Mitigation (Option 1).

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

B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees 6” DBH (minimum 4.5 feet from the ground) or larger on the entire site and either:

(1) Trees that are removed *outside* of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed *within* the construction area shall be replanted with the number of replacement trees required in Column 2; or

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

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

Size of tree removed	Column 1	Column 2
----------------------	----------	----------

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

Steps for calculating the number of replacement trees:

1. Count all trees measuring 6" DBH (minimum 4.5 feet from the ground) or larger on the entire development site.
2. Designate (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.
3. Document any trees that are currently diseased or hazardous.
4. Subtract the number of diseased or hazardous trees in step (3) from the total number of trees on the development site in step (1). The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps (5) through (8).
5. Define the construction area (as defined in Chapter 17.04)
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps (6) and (7).

17.41.070 – Planting Area Priority for Mitigation (Option 1).

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

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

17.41.080. Tree Preservation within Subdivisions and Partitions – Dedicated Tract (Option 2).

- A. Applicants for new subdivision and partition plats may delineate and show the regulated trees or groves as either a separate tract or part of a larger tract that meets the requirements of subsection (D) of this section.
- B. The standards for land divisions subject to this section shall apply in addition to the requirements of the City land division ordinance and zoning ordinance, provided that the minimum lot area, minimum

average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to Section 17.41100 below.

- C. Prior to preliminary plat approval, the regulated tree or grove area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection (D) of this section, which shall not be a part of any parcel used for construction of a structure. The size of the tract shall be the minimum necessary as recommended by a consulting arborist to adequately encompass the dripline of the tree, protect the critical root zone and ensure long term survival of the tree or grove.
- D. Prior to final plat approval, ownership of the regulated tree or grove tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:
 - 1. Private open space held by the owner or a homeowners association; or
 - 2. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the City and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
 - 3. At the owners option, public open space where the tract has been dedicated to the City or other governmental unit; or
 - 4. Any other ownership proposed by the owner and approved by the Community Development Director. (Ord. 99-1013 §10(part), 1999)

17.41.090. Incentive for Tree Protection Tracts (Option 2).

- A. The purpose of this section is to allow dimensional adjustments within a regulated tree protection tract to be transferred outside said tract to the remainder of the site. This provision applies on- site and density shall not be transferred beyond the boundaries of the development site.
- B. Development applications for subdivisions and minor partitions that request a density transfer shall:
 - 1. Provide a map showing the net buildable area of the tree protection tract;
 - 2. Provide calculations justifying the requested dimensional adjustments
 - 3. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the tree protection tract created pursuant to Section 17.41.080, 4. Demonstrate that, with the exception of the tree protection tract created pursuant to Section 17.41.080, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;
 - 5. Meet all other standards of the base zone except as modified in section 17.41.100.
- C. The area of land contained in a tree protection tract may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.

17.41.100. Permitted Modifications to Dimensional Standards (Option 2 Only).

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

Table 17.41.100 A
Lot Size Reduction

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 17.41.100 B

Reduced Dimensional Standards for Detached Single-Family Residential Units

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

Table 17.41.100 C

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

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

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

17.41.110. Tree Protection by Restrictive Covenant (Option 3).

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

17.41.120. Permitted Adjustments (Option 3 Only).

- A. The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 percent (50%) if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduce less than 3 feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.
- B. The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may

include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.

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

17.41.130 - Cash-in-lieu of Planting (Tree Bank/Fund) (Option 4)

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

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

17.41.130. Regulated Tree Protection Procedures During Construction.

- A. No permit for any grading or construction of public or private improvements may be released prior to verification by the Community Development Director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the Community Development Director.
- B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:
1. Except as otherwise determined by the Community Development Director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.
 2. Approved construction fencing, a minimum of 4 feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the Community Development Director.
 3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Community Development Director.
 4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.
 5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
 6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the Community Development Director.
 7. No machinery repair or cleaning shall be performed within 10 feet of the dripline of any trees identified for protection.
 8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be

permitted if approved by the Community Development Director and pursuant to the approved written recommendations and on-site guidance and supervision of a Certified Arborist.

9. The City may require that a Certified Arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.
 10. The Community Development Director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.
- C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

Oregon City Municipal Code
Chapter 17.42 Flood Management Overlay District

17.42.010 Purpose--Findings.

- A. There is established in the city a flood management overlay district. The flood management overlay district is an overlay zone classification defining areas subject to periodic flooding or inundation which can result in property harm or loss, disruption of public services, hazards for public health, or added expense for public services. All conditions and restrictions of land use established by this chapter of the city's zoning ordinance shall be in addition to such restrictions and conditions as may be imposed and established in underlying zoning districts.
- B. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
 - 1. To protect human life and health;
To minimize expenditure of public money and costly flood control projects;
To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - 2. To minimize prolonged business interruptions;
 - 3. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
 - 4. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
 - 5. To ensure that potential buyers are notified that property is in an area of special flood hazard;
 - 6. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
 - 7. To protect flood management areas, which provide the following functions:
 - a. Protect life and property from dangers associated with flooding,
 - b. Flood storage, reduction of flood velocities, reduction of flood peak,
 - c. Flows and reduction of wind and wave impacts,
 - d. Maintain water quality by reducing and sorting sediment loads,
 - e. Processing chemical and organic wastes and reducing nutrients, recharge, store and discharge groundwater, and
 - f. Provide plant and animal habitat, and support riparian ecosystems.

17.42.020 Applicability.

- A. This chapter shall apply to development in the flood management overlay district, which may also be referred to as the "floodplain overlay district" in this code. The flood management overlay district includes all areas of special flood hazards and all flood management areas within the city. The overlay district restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.
- B. The flood management areas which have been mapped include the following locations:
 - 1. Land contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance maps dated June 17, 2008, including areas of special flood hazard pursuant to Section 17.42.040 and the area of inundation for the February 1996 flood; and
 - 2. Lands that have physical or documented evidence of flooding within recorded history

based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.

- C. The standards that apply to the flood management areas apply in addition to state or federal restrictions governing floodplains or flood management areas.

17.42.030 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Clackamas County, Oregon and Incorporated Areas," dated June 17, 2008, with accompanying flood insurance maps is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the office of the city recorder in the City Hall.

17.42.040 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of these floodplain regulations and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction. Any person who violates this chapter or fails to comply with any of its requirements shall be subject to the enforcement procedures of this code per OCMC 1.20 Civil Infractions and 1.24 Code Enforcement. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy.

17.42.050 Abrogation and interpretation.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. All provisions shall be considered as minimum requirements and liberally construed in favor of the governing body. Where this chapter and another section, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.

17.42.060 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flooding damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

17.42.070 Severability.

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

17.42.080 Administration.

This chapter establishes a flood management overlay district, which is delineated on the water quality and flood management areas map attached and incorporated by reference as a part of this document.

A. The following maps and studies are adopted and declared to be a part of this chapter. These maps are on file in the office of the city recorder:

1. The Water Quality and Flood Management Areas Map, dated June 7, 1999;
2. The Federal Insurance Administration, Flood Insurance Rate Maps for Clackamas County, Oregon and Incorporated Areas dated June 17, 2008;

B. Applicants are required to provide the city with a delineation of the flood management areas on the subject property as part of any application. An application shall not be complete until this delineation is submitted to the city.

C. The city shall review the water quality and flood management areas maps during periodic review as required by ORS 197.633 (1997).

D. Development Permit.

1. A development permit shall be obtained before construction or development begins within any portion of the flood management overlay district. The permit shall be for all structures, including manufactured homes and all other development, including fill and other activities, as set forth in Chapter 17.04 (Definitions).

2. Application for a development permit shall be made on forms furnished by the community development department. Requirements may include, but are not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage materials, drainage facilities; and the location of the foregoing.

3. The following information is specifically required:

- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.42.170(E)(5); and
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

17.42.090 Building official--Duties and responsibilities.

A. The city building official, defined as the local floodplain administrator, is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

B. Duties of the building official shall include, but not be limited to those listed in this chapter.

C. The building official shall:

1. Review all development permits to determine that the permit requirements of this title have been satisfied;
2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required; and
3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 17.42.200 are met.

17.42.100 Use of other base flood data.

When base flood elevation data has not been provided in accordance with Section 17.42.030, the building official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 17.42.160 and 17.42.200.

17.42.110 Information to be obtained and maintained.

The building official shall:

- A. Where base flood elevation data is provided through the flood insurance study, FIRM or required as in Section 17.42.100, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- B. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in Section 17.42.080:
 - 1. Verify and record the actual elevation (in relation to mean sea level); and
 - 2. Maintain the floodproofing certifications required in Section 17.42.080(C)(3);
 - 3. Maintain for public inspection all records pertinent to the provisions of this chapter.

17.42.120 Alteration of watercourses.

- A. Notify adjacent communities and the department of land conservation and development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- B. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

17.42.130 Map administration.

- A. The purpose of this section is to provide a process for interpreting and amending the water quality and flood management areas map to clarify and correct the location of flood management overlay district.
- B. Interpretation of Map Boundaries. The building official shall make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 17.42.150.
- C. Map corrections shall be processed pursuant to the requirements of Chapter 17.68:
 - 1. Within ninety days of receiving information establishing a possible error in the existence or location of the flood management overlay district, the city shall provide notice to interested parties of a public hearing at which the city will review the information.
 - 2. The city shall amend the water quality and flood management areas map if the information demonstrates that the boundaries of the flood management overlay district have changed since adoption of the water quality and flood management areas map by Metro (June 18, 1998) provided that, in the case of a boundary established by FEMA, a letter of map amendment (LOMA) or letter of map revision is obtained from FEMA by the applicant prior to any map change.

17.42.140 Appeals and variance procedure.

- A. The purpose of this section is to ensure that compliance with this chapter does not cause unreasonable hardship. To avoid such instances, the requirements of this chapter may be

varied. Variances are also allowed when strict application of this chapter would deprive an owner of all economically viable use of land.

- B. This section applies to requests to vary from the standards of this chapter only. Requests to vary from other standards of this title shall be subject to the requirements of Chapter 17.60.
 - 1. Variance applications made pursuant to this section shall follow the variance procedures outlined in Chapter 17.50.
 - 2. In addition to the public notice requirements outlined in Section 17.50.090, Metro shall be notified within fourteen days of the city receiving an application to vary the requirements of this section and within fourteen days of a decision on the variance.
 - 3. The requirements of Section 17.60.020 (Variances--Grounds) do not apply to requests to vary from the standards of Chapter 17.42.
 - 4. If an application to vary from the standards of Chapter 17.42 is made in conjunction with an application to vary from other standards of this chapter, the variances may be processed as one application, provided the standards applicable to each variance requested must be met before the requested variance may be granted.
- C. Hardship Variance. Variances to avoid unreasonable hardship caused by the strict application of this chapter are permitted subject to the criteria set forth in this section. To vary from the requirements of this chapter, the applicant must demonstrate the following:
 - 1. The variance is the minimum necessary to allow the proposed use or activity;
 - 2. The variance will not increase danger to life and property due to flooding or erosion;
 - 3. The impact of the increase in flood hazard which will result from the variance will not prevent the city from meeting the requirements of this chapter. In support of this criteria the applicant shall have a qualified professional engineer document the expected height, velocity and duration of floodwaters, and estimate the rate of increase in sediment transport of the floodwaters expected both downstream and upstream as a result of the variance;
 - 4. The variance will not increase the cost of providing and maintaining public services during and after flood conditions so as to unduly burden public agencies and taxpayers; and
 - 5. The proposed use complies with the standards of the base zone.
- D. The planning commission shall hear and decide appeals and requests for variances when it is alleged there is an error in any requirement, decision or determination made by the building official in the enforcement or administration of these regulations, or that enforcement of this district would result in exceptional hardship. In passing upon such applications, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this title, and:
 - 1. The danger that materials may be swept onto other lands to the injury of others;
 - 2. The danger to life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. The importance of the services provided by the proposed facility to the community;
 - 5. The necessity to the facility of a waterfront location, where applicable;
 - 6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - 7. The compatibility of the proposed use with existing and anticipated development;
 - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - 11. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

- E. Upon consideration of the factors listed in subsection D of this section and the purposes of this district, the planning commission may attach such conditions to the granting of variances as it deems necessary to meet the purposes of this district.
- F. The city recorder shall maintain the records of all appeal actions and the building official shall report any granted variances to the Federal Insurance Administration upon request.

17.42.150 Conditions for variances.

The planning commission, pursuant to Chapter 17.60, may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief. If a variance is granted pursuant to Section 17.42.140, the variance shall be subject to the conditions set out in this section. In addition to other standards listed in Section 17.42.160, the following conditions must be met:

- A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register or identified as a locally designated historic structure and without regard to the procedures set forth in the remainder of this chapter.
- B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances shall only be issued upon a showing of good and sufficient cause.
- E. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
- F. Variances as interpreted in the national flood insurance program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- G. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria as set forth in this chapter.
- H. A variance from the elevation standard may only be issued for new construction, and substantial improvements to be erected on a lot of one-half acre or less in size, that are to contiguous and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.
- I. Variances shall not result in increased flood heights, additional threats to public safety, extraordinary public expenses, cause nuisances, cause fraud on or victimization of the public or conflict with existing laws or ordinances.
- J. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest flood elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

17.42.160 Flood management area standards.

- A. Uses Permitted Outright:
 1. Excavation and fill required to plant any new trees or vegetation.
 2. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that

meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.190 (Floodways).

B. Provisional Uses.

1. All uses allowed in the base zone or existing flood hazard overlay zone are allowed in the flood management overlay district subject to compliance with the development standards of this section.

C. Prohibited Uses.

1. Any use prohibited in the base zone;
2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.

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

1. This subsection does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that, after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.
2. No net fill in any floodplain is allowed. All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed. For the purposes of calculating net fill, fill shall include any structure below the design flood elevation that has been floodproofed pursuant to subsection (E)(5) of this section.
3. Any excavation below bankfull stage shall not count toward compensating for fill.
4. Excavation to balance a fill shall be located on the same parcel as the fill unless it is not practicable to do so. In such cases, the excavation shall be located in the same Oregon City floodplain, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.
5. For excavated areas identified by the city to remain dry in the summer, such as parks or mowed areas, the lowest elevation of the excavated area shall be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the protected water feature pursuant to Chapter 17.49. One percent slopes will be allowed in smaller areas.
6. For excavated areas identified by the city to remain wet in the summer, such as a constructed wetland, the grade shall be designed not to drain into the protected water feature pursuant to Chapter 17.49.
7. Parking areas in the floodplain shall be accompanied by signs that inform the public that the parking area is located in a flood management area and that care should be taken when the potential for flooding exists.
8. Temporary fills permitted during construction shall be removed at the end of construction, thirty days after subdivision acceptance or completion of the final inspection.
9. New culverts, stream crossings and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.
10. Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable lands.

E. Construction Standards.

1. Anchoring.

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movements and shall be installed using methods and practices that minimize flood damage.

Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebooks for additional techniques).

2. Construction Materials and Methods.

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

3. Utilities.

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

4. Residential Construction.

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

5. Nonresidential Construction.

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

premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the design flood level will be rated as one foot below that level).

vi. **Manufactured Homes.** The following standards apply to all manufactured homes to be placed or substantially improved on sites within Flood Hazard Areas

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

F. **Recreational Vehicles.** Recreational vehicles placed on sites within Zones A1-30, AH and AE as shown on the flood insurance rate map shall:

1. Be on site for fewer than one hundred eighty consecutive days, and be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
2. Meet the requirements of subsection (E)(6) of this section and the elevation and anchoring requirements for manufactured homes.

G. **Below Grade Crawlspace.** Below grade crawlspaces are allowed subject to the following standards. It should be noted that there are potential increased charges to personal insurance costs for below grade crawlspaces.

1. The building shall be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and effects of buoyancy can usually be addressed through the required openings stated in section 2 below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
2. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.
3. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
4. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
5. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.
6. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
7. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

8. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For areas with floodwater velocities in excess of five feet per second, below grade crawlspaces are prohibited.

17.42.170 Review of building permits.

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

17.42.180 Subdivision standards.

A. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).
5. All structures and site grading developed or conducted in conjunction with a subdivision proposal shall comply with Section 17.42.160, flood management area standards.

B. The purpose of this section is to allow density accruing to portions of a property within the flood management overlay district to be transferred outside the overlay district.

1. Density transfers shall be allowed if the applicant demonstrates compliance with the following standards:
 - a. The density transfer is proposed as part of a subdivision.
 - b. Minimum density standards will not increase due to the density transfers.
 - c. The area of land contained in a flood management area may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.

17.42.190 Floodways.

Located within areas of special flood hazard established in Section 17.42.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood management area standards of Sections 17.42.160 through 17.42.190.

- C. Below-grade crawlspace construction is allowed in the floodplain in accordance with the Oregon Residential Specialty Code and the Oregon State Structural Specialty Code as adopted by local building code.
- D. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Oregon City Municipal Code
Chapter 17.44 US – Geologic Hazards

17.44.010 Intent and Purpose.

The intent and purpose of the provisions of this chapter are:

- A. To ensure that activities in geologic hazard areas are designed based on detailed knowledge of site conditions in order to reduce the risk of private and public losses;
- B. To establish standards and requirements for the use of lands within geologic hazard areas;
- C. To provide safeguards to prevent undue hazards to property, the environment, and public health, welfare, and safety in connection with use of lands within geologic hazard areas;
- D. To mitigate risk associated with geologic hazard areas, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher hazard risk at any location.

Unless otherwise provided, the geologic hazards regulations are in addition to generally applicable standards provided elsewhere in the Oregon City Municipal Code.

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% where canopy area removal exceeds 25% 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.

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, Chapter 15.04 and 15.48 if the application meets 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.

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 500 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.

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:

- 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.
 - 12) 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.
- 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.
- 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.

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.

- 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.
- B. 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.
- C. Designs shall minimize the number and size of cuts and fills.
- 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.
- 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.
- F. Retaining walls shall be constructed in accordance with the Oregon Structural Specialty Code adopted by the State of Oregon.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

17.44.070 Access to Property.

- A. 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.
- B. 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.
- C. Points of access to arterials and collectors shall be minimized.
- D. The city engineer or principal planner shall verify that adequate emergency services can be provided to the site.

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.

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.

17.44.100 Construction Standards.

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

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

- 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.
- 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.
- 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. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1001 §2(part), 1994)
- H. All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of 35% or less.
- 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.
- 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.

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.

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.

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.

17.44.140 Appeal.

The review authority's decision may be appealed in the manner set forth in Chapter 17.50.

Oregon City Municipal Code
Chapter 17.49 - Natural Resource Overlay District

17.49.010 Purpose

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

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

The NROD ecological functions listed above are planned for integration with existing neighborhoods and 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.

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).
 - 7. Beaver Creek Road Concept Plan (adopted September 2008).
 - 8. Park Place Concept Plan (adopted April 2008).

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 Section 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 Section 17.49.120.

17.49.030 Map as Reference

This chapter applies to all development within the Natural Resources Overlay District as shown on the NROD Map, which is a regulatory boundary mapped 10’ beyond the required vegetated corridor width specified in section 17.49.110. The mapped NROD boundary is based on a GIS-supported application of the adopted documents, plans and maps listed in 17.49.020(A)(1)-(8), however the adopted map may not indicate the true location of protected features. 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. The NROD boundary shall be shown on all development permit applications and its location shall be verified in the field before development activity (including grading) commences. The official NROD map can only be amended by the City Commission. Verification of the map shall be processed pursuant to Section 17.49.250.

17.49.035 Addition of Wetlands to Map following Adoption

The NROD boundary shall be expanded to include a wetland identified during the course of a development permit review if it is within or partially within the mapped NROD boundary and meets the State of Oregon’s definition of a “Locally Significant Wetland”. In such cases the entire wetland and its required vegetated corridor as defined in Table 17.49.110 shall be regulated pursuant to the standards of this Chapter. The NROD boundary shall be added to the NROD map by the Community Development Director after the development permit becomes final.

17.49.040 NROD Permit

An NROD permit is required for those uses regulated under Section 17.49.90, 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 Section 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. Applications for development on properties affected by the NROD shall delineate or verify the exact location of the NROD as part of a Type I or II development review process unless exempted pursuant to section 17.40.080.

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 Section 17.49.180. For purposes of this section emergency shall mean any man-made or natural event or circumstance causing or Threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

17.49.060 Consistency and Relationship to Other Regulations

A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the

Oregon City Municipal Code, other City requirements, regional, state or federal law, the provisions that provides the greater protection of the resource shall govern.

B. Compliance with Federal and State Requirements.

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

Prohibited, Exempted and Regulated Uses

17.49.070 Prohibited Uses

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

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

17.49.080 Uses Allowed Outright (Exempted)

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

- A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the City.
- B. Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.
- C. Utility service using a single utility pole or where no more than 100 square feet of ground surface is

disturbed outside of the top-of-bank of water bodies and where the disturbed area is restored to the pre-construction conditions.

- D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.
- E. Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the Community Development Director.
- F. Trails meeting all of the following:
 - 1. Construction shall take place between May 1 and October 30 with hand held equipment;
 - 2. Widths shall not exceed 48 inches and trail grade shall not exceed 20 percent;
 - 3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;
 - 4. Located no closer than 25 feet to a wetland or the top of banks of a perennial stream or 10 feet of an intermittent stream;
 - 5. No impervious surfaces; and
 - 6. No native trees greater than one (1) inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least 2-inch diameter and planted within 10 feet of the trail.
- G. Land divisions provided they meet the following standards, and indicate the following on the final plat:
 - 1. Lots shall have their building sites (or buildable areas) entirely located at least 5 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 40 feet wide by 40 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. Streets, driveways and parking areas where all pavement shall be located at least 10 feet from the NROD; and
 - 4. The NROD portions of all lots are protected by:
 - a. A conservation easement; or
 - b. A lot or tract created and dedicated solely for unimproved open space or conservation purposes.
- H. Site Plan and Design Review applications where all new construction is located outside of the NROD boundary shown on the City's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the City.
- I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.
- J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.
- K. Measures mandated by the City of Oregon City to remove or abate nuisances or hazardous conditions.
- L. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List), 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.

17.49.090 Uses Allowed Under Prescribed Conditions

The following uses within the NROD are subject to the applicable standards listed in Sections 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 Section 17.49.080, subject

- to Section 17.49.130.
- B. A residence on a highly constrained vacant lot of record that has less than 3,000 square feet of buildable area, with minimum dimensions of 50 feet by 50 feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in subsection 17.49.120.A.
 - C. A land division that would create a new lot for an existing residence currently within the NROD, subject to Section 17.49.160.
 - D. Land divisions when not exempted by Section 17.49.080, subject to the applicable standards of Section 17.49.160.
 - E. Trails/pedestrian paths when not exempted by Section 17.49.080, subject to Section 17.49.170 (for trails) or Section 17.49.150 (for paved pedestrian paths).
 - F. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by Section 17.49.080,
 - G. Roads, bridges/creek crossings Subject to Section 17.49.150 --
 - H. Utility lines subject to Section 17.49.140 (
 - I. Stormwater detention or pre-treatment facilities subject to Section 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 75% of its area covered by the NROD, subject to subsection 17.49.120(B).
 - K City, county and state capital improvement projects, including sanitary sewer, water and storm water facilities, water stations, and parks and recreation projects.

17.49.100 General Development Standards

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

- A. Native trees may be removed only if they occur within 10 feet of any proposed structures or within 5 feet of new driveways or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;
- B. The Community Development Director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the Natural Resource Overlay District.
- C. All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List;
- D. Grading is subject to installation of erosion control measures required by the City of Oregon;
- E. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;
- F. Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;
- G. Fences are allowed only within the disturbance area;
- H. Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200 watt incandescent light) shall be placed or shielded so that they do not shine directly into resource areas;
- I. If development will occur within the 100 yr. floodplain, the FEMA floodplain standards of Chapter 17.42 shall be met; and
- J. Mitigation of impacts to the regulated buffer is required, subject to Section 17.49.180 or 17.49.190.

17.49.110 Width of Vegetated Corridor

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

Table 17.49.110

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

Notes:

1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of Section 17.49.050(I).
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 (50').

17.49.120 Maximum Disturbance Allowance for Highly Constrained Lots of Record

In addition to the General Development Standards of Section 17.49.100, the following standards apply to a vacant lot of record that is highly constrained by the NROD, per subsections 17.49.90(B) and 17.49.90(F):

- A. Standard for Residential Development. In the NROD where the underlying zone district is zoned Residential (R-10, R-8, R-6, R-5, R-3.5): the maximum disturbance area allowed for new residential development within the NROD area of the lot is 3,000 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, including R-2 multifamily, 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 25% of the total lot area.

[1] Lots that are entirely covered by the NROD will be allowed to develop 25% of their area.

[1] Note: This can be determined by (1) Multiplying the total square footage of the lot by .25; (2) Subtracting from that amount the square footage of the lot that is located outside the NROD; (3) The result is the maximum square footage of disturbance to be allowed in the NROD portion of the lot. If the result is $< \text{ or } = 0$, no disturbance is permitted and the building shall be located outside of the boundary.

- C. In all areas of Oregon City, the disturbance area of a vacant, highly constrained lot of record within the NROD shall be set back at least 50 feet from the top of bank on Abernethy Creek, Newell Creek, or Livesay Creek or 25 feet from the top of bank of any tributary of the afore-mentioned 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 1500 square foot disturbance within the NROD area may be allowed

17.49.130 Existing Development Standards

In addition to the General Development Standards of Section 17.49.100, the following standards apply to alterations and additions to existing development within the NROD, except for trails, rights of way, utility lines, land divisions and mitigation projects. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased are exempt from review pursuant to Section 17.49.080(J). As of June 1, 2010, applicants for alterations and additions to existing development that are not exempt pursuant to Section 17.49.080(J) shall submit a Type II or Type III application pursuant to this section. The application

shall include a site plan which delineates a permanent disturbance area that includes all existing buildings, parking and loading areas, paved or graveled areas, patios and decks. The same delineated disturbance area shall be shown on every subsequent proposal for alterations and additions meeting this standard.

- A. The following alterations and additions to existing development are permitted subject to the following standards.
 - 1. Alterations or additions that cumulatively total up to a maximum of five-hundred (500) square feet of additional disturbance area after June 1, 2010 shall be processed as a Type II permit pursuant to this Chapter. The new disturbance area shall not encroach closer than 1/2 of the distance of the regulated NROD buffer.
 - 2. Alterations or additions that cumulatively exceed five-hundred (500) square feet of additional disturbance area or which propose encroachment closer than 1/2 of the distance of the regulated NROD buffer after June 1, 2010 shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.
- B. Mitigation is required, subject to Section 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 10 feet wide;
- B. The disturbance area for the upgrade of existing utility lines shall be no greater than 15 feet wide;
- C. New utility lines shall be within the right-of-way, unless reviewed under D.
- D. New utility lines that cross above or underneath a drainage way, wetland, stream, or ravine within the NROD but outside of a right-of-way shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.
- E. No fill or excavation is allowed within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;
- F. The Division of State Lands must approve any work that requires excavation or fill in a wetland;
- G. Native trees more than 10 inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and
- H. Each 6 to 10-inch diameter native tree cut shall be replaced at a ratio of three trees for each one removed. Each 11-inch or greater diameter native tree shall be replaced at a ratio of five trees for each removed. The replacement trees shall be a minimum one-half inch diameter and selected from the Oregon City Native Plant List. All trees shall be planted on the applicant's site. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees shall be planted between the utility line and the stream channel.
- I. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

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 Section 17.49.180 or 17.49.190.

17.49.155 Standards for Stormwater Facilities

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

- A. The forest canopy within the driplines of existing trees shall not be disturbed.
- B. Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.
- C. Mitigation is required, subject to Section 17.49.180 or 17.49.190.
- D. The storm water facility may encroach up to 1/2 the distance of the NROD corridor
- E. The stormwater facility shall not impact more than 1,000 square feet of the NROD. Impacts greater than 1,000 square feet shall be process as a Type III application.
- F.. The Community Development Director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the Natural Resource Overlay District.

17.49.160 Standards for Land Divisions

Other than those land divisions exempted by Section 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 20-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. Subdivisions.

1. Prior to preliminary plat approval, the NROD area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection (3) of this section, which shall not be a part of any parcel used for construction of a dwelling unit.
2. Prior to final plat approval, ownership of the NROD tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:
 - a. Private open space held by the owner or a homeowners association; or
 - b. For residential land divisions, private open space subject to an easement conveying stormwater

- and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
- c. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or
- d. Any other ownership proposed by the owner and approved by the city.
- e. Tracts shall be exempt from minimum frontage requirements.

C. Partitions

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 owner or homeowners association; or
 - b. For residential land divisions, a tract of private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
 - c. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit;
 - d. Conservation easement area pursuant to subsection 17.49.180(G) and approved in form by the Community Development Director
 - e. Any other ownership proposed by the owner and approved by the Community Development Director.
 - f. Tracts shall be exempt from minimum frontage requirements.

17.49.170 Standards for Trails

The following standards apply to trails within the NROD:

- A. All trails that are not exempt pursuant to Section 17.49.80(F), , except as designated in the Oregon City Parks, Open Space and Trails Master Plans; and
- B. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

17.49.180 Mitigation Standards

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

- A. Mitigation shall occur at a 2:1 ratio of mitigation area to proposed NROD disturbance area. Mitigation of the removal or encroachment of a wetland or stream shall not be part of this chapter and will be reviewed by the Division of State Lands or the Army Corp of Engineers during a separate review process;
- B. Mitigation shall occur on the site where the disturbance occurs, except as follows:
 1. The mitigation is required for disturbance associated with a right-of-way or utility in the right-of-way;
 2. The mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and
 3. An easement that allows access to the mitigation site for monitoring and maintenance shall be

provided as part of the mitigation plan.

- C. Mitigation shall occur within the NROD area of a site unless it is demonstrated that this is not feasible because of a lack of available and appropriate area. In such cases, the proposed mitigation area shall be contiguous to the existing NROD area so the NROD boundary can be easily extended in the future to include the new resource site.
- D. Invasive and nuisance vegetation shall be removed within the mitigation area;
- E. Required Mitigation Planting. An applicant shall meet Mitigation Planting Option 1 or 2 below, whichever option results in more tree plantings, except that where the disturbance area is one acre or more, Mitigation Option 2 shall be required. All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.

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

- 1. Mitigation Planting Option 1.
 - a. Option 1 - Planting Quantity. This option requires mitigation planting based on the number and size of trees that are removed from the site pursuant to Table 17.49.180(E)(1)(a). Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses and ground cover species.

Table 17.49.180(E)(1)(a) -- Required Planting Option 1

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

- b. Option 1 - Plant Size. Replacement trees shall be at least one-half inch in caliper on average, measured at 6 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 (6') in height. Shrubs must be in at least 1-gallon container size or the equivalent in ball and burlap, and shall be at least 12 inches in height at the time of planting. All other species shall be a minimum of four-inch pots;
 - c. Option 1 - Plant Spacing. Except for the outer edges of mitigation areas, trees and shrubs shall be planted in a non-linear fashion. Plant spacing for new species shall be measured from the driplines of existing trees when present. Trees shall be planted on average between 8 and 12 feet on center, and shrubs shall be planted on average between 4 and 5 feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted on average between 8 and 10 feet on center.
 - d. Option 1 - Mulching and Irrigation. Mulch new plantings a minimum of three inches in depth and 18 inches in diameters. Water new plantings one inch per week from June 30th to September 15th, for the three years following planting.
 - e. Option 1 - Plant Diversity. Shrubs shall consist of at least two (2) different species. If 10 trees or more are planted, no more than one-half of the trees may be of the same genus.
- 2. Mitigation Planting Option 2.
 - a. Option 2 - Planting Quantity. In this option, the mitigation requirement is calculated based on the size of the disturbance area within the NROD. Native trees and shrubs are required to be

planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs..

- b. Option 2 - Plant Size. Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than 12 inches in height.
- c. Option 2 - Plant Spacing. Trees shall be planted at average intervals of seven (7) feet on center. Shrubs may be planted in single-species groups of no more than four (4) plants, with clusters planted on average between 8 and 10 feet on center.
- d. Option 2 – Mulching and Irrigation shall be applied in the amounts necessary to ensure 80% survival at the end of the required 5-year monitoring period.
- e. Option 2 – Plant Diversity. Shrubs shall consist of at least three (3) different species. If 20 trees or more are planted, no more than one-third of the trees may be of the same genus.

An alternative planting plan using native plants may be approved in order to create a new wetland area, if it is part of a wetlands mitigation plan that has been approved by the DSL or the U.S. Army Corps of Engineers (USACE) in conjunction with a wetland joint removal/fill permit application.

F. Monitoring and Maintenance. The mitigation plan shall provide for a 5-year monitoring and maintenance plan with annual reports in a form approved by the Director of Community Development. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the City's Planning Division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of 80% survival of trees and shrubs of those species planted is required at the end of the 5-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind. Bare spots and areas of invasive vegetation larger than ten (10) square feet that remain at the end the 5 year monitoring period shall be replanted or reseeded with native grasses and ground cover species.

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

H. Financial Guarantee. A financial guarantee for establishment of the mitigation area, in a form approved by the City, shall be submitted before development within the NROD disturbance area commences. The City will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that the mitigation plan has been satisfactorily implemented pursuant to this section.

17.49.190 Alternative Mitigation Standards

In lieu of the above mitigation standards of Section 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.

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

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

- B. The proposed mitigation shall occur at a minimum 2:1 ratio of mitigation area to proposed disturbance area;
- C. The proposed mitigation shall result in a significant improvement to Good Existing Condition as determined by a qualified environmental professional;
- D. There shall be no detrimental impact on resources and functional values in the area designated to be left undisturbed;
- E. Where the proposed mitigation includes alteration or replacement of development in a stream channel, wetland, or other water body, there shall be no detrimental impact related to the migration, rearing, feeding or spawning of fish;
- F. Mitigation shall occur on the site of the disturbance to the extent practicable. If the proposed mitigation cannot practically occur on the site of the disturbance, then the applicant shall possess a legal instrument, such as an easement, sufficient to carryout and ensure the success of the mitigation.

17.49.200 Adjustment from Standards

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

- A. There are no feasible alternatives for the proposed use or activity to be located outside the NROD area or to be located inside the NROD area and to be designed in a way that will meet all of the applicable NROD development standards;
- B. The proposal has fewer adverse impacts on significant resources and resource functions found in the local NROD area than actions that would meet the applicable environmental development standards;
- C. The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;
- D. Fish and wildlife passage will not be impeded;
- E. With the exception of the standard(s) subject to the adjustment request, all other applicable NROD standards can be met; and
- F. The applicant has proposed adequate mitigation to offset the impact of the adjustment.

Application Requirements

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 Sections 17.49.220-230, and Section 17.50.080 of the Oregon City Municipal Code as well as a discussion of how the proposal meets all of the applicable NROD development standards 17.49.100-170.

17.49.220 Required Site Plans

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

- A. For the entire subject property (NROD and non-NROD areas):
 - 1. The NROD district boundary. This may be scaled in relation to property lines from the NROD Map;
 - 2. 100 year floodplain and floodway boundary (if determined by FEMA);
 - 3. Creeks and other waterbodies;
 - 4. Any wetlands, with the boundary of the wetland that will be adjacent to the proposed development determined in a wetlands delineation report prepared by a professional wetland specialist and following the Oregon Division of State Lands wetlands delineation procedures;
 - 5. Topography shown by contour lines of 2 or 1 foot intervals for slopes less than 15% and by 10 foot intervals for slopes 15% or greater;
 - 6. Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.
 - 7. Extent of the required Vegetated Corridor required by Table 17.49.110.
- B. Within the NROD area of the subject property:
 - 1. The distribution outline of shrubs and ground covers, with a list of most abundant species;
 - 2. Trees 6 inches or greater in diameter, identified by species. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;
 - 3. An outline of the disturbance area that identifies the vegetation that will be removed. All trees to be removed with a diameter of 6 inches or greater shall be specifically identified as to number, trunk diameters and species;
 - 4. If grading will occur within the NROD, a grading plan showing the proposed alteration of the ground at 2 foot vertical contours in areas of slopes less than 15% and at 5 foot vertical contours of slopes 15% or greater.
- C. A construction management plan including:
 - 1. Location of site access and egress that construction equipment will use;
 - 2. Equipment and material staging and stockpile areas;
 - 3. Erosion control measures that conform to City of Oregon City erosion control standards;
 - 4. Measures to protect trees and other vegetation located outside the disturbance area.
- D. A mitigation site plan demonstrating compliance with Section 17.49.180 or 17.49.190, including:
 - 1. Dams, weirs or other in-water features;
 - 2. Distribution, species composition, and percent cover of ground covers to be planted or seeded;
 - 3. Distribution, species composition, size, and spacing of shrubs to be planted;
 - 4. Location, species and size of each tree to be planted;
 - 5. Stormwater management features, including retention, infiltration, detention, discharges and outfalls;
 - 6. Water bodies or wetlands to be created, including depth;

7. Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.

17.49.230 Mitigation Plan Report

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

- A. Written responses to each applicable Mitigation Standard 17.49.180 or 17.49.190 indicating how the proposed development complies with the mitigation standards;
- B. The resources and functional values to be restored, created, or enhanced through the mitigation plan;
- C. Documentation of coordination with appropriate local, regional, state and federal regulatory/resource agencies such as the Oregon Department of State Lands (DSL) and the United States Army Corps of Engineers (USACE);
- D. Construction timetables;
- E. Monitoring and Maintenance practices pursuant to Section 17.49.230 (F) and a contingency plan for undertaking remedial actions that might be needed to correct unsuccessful mitigation actions during the first 5 years of the mitigation area establishment.

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, additional density transfer credits are 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, 1/3 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 (B) above, the dimensional standards of the base zone may be modified in order to minimize disturbance to the NROD. The permissible reductions are specified in Tables 17.49.240(C-D).
- D. The applicant shall demonstrate that the minimum lot size of the underlying zone has been met. The area of the NROD in 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. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the areas of the NROD Tract.

Table 17.49.240 A
Lot Size Reduction

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

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

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
8,000-9,999 square 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

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

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

- F. Transfers for properties zoned Commercial, Institutional, Industrial or Multi-Family uses the transfer credit is 10,000 sq. ft. 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 with the City that records the transfer of density. The covenant shall be found to meet the requirements of this section and be recorded before building permits are issued; and
- I. All other applicable development standards, including setbacks, building heights, and maximum lot coverage shall continue to apply when a density transfer occurs.

17.49.250 Verification of NROD Boundary

The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site. This may through a site specific environmental survey or, 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 Section 17.49.100. Verifications shall be processed as either a Type I or Type II process.

17.49.255 Type I Verification.

- A. Applicants for a determination under this section shall submit a site plan meeting the requirements of 17.49.220, as applicable.
- B. Alternatively, an applicant may request a Type I Verification determination by the Community Development Director by making an application therefore and paying to the City a fee as set by resolution of the City Commission. 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 City's existing Water Quality Resource Area Overlay District.
 - 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 15 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 or other structures and which form a physical barrier between the site and the protected water features, as approved by the City.
- C. If a the City is not able to clearly determine, through the Type I verification process that the applicable criteria (B)1-6 above are met the verification application shall be denied. An applicant may then opt to apply for an verification through the Type II process defined below.

17.49.260. Type II Verification

Verifications of the NROD which cannot be determined pursuant to the standards of 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 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 apply to a site-specific area.
- C. Verification to remove a recently developed area from the NROD shall show that all of the following have been met:
 - 1. All approved development in the NROD has been completed;
 - 2. All mitigation required for the approved development, located within the NROD, has been successful; and
 - 3. The previously identified resources and functional values on the developed site no longer exist or have been subject to a significant detrimental impact.

17.49.265 Corrections to Violations

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

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

Oregon City Municipal Code
Chapter 17.50 Administration and Procedures

17.50.010 Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS Chapters 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City comprehensive plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

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

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

Table 17.50.030
PERMIT APPROVAL PROCESS

PERMIT TYPE	I	II	III	IV	Expedited Land Division
Compatibility Review	X				
Code Interpretation			X		
General Development Plan			X		
Conditional Use			X		
Detailed Development Plan ¹		X	X		
Extension		X			
Final Plat	X				
Geologic Hazards		X			
Historic Review			X		
Lot Line Adjustment and Abandonment	X				
Major Modification to a Prior Approval ²	X	X	X	X	X
Minor Modification to a prior Approval	X				
Minor Partition		X			
Nonconforming Use, Structure and Lots Review	X	X			
Reconsideration	X				

¹ If any provision or element of the master plan requires a deferred Type III procedure, the detailed development plan shall be processed through a Type III procedure.

² A major modification to a prior approval shall be considered using the same process as would be applicable to the initial approval.

Revocation				X	
Site Plan and Design Review		X			
Subdivision		X			X
Variance		X	X		
Zone Change & Plan Amendment				X	
Zone Change Upon Annexation with No Discretion	X			X	
Zone Change Upon Annexation with Discretion				X	
Natural Resource Exemption	X				
Natural Resource Review		X			

- A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. . Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The Community Development Director's decision is final and not appealable by any party through the normal City land use process.
- B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The Community Development Director accepts comments for a minimum of fourteen days and renders a decision. The Community Development Director's decision is appealable to the City Commission with notice to the Planning Commission, by any party with standing (i.e., applicant and any party who submitted comments during the commentperiod). 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.
- C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or the Historic Review Board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission or the Historic Review Board, all issues are addressed. The decision of the Planning Commission or Historic Review Board is appealable to the City Commission, on the record. The City Commission decision on appeal from the Historic Review Board or the Planning Commission is the City's final decision and is appealable to LUBA within twenty-one days of when it becomes final.
- D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the City Commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and Planning Commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission, all issues are addressed. If the Planning Commission denies the application, any party with standing (i.e.,

anyone who appeared before the Planning Commission either in person or in writing within the comment period) may appeal the Planning Commission denial to the City Commission. If the Planning Commission denies the application and no appeal has been received within ten days of the issuance of the final decision then the action of the Planning Commission becomes the final decision of the City. If the Planning Commission votes to approve the application, that decision is forwarded as a recommendation to the City Commission for final consideration. In either case, any review by the City Commission is on the record and only issues raised before the Planning Commission may be raised before the City Commission. The City Commission decision is the City's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

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

17.50.040 Development Review in Overlay Districts and for Erosion Control.

For any development subject to regulation of Geologic Hazards under city code Chapter 17.44; Natural Resource under Chapter 17.49; Willamette River Greenway under Chapter 17.48; and erosion control under Chapter 17.47, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site.

17.50.050 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.

17.50.055 Neighborhood Association Meeting

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

1. Applicants applying for Annexations, Zone Change, Comprehensive Plan Amendments, Conditional Use, Planning Commission Variances, Subdivision, or Site Plan and Design Review (excluding Minor Site Plan and Design Review), General Development Master Plans or Detailed Development Plans applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.
2. The applicant shall send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the Citizen Involvement Committee describing the proposed project. Other communication methods may be used if approved by the Neighborhood Association.
3. A meeting shall be scheduled within 30 days of the notice. A meeting may be scheduled later than 30 days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within 30 days, the applicant shall hold their own meeting after 6pm or on the weekend, with notice to the neighborhood association, Citizen Involvement Committee, and all property owners within 300 feet. If the applicant holds their own meeting, a copy of the certified letter requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a City facility.
4. If the Neighborhood Association is not currently recognized by the city, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.
5. To show compliance with this section, the applicant shall submit a sign-in sheet of meeting attendees, a summary of issues discussed, and letter from the Neighborhood Association or Citizen Involvement Committee indicating that a neighborhood meeting was held. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, a sign in sheet of attendees and a summary of issues discussed.

17.50.060 Application Requirements.

A permit application may only be initiated by the record property owner or contract purchaser, the City Commission or Planning Commission. If there is more than one record owner, then the City will not accept an application without signed authorization from all record owners. All permit applications must

be submitted on the form provided by the City, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be, met.

17.50.070 Completeness Review and 120-day Rule.

- A. Upon submission, the Community Development Director shall date stamp the application form and verify that the appropriate application fee has been submitted. The Community Development Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application, the Community Development Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information must be submitted to make the application complete.
- B. The applicant has 180 days from the date the application was made to submit the missing information or, on the 181st day, the application shall be rejected and all materials (except one copy of the application) and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the 180-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.
The application will be deemed complete for the purpose of this section upon receipt by the Community Development Division of:
 - 1. All the missing information;
 - 2. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - 3. Written notice from the applicant that none of the missing information will be provided.
- C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within 120 calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the 120 calendar day time line or unless State law provides otherwise. The 120-day period, however, does not apply in the following situations:
 - 1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the 120-day period.
 - 2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the 120-day period for the amount of time required to correct the notice defect.
 - 3. The 120-day period does not apply to any application for a permit that is not wholly within the city's authority and control.
 - 4. The 120-day period does not apply to any application for an amendment to the City's Comprehensive Plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.
- D. The 120-day period specified in Section 17.50.070.C may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed 245 calendar days..
- E. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

17.50.080 Complete Application--Required Information.

Unless stated elsewhere in City code Titles 16 or 17, a complete application includes all the materials listed in this subsection. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in Titles 16 or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the city will not deem the application complete until all information required by the Community Development Director is submitted. At a minimum, the applicant must submit the following:

- A. One copy of a completed city application form that includes the following information:
 - 1. An accurate legal description, tax account number(s), map and location of all properties that are the subject of the application,
 - 2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);
- B. A complete list of the permit approvals sought by the applicant;
- C. A current preliminary title report for the subject property(ies);
- D. A complete and detailed narrative description of the proposed development that describes existing site conditions, existing buildings, public facilities and services, presence of wetlands, steep slopes and other natural features, a discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met, and any other information indicated by staff at the preapplication conference as being required;
- E. Up to twenty-one legible copies of all reports, plans, site plans and other documents required by the section of this code corresponding to the specific approval(s) sought;
- F. At least one copy of the site plan and all related drawings shall be in a readable/legible eight and one-half by eleven inch format for inclusion into the city's bound record of the application;
- G. Mailing labels for notice to all parties entitled under Section 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls;
- H. All required application fees;
- I. Annexation agreements (if applicable);
- J. Additional documentation as needed by the Community Development Director.

17.50.090 Public Notices.

17.50.090 Public notices.

All public notices issued by the city with regard to a land use matter, announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

A. Notice of Type II Applications. Once the planning manager has deemed a Type II application complete, the city shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. Pursuant to Section 17.50.080(G), the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with Section 17.50.100. The city's Type II notice shall include the following information:

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

3. A statement that any interested party may submit to the city written comments on the application during a fourteen-day comment period prior to the city's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;
 4. A statement that any issue which is intended to provide a basis for an appeal must be raised in writing during the fourteen-day comment period with sufficient specificity to enable the city to respond to the issue;
 5. A statement that the application and all supporting materials may be inspected, and copied at cost, at City Hall during normal business hours;
 6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application.
 7. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.
- B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the city shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The city shall also publish the notice in a newspaper of general circulation within the city at least twenty days prior to the hearing. Pursuant to Section 17.50.080(H), the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with Section 17.50.100. Notice of the application hearing shall include the following information:
1. The time, date and location of the public hearing;
 2. Street address or other easily understood location of the subject property and city-assigned planning file number;
 3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the city will use to evaluate the proposal;
 4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
 5. A statement that any issue which is intended to provide a basis for an appeal to the city commission must be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue;
 6. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.
 7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at City Hall during normal business hours; and
 8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.
- C. Notice of Public Hearing on a Legislative Proposal. At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the city's land use regulations or comprehensive plan is to be considered, the planning manager shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be

published in a newspaper of general circulation within the city. Notice issued under this subsection shall include the following information:

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

17.50.100 Notice Posting Requirements.

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

- A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the one-hundred-twenty-day period in a timely manner.
- B. Number and Location. The applicant must place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

17.50.110 Assignment of Decision-Makers.

The following City entity or official shall decide the following types of applications:

- A. Type I Decisions. The Community Development Director shall render all Type I decisions. The Community Development Director's decision is the City's final decision on a Type I application.
- B. Type II Decisions. The Community Development Director shall render the City's decision on all Type II permit applications which are appealable to the City Commission with notice to the Planning Commission. The City Commission decision is appealable to LUBA.
- C. Type III Decisions. The Planning Commission or Historic Review Board, as applicable, shall render all Type III decisions. Such decision is appealable to the City Commission, on the record. The City Commission's decision is the City's final decision and is appealable to LUBA within twenty-one days of when it becomes final.
- D. Type IV Decisions. The Planning Commission shall render the initial decision on all Type IV permit applications. If the Planning Commission denies the Type IV application, that decision is final unless appealed to the City Commission in accordance with Section 17.50.190. If the Planning Commission recommends approval of the application, that recommendation is forwarded to the City Commission. The City Commission decision is the City's final decision on a Type IV application and is appealable to LUBA.
- E. ELD. The Community Development Director shall render the initial decision on all ELD applications. The Community Development Director's decision is the City's final decision unless appealed in

accordance to ORS 197.375 to a City-appointed hearings referee. The hearings referee decision is the City's final decision which is appealable to the Oregon Court of Appeals.

17.50.120 Quasi-Judicial Hearing Process.

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

- A. Once the Community Development Director determines that an application for a Type III or IV decision is complete, the Planning Division shall schedule a hearing before the Planning Commission or Historic Review Board, as applicable. Once the Community Development Director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under Section 17.50.190, the planning division shall schedule a hearing before the City Commission.
- B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with Section 17.50.090(B).
- C. Written notice of an appeal hearing before the City Commission shall be sent by regular mail no later than 14 days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.
- D. The Community Development Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.
- E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:
 1. That the hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;
 2. That all testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;
 3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue, will preclude appeal on that issue to the state land use board of appeals;
 4. Any party wishing a continuance or to keep open the record must make that request while the record is still open; and
 5. That the Commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item.
 6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.
- F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open-record period.

17.50.130 Conditions of Approval and Notice of Decision.

- A. All City decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards are, or can be, met.
- B. Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to Chapter 1.20 of this code and ORS 30.315.
- C. Notice of Decision. The City shall send, by first class mail, a notice of all decisions rendered under this chapter to all persons with standing, i.e., the applicant, all others who participated either orally or in writing before the close of the public record and those who specifically requested notice of the decision. The notice of decision shall include the following information:
 - 1. The file number and date of decision;
 - 2. The name of the applicant, owner and appellant (if different);
 - 3. The street address or other easily understood location of the subject property;
 - 4. A brief summary of the decision, and if an approval, a description of the permit approved;
 - 5. A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal;
 - 6. The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.
- D. Modification of Conditions. Any request to modify a condition of permit approval is to be considered either minor modification or a major modification. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

17.50.140 Performance Guarantees.

When conditions of permit approval require a permittee to construct certain improvements, the city may, in its discretion, allow the permittee to submit a performance guarantee in lieu of actual construction of the improvement. Performance guarantees shall be governed by this section.

- A. Form of Guarantee. Performance Guarantees shall be in a form approved by the city attorney. Approvable methods of performance guarantee include irrevocable standby letters of credit to the benefit of the city issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the city. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the city shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.
- B. Timing of Guarantee. A permittee shall be required to provide a performance guarantee as follows.
 - 1. After Final Approved Design By The City: A permittee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the remaining public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.
 - 2. Before Complete Design Approval And Established Engineered Cost Estimate: A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer. This scenario applies for a fee-in-lieu situation to

ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. In this case, the fee-in-lieu must be submitted as cash, certified check, or other negotiable instrument as approved to form by the City Attorney.

- C. Duration of the Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the city. Once the city has inspected and accepted the improvement, the city shall release the guarantee to the permittee. If the improvement is not completed to the city's satisfaction within the time limits specified in the permit approval, the City Engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the city in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the city, any remaining funds shall be refunded to the permittee. The City shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the city, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the city may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.

17.50.150 Covenant with the City.

- A. The City may impose as a condition of final approval of a quasi-judicial permit, the requirement that the applicant execute a covenant with the City agreeing to comply with all conditions of approval. Any such covenant shall include the following elements:
1. An agreement that the applicant will comply with all applicable code requirements, conditions of approval and any representations made to the City by the applicant or the applicant's agents during the application review process, in writing. This commitment shall be binding on the applicant and all of the applicant's successors, heirs and assigns;
 2. If the owner fails to perform under the covenant, the City may immediately institute revocation of the approval or any other enforcement action available under state law or this code. The covenant may also provide for payment of attorney fees and other costs associated with any such enforcement action; and
 3. Where the development rights of one site are dependent on the performance of conditions by the owner of another property (such as joint access), the covenants are judicially enforceable by the owner of one site against the owner of another.
- B. Adopting the covenant: The form of all covenants shall be approved by the City attorney. The covenant shall run with the land and shall be placed in the county deed records prior to the issuance of any permits or development activity pursuant to the approval. Proof of recording shall be made prior to the issuance of any permits and filed with the Planning Division. Recording shall be at the applicant's expense. Any covenant required under this section shall be properly signed and executed within thirty days after permit approval with conditions; provided, however, that the Community Development Director may grant reasonable extensions, not to exceed an additional thirty days, in cases of practical difficulty. Failure to sign and record the covenant within the prescribed period shall require a new application for any use of the subject property.

17.50.160 Ex parte Contact, Conflict of Interest and Bias.

The following rules shall govern any challenges to a decision-maker's participation in a quasi-judicial or legislative action:

- A. Ex parte Contacts. Any factual information obtained by a decision-maker outside the context of a quasi-judicial hearing shall be deemed an ex parte contact. Prior to the close of the record in any

particular matter, any decision-maker that has obtained any materially factual information through an ex parte contact shall declare the content of that contact and allow any interested party to rebut the substance of that contact. This rule does not apply to legislative proceedings.

- B. Conflict of Interest. Whenever a decision-maker, or any member of a decision-makers's immediate family or household, has a financial interest in the outcome of a particular quasi-judicial or legislative matter, that decision-maker shall not participate in the deliberation or decision on that matter.
- C. Bias. All decisions in quasi-judicial matters shall be fair, impartial and based on the applicable approval standards and the evidence in the record. Any decision-maker who is unable to render a decision on this basis in any particular matter shall refrain from participating in the deliberation or decision on that matter. This rule does not apply to legislative proceedings.

17.50.170 Legislative Hearing Process.

- A. Purpose. Legislative actions involve the adoption or amendment of the City's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.
- B. Planning Commission Review.
 - 1. Hearing Required. The Planning Commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The Community Development Director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.
 - 2. The Community Development Director's Report. Once the Planning Commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the Community Development Director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.
 - 3. Planning Commission Recommendation. At the conclusion of the hearing, the Planning Commission shall adopt a recommendation on the proposal to the City Commission. The Planning Commission shall make a report and recommendation to the City Commission on all legislative proposals. If the Planning Commission recommends adoption of some form of the proposal, the Planning Commission shall prepare and forward to the City Commission a report and recommendation to that effect.
- C. City Commission Review.
 - 1. City Commission Action. Upon a recommendation from the Planning Commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the City Commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the Planning Commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the City's land use regulations, Comprehensive Plan, official zoning maps or some component of any of these documents, the City Commission decision shall be enacted as an ordinance.
 - 2. Notice of Final Decision. Not later than five days following the City Commission final decision, the Community Development Director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

17.50.180 Objections to Procedure.

Any party who objects to the procedure followed in any particular matter, including bias, conflict of interest and undisclosed ex parte contacts, must make a procedural objection prior to the city rendering a final decision. Procedural objections may be raised at any time prior to a final decision, after which they

are deemed waived. In making a procedural objection, the objecting party must identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person's substantial rights.

17.50.190 Appeals.

Appeals of any non-final decisions by the city must comply with the requirements of this section.

- A. Type I decisions by the planning manager are not appealable to any other decision-maker within the city.
- B. A notice of appeal of any Type II, III or IV decision must be received in writing by the planning division within fourteen calendar days from the date notice of the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.
- C. The following must be included as part of the notice of appeal:
 - 1. The city planning file number and date the decision to be appealed was rendered;
 - 2. The name, mailing address and daytime telephone number for each appellant;
 - 3. A statement of how each appellant has an interest in the matter and standing to appeal;
 - 4. A statement of the specific grounds for the appeal;
 - 5. The appropriate appeal fee. Failure to include the appeal fee within appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed. If a City-recognized neighborhood association with standing to appeal has voted to request a fee waiver pursuant to 17.50.290(C), no appeal fee shall be required for an appeal filed by that association. In lieu of the appeal fee, the neighborhood association shall provide a duly adopted resolution of the general membership or board approving the request for fee waiver.
- D. Standing to Appeal. The following rules prescribe who has standing to appeal:
 - 1. For Type II decisions, only those persons or recognized Neighborhood Associations who have submitted written comments within the fourteen-day comment period have standing to appeal a planning manager decision. Grounds for appeal are limited to those issues raised in writing during the fourteen-day comment period in filing an appeal to the city commission.
 - 2. For Type III and IV decisions, only those persons or recognized Neighborhood Associations who have participated either orally or in writing have standing to appeal the decision of the planning commission or historic review board, as applicable. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record.
- E. Notice of the Appeal Hearing. The planning division shall issue notice of the appeal hearing to all parties who participated either orally or in writing before the close of the public record in accordance with Section 17.50.090(B). Notice of the appeal hearing shall contain the following information:
 - 1. The file number and date of the decision being appealed;
 - 2. The time, date and location of the public hearing;
 - 3. The name of the applicant, owner and appellant (if different);
 - 4. The street address or other easily understood location of the subject property;
 - 5. A description of the permit requested and the applicant's development proposal;
 - 6. A brief summary of the decision being appealed and the grounds for appeal listed in the notice of appeal;
 - 7. A statement that the appeal hearing is confined to the issues raised in the notice of appeal;
 - 8. A general explanation of the requirements for participation and the city's hearing procedures.
- F. Appeal Hearing--Scope of Review. Appeal hearings shall comply with the procedural requirements of Section 17.50.120. Appeal hearings shall be conducted by the city commission or a planning commission or historic review board, as applicable, the decision shall be on the record and the issues under consideration shall be limited to those listed in the notice of appeal.

17.50.200 Expiration of an Approval.

- A. When approvals become void: All Type I-IV approvals, except for zone changes,, comprehensive plan map amendments, conditional uses and master plans automatically become void if any of the following events occur:
1. If, within two years of the date of the final decision, a building permit has not been issued 2. If, within two years of the date of the final decision for all land divisions, the activity approved in the permit has not commenced or, in situations involving only the creation of lots, the public improvements and conditions of approval have not been completed or financial guarantee (surety) provided.
 3. Annexations become void if a vote of the citizens rejects the application.
- B. New application required: Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.
- C. Deferral of the expiration period due to appeals: If a permit decision is appealed beyond the jurisdiction of the City, the expiration period shall not begin until review before the Land Use Board of Appeals and the appellate courts has been completed, including any remand proceedings before the City. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

17.50.210 Extension of an Approval.

- A. The Community Development Director may extend, prior to its expiration, any approved permit for a period of one year- provided- that the applicant has provided evidence of implementation of the permit. Any request for an extension shall be reviewed and decided upon by the Community Development Director as a Type I- decision.
- B. Substantial implementation of a permit shall require at a minimum, demonstrable evidence in a written application showing:
1. The permit holder has applied for the permits required as a condition of the land use or limited land use permit;
 2. 3. The request for an extension is not sought for purposes of avoiding any responsibility imposed by this code or the permit or any condition thereunder; and
 4. There have been no changes in circumstances or the law likely to necessitate significant modifications of the development approval or conditions of approval.

17.50.220 Reapplication Limited.

If the application is denied or withdrawn following the close of the public hearing, no reapplication for the same or substantially similar proposal may be made for one year following the date of final decision denying the permit.

17.50.230 Interpretation.

Where a provision of Title 16 or Title 17 conflicts with another city ordinance or requirement, the provision or requirement that is more restrictive or specific shall control.

17.50.240 Conformity of Permits.

The City shall not accept any application for a permit, certificate or other approval, including building permit applications, for any property that is not in full compliance with all applicable provisions of Title 16 and Title 17 and any permit approvals previously issued by the city.

17.50.260 Reconsideration of a Final Decision.

Under this section, parties with standing may seek reconsideration of a final decision rendered pursuant to a Type II, Type III, or Type IV process. Reconsideration is warranted where the City's decision indicates the decision-maker failed to understand or consider certain relevant facts in the record or misinterpreted the application in some material way. Any request for reconsideration must be received by the Planning Division within ten days of when the decision in question was rendered and must specifically describe the alleged misunderstanding or misinterpretation. A request for reconsideration shall not stay the effectiveness of the City's final decision, nor shall it affect any applicable appeal deadlines to the land use board of appeals. If the request is granted, the Community Development Director shall notify all affected parties that the decision will be reconsidered. Any request for reconsideration by the applicant shall be deemed a waiver of the one-hundred-twenty-day deadline under Section 17.50.070.

17.50.270 Revocation of a Previously Approved Permit.

In the event an applicant, or the applicant's successor in interest, fails to fully comply with all conditions of permit approval or otherwise does not comply fully with the City's approval, the City may institute a revocation or modification proceeding under this section.

- A. Situations when Permit Approvals May Be Revoked or Modified. All quasi-judicial permits may be revoked or modified if the Planning Commission determines a substantial likelihood that any of the following situations exists:
1. One or more conditions of the approval have not been implemented or have been violated;
 2. The activities of the use, or the use itself, are substantially different from what was approved; or
 3. The use is subject to the nonconforming use regulations, the applicant has not obtained approval, and has substantially changed its activities or substantially increased the intensity of its operations since the use became nonconforming.
- B. Process for Revocation and Modification. Revocation or modification shall be processed as a Type IV decision. The Planning Division or any private complaining party shall have the burden of proving, based on substantial evidence in the whole record, that the applicant or the applicant's successor has in some way violated the City's approval.
- C. Possible Actions at the Revocation Hearing. Depending on the situation, the Planning Commission may take any of the actions described below. The Planning Commission may not approve the new use or a use that is more intense than originally approved unless the possibility of this change has been stated in the public notice. Uses or development which are alleged to have not fulfilled conditions, violate conditions or the use is not consistent with the City's approval may be subject to the following actions:
1. The Planning Commission may find that the use or development is complying with the conditions of the approval. In this case, the use or development shall be allowed to continue.
 2. The Planning Commission may modify the approval if it finds that the use or development does not meet the standards for revocation and that the use can comply with the original approval criteria if certain conditions are met. In this case, the Planning Commission may modify the existing conditions, add new conditions to ensure compliance with the approval criteria, or refer the case to the code compliance officer for enforcement of the existing conditions.
 3. The Planning Commission may revoke the approval if it finds there are substantial violations of conditions or failure to implement conditions of prior land use decisions, such that the original approval criteria for the use or development are not being met.

- D. Effect of Revocation. In the event permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date the revocation final order is approved by the Planning Commission, unless the decision provides otherwise. In the event the decision-maker's decision on a revocation request is appealed, the revocation action shall be stayed pending a final, unappealed decision.

17.50.280 Transfer of Approval Rights.

Unless otherwise stated in the City's permit decision, any approval granted under Title 16 or Title 17 of this code runs with the land and is transferred with ownership of the land. Any conditions, time limits or other restrictions imposed with a permit approval shall bind all subsequent owners of the property for which the permit was granted.

17.50.290 Fees.

The City may adopt by resolution, and revise from time to time, a schedule of fees for applications and appeals. Fees shall be based upon the City's actual or average cost of processing the application or conducting the appeal process. The only exception shall be the appeal fee for a Type II decision, which shall be limited by ORS 227.175(10)(b). The requirements of this section shall govern the payment, refund and reimbursement of fees.

- A. Payment. All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be accepted without the proper fee being paid.
- B. Refunds. Fees will only be refunded as provided in this subsection:
1. When a fee is paid for an application which is later found to not be required, the city shall refund the fee.
 2. Errors. When an error is made in calculating a fee, overpayment will be refunded.
 3. Refund upon Withdrawal of an Application. In the event an applicant withdraws an application, the planning department shall refund the unused portion of the fee. In this case, the planning department will deduct from the fee the city's actual costs incurred in processing the application prior to withdrawal.
- C. Fee Waivers. The Planning Division may waive all or any portion of an application fee if, in the opinion of the director, a particular application must be resubmitted because of an error made by the City. Appeal fees may be waived, wholly or in part, by the City Commission, if the City Commission finds that, considering fairness to the applicant and to opposing parties, a full or partial waiver of the appeal fee is warranted. Appeal fees shall not be charged for an appeal filed by a city-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting.

**Oregon City Municipal Code
Chapter 17.52 Off-Street Parking and Loading**

17.52.010 Applicability.

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

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 1,000 square feet gross leasable area unless otherwise stated.

LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Single-Family Dwelling	1.00 per unit	
Multi-Family: Studio	1.00 per unit	1.5 per unit
Multi-Family: 1 bedroom	1.25 per unit	2.00 per unit
Multi-Family: 2 bedroom	1.5 per unit	2.00 per unit
Multi-Family: 3 bedroom	1.75 per unit	2.50 per unit
Hotel/Motel	1.0 per guest room	1.25 per guest room
Welfare/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
Religious Assembly Building	0.25 per seat	0.5 per seat
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	.25	0.5 per seat
Retail Store/Shopping Center/	4.10	5.00

Restaurants		
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 per gross sq-ft	0.40 per gross sq-ft
Manufacturing/ Wholesale Establishment	1.60 per gross sq-ft	1.67 per gross sq-ft
Light Industrial/ Industrial Park	1.3	1.60

1. Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Community Development Director, based upon the requirements of comparable uses listed.
3. Where calculation in accordance with the following 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 trucks used in conducting the business or use.
5. A Change in Use within an existing building located in the MUD Design District is exempt from additional parking requirements. Additions to an existing building or new construction in the District are required to meet the minimum parking requirements in Table 17.52.020.

B. Reduction of the Number of Automobile Spaces Required. The required number of parking stalls may be reduced if one or more of the following is met:

1. Transit Oriented Development. The Community Development Director may reduce the required number of parking stalls up to 10% when it is determined that a commercial business center or multi-family project is adjacent to or within 1,000 feet of an existing or planned public transit. Also, if a commercial center is within 1,000 feet of a multi-family project, with over 80 units and pedestrian access, the parking requirements may be reduced by 10%.
2. Transportation Demand Management. The Community Development Director may reduce the required number of parking stalls up to 10% when a parking-traffic study prepared by a traffic engineer demonstrates:
 - a. Alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and minimum city parking requirements.
 - b. A Transportation Demand Management (TDM) Program has been developed for approval by the City Engineer. The plan will contain strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the City determines the plan is not successful, the plan may be revised.

If the City determines that no good-faith effort has been made to implement the plan, the City may take enforcement actions.

3. Shared Parking. The Community Development Director may reduce the required number of parking stalls up to 50% for:
 - a. 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 (i.e., 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 50%, as determined by the Community Development Director.
 - b. 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 1,000 feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.
4. Reduction in Parking for Tree Preservation. The Community Development Director may grant an adjustment to any standard provided that the adjustment preserves a regulated tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition. The amount of reduction can be determined only after taking into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be approved by the Community Development Director. This reduction is discretionary and subject to the approval of the Community Development Director.
5. On-Street Parking. On-street parking for commercial, multifamily, industrial and institutional, uses shall conform to the following standards:
 1. Dimensions. The following constitutes one on-street parking space:
 - a. Parallel parking, each [22] feet of uninterrupted and available curb;
 - b. [45/60] degree diagonal, each with [12] feet of curb;
 - c. 90 degree (perpendicular) parking, each with [12] feet of curb.
 2. Location. Parking may be counted toward the minimum standards in the Parking Requirement Table below when it is on the block abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and it must not violate any law or street standard.
 3. 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.

17.52.030 Standards for Automobile Parking.

- A. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.
- 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 Chapter 13.12 and the city public works stormwater and grading design standards.

D. Dimensional Standards.

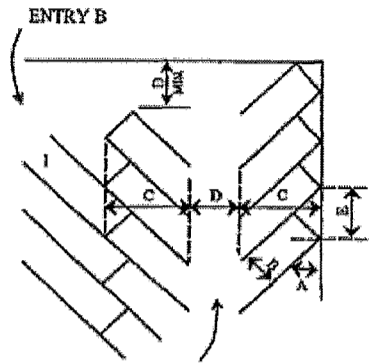
1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the Building Division requirements. Up to 35% of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The Community Development Director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.
2. Alternative parking/ plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the Community Development Director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.

**PARKING STANDARD
PARKING ANGLE SPACE DIMENSIONS**

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

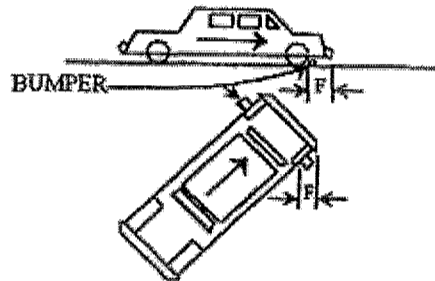
All dimensions are to the nearest tenth of a foot.

TYPICAL PARKING LAYOUT



ENTRY A

NOTE: SPACE 1 CONTINGENT UPON ENTRY B



OVERHANG

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

E. Carpool and Vanpool Parking. New office and industrial developments with seventy-five or more parking spaces, and new hospitals, government offices, 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 5%, 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 handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

17.52.040 Bicycle Parking Standards-

A. Purpose-Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than single-family dwellings or duplexes.

B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the Community Development Director is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in Section 17.52.020 for determining automobile parking space requirements.

TABLE A Required Bicycle Parking Spaces*	
USE	BICYCLE PARKING
Residential	
Multiple family (three or more units)	1 per unit
Commercial Residential	
Hotel and Motel	1 per 10 guest rooms
Rooming or boarding houses	1 per 10 guest rooms
Bed and breakfast inns	1 per 10 guest rooms
Club/lodge	1 per 20 auto spaces
Institutional	
Welfare institution	1 per 20 auto spaces
Correctional institution	1 per 30 auto spaces
Nursing home, care facility, sanitarium	1 per 30 auto spaces
Hospital	1 per 20 auto spaces
Park-and-ride lot	5 per acre, at least one of which is a locker
Transit center	5 per center, at least one of which is a locker
Parks and open space	1 per 10 auto spaces
Public parking lots	1 per 20 auto spaces
Automobile parking structures	1 per 20 auto spaces
Places of Public Assembly	
Religious institutions	1 per 20 auto spaces
Libraries, museums	1 per 10 auto spaces
Preschool, nursery, kindergarten	2 spaces
Elementary, junior high	4 per classroom
High school	2 per classroom
College, business/commercial schools	2 per classroom
Other auditorium/meeting room	1 per 20 auto spaces
Commercial Amusement	
Stadium, arena, theater	1 per 20 auto spaces
Bowling alley, skating rink, dance hall	1 per 15 auto spaces
Commercial	
Retail stores and shopping centers	1 per 20 auto spaces
Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental	1 per 40 auto spaces

Bank, office	1 per 20 auto spaces
Medical and dental clinic	1 per 20 auto spaces
Convenience food store	1 per 10 auto spaces
Furniture and appliance stores	1 per 40 auto spaces
Eating and drinking establishment,	1 per 20 auto spaces
Auto repair garage and gasoline service station	2 spaces
Mortuaries	not applicable
Swimming pools, gymnasiums, ball courts	1 per 10 auto spaces
Industrial	
Storage warehouse a	1 per 50 auto spaces
Manufacturing	1 per 40 auto spaces

C. Location of Bicycle Parking

1. Bicycle parking shall be located on-site, in one or more convenient, secure and accessible location. The City Engineer and the Community Development Director may permit the bicycle parking to be provided within the public right-of-way. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings. If a building has two or more main building entrances, the review authority may require bicycle parking to be distributed to serve all main building entrances, as it deems appropriate.
2. Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign must be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space unless approved by the Community Development Director.
3. All bicycle parking areas shall be located to avoid conflicts with pedestrian and motor vehicle movement.
 - a. Bicycle parking areas shall be separated from motor vehicle parking and maneuvering areas and from arterial streets by a barrier or a minimum of five feet.
 - b. Bicycle parking areas shall not obstruct pedestrian walkways; provided, however, that the review authority may allow bicycle parking in the public sidewalk where this does not conflict with pedestrian accessibility.
4. Accessibility.
 - a. Outdoor bicycle areas shall be connected to main building entrances by pedestrian accessible walks.
 - b. Outdoor bicycle parking areas shall have direct access to a public right-of-way.

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

17.52.060 Parking Lot Landscaping.

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

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

A. 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 to provide shade.
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;
5. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the Community Development Director, that can demonstrate adequate maintenance
6. All plant materials, including trees, shrubbery and ground cover should be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City Native Plant List are strongly encouraged and species found on the Oregon City Nuisance Plant List are prohibited.
7. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of Chapter 10.32, Traffic Sight Obstructions.
8. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.

B. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening.

Parking lots shall include a 5-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 shall include:
 - a. Trees spaced a maximum of thirty-five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
 - b. Ground cover, such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within 3 years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and

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

C. Parking Area/Building Buffer. Parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:

1. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) abutting either side of a parking lot sidewalk with:
 - a. Trees spaced a maximum of thirty-five feet apart;
 - b. Ground cover such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
 - c. An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or
2. Seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells.

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

- a. A minimum of one tree per six parking spaces.
- b. Ground cover, such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.
- c. Shrubs spaced no more than four feet apart on average.
- d. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of 10 feet in length.
- e. Pedestrian walkways shall have shade trees spaced a maximum of every thirty-five feet in a minimum three-foot by five-foot tree wells; or
Trees spaced every thirty-five feet, shrubs spaced no more than four feet apart on average, and ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.

E. Installation.

1. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.
2. The site, soils and proposed irrigation systems shall be appropriate for the healthy and long-term maintenance of the proposed plant species.

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

17.52.070. Alternative landscaping plan.

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

- A. General Review Standard. The alternative shall be meet or exceed the intent of this chapter and shall create a safe space for automobiles and pedestrians. The alternative landscaping plan shall be prepared by a licensed landscape architect.
- B. Credit for Pervious / Low Impact Development. The Community Development Director may count up to 50% of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the City's adopted Stormwater and Low Impact Development Design Standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc).

17.52.080. Maintenance.

The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of the site including but not limited to the off-street parking and loading spaces, bicycle parking and all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:

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

Oregon City Municipal Code
Chapter 17.54 Supplemental Zoning Regulations and Exceptions

17.54.010 Accessory Buildings and Uses.

Accessory buildings and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

- A. Signs. Signs shall be permitted as provided in Chapter 15.28.
- B. Accessory Buildings Dimensional Requirements. The following setbacks and other dimensional requirements shall apply to all accessory buildings and uses:
 1. Building Footprint Less than Two Hundred Square Feet. An interior side or rear yard setback behind the front building line may be reduced to three feet for any detached accessory structure with a building footprint which is less than two hundred square feet in area and does not exceed a height of fourteen feet (measured from the average grade on the front of the structure to the midpoint of the roof). No portion of any such structure shall project across a lot line and the accessory structure shall be located behind the front building line of the primary structure. A building permit is required for accessory buildings over 10 feet in height (measured from the interior floor to the midpoint of the roof) or over 200 square feet in size.
 2. Building Footprint from Two Hundred to Six Hundred Square Feet. The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division. The accessory structure shall be located behind the front building line of the primary structure. The interior side and rear yard setbacks may be reduced to three feet for one accessory structure, and its projections, within this category provided the structure and its projections:
 - a. Are detached and separated from other structures by at least three feet;
 - b. Do not exceed a height of fourteen feet;
 3. Building Footprint Over Six Hundred Square Feet. One accessory structure with a building footprint in excess of six hundred square feet may be approved by the planning division. An accessory structure footprint in excess of six hundred square feet must meet the setback requirements of the district in which it is located, and must also meet the following provisions:
 - a. The accessory building must be compatible with the primary structure and constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.
 - b. The lot must be in excess of twenty thousand square feet.
 - c. The building footprint of the accessory structure shall not exceed the building footprint of the primary structure. In no case may the accessory building footprint exceed eight hundred square feet.
 - d. The accessory structure shall not exceed the height of the primary structure and shall be located behind the front building line of the primary structure.
 4. Membrane or Fabric Covered Storage Area. All membrane and fabric structures:
 - a. Shall be located behind the front building line of the primary structure.
 - b. Shall not be visible from the abutting Right-of-Way when viewed at pedestrian level.
 - c. Exceptions to these standards may be made by the Community Development Director for temporary storage of materials as long as the membrane or fabric covered storage area is removed within 10 days, is not erected for more than 20 days in one calendar year and is not seen as a nuisance to the city.
 - d. This section shall be effective on January 1, 2011. This section shall apply to all membrane or fabric covered storage areas in place before, on, or after the effective date of this section.
 - e. This prohibition does not apply to membrane covered areas displayed for garden or other active outdoor uses.

- C. Private Stable. A private stable may be permitted on a lot having a minimum area of twenty thousand square feet. The capacity of a stable shall not exceed one horse or other domestic hoofed animal for each twenty thousand square feet of lot area. A stable shall be located not less than twenty-five feet from any street line.
- D. Swimming Pools. In-ground and above-ground swimming pools shall be constructed not less than three feet from the side or rear yard lines. Swimming pools shall comply with the front yard requirement for the principal building. A pool must be surrounded by a fence no less than four feet in height or a suitable alternative such as a locked or electric cover, approved by the Building Official

17.54.020 Projections from Buildings.

Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.

17.54.030 Setback Exceptions.

Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary. (Prior code §11-4-3)

17.54.060 Seasonal Sales.

The following standards shall apply to seasonal outdoor sales which are limited to:

- A. Fireworks Sales. The annual season for fireworks sales shall commence no sooner than June 23 and continue no longer than July 5. A business license shall be required pursuant to Title 5 of this code.
- B. Christmas Tree and Wreath Sales. The annual season for Christmas tree and wreath sales shall commence no sooner than the day after Thanksgiving and shall continue no later than December 26. A business license shall be required pursuant to Title 5 of this code.

17.54.090- Accessory Dwelling Units.

An accessory dwelling unit (ADU) is defined as a self-contained residential dwelling unit located on the same lot as a single-family dwelling, but is not a recreational vehicle. The habitable living unit provides basic living requirements including permanent cooking, and toilet facilities. It may be located either within the same building as the single-family dwelling unit or in a detached building.

- A. The purpose of allowing an ADU is to:
 - 1. Provide homeowners with a means of obtaining, through tenants in the ADU or the principle dwelling unit, rental income, companionship, security, and services.
 - 2. Add affordable housing units to the existing housing inventory.
 - 3. Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the City.
 - 4. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
 - 5. Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this Section.
- B. Standards and Criteria

An ADU shall meet the following standards and criteria:

1. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
 2. Any additions to the existing dwelling unit shall not encroach into the existing setbacks in the underlying zone. However, access structures (e.g. stairs or ramps) may be allowed within the setback if no access can be provided to the unit without encroaching into the setback area.
 3. The ADU may be attached to, or detached from, the principle dwelling unit.
 4. Only one ADU may be created per lot or parcel.
 5. The installation of an ADU shall be allowed in single-family zones subject to the specific development, design, and owner-occupancy standards in this section. ADUs are not permitted on the same lot as a nonconforming use.
 6. The ADU shall not exceed the height of the principle dwelling unit.
 7. The property owner, which shall include title holders and contract purchasers, must occupy either the principle dwelling unit or the ADU as their permanent residence, for at least 7 months out of the year, and at no time receive rent for the owner-occupied unit.
 8. In no case shall an ADU:
 - a. Be more than 40 percent of the principle dwelling unit's total floor area; nor
 - b. Be more than 800 square feet; nor
 - c. Be less than 300 square feet; nor
 - d. Have more than 2 sleeping areas.
 9. Detached ADUs:
 - a. shall comply with the requirements OCMC Chapter 17.54.010 – Accessory Buildings and Uses including building footprint, height, placement, exterior building materials, etc.
 - b. in the historic overlay district pursuant to OCMC chapter 17.40, shall be subject to the Design Guidelines for New Construction in Historic Districts.
 10. The ADU shall be compatible with the principle dwelling unit, specifically in:
 - a. Exterior finish materials.
 1. The exterior finish material must be the same as the principle dwelling unit; or
 2. Visually match in type, size and placement the exterior finish material of the principle dwelling unit.
 - b. Trim must be the same in type, size, and location as the trim used on the principle dwelling unit
 - c. Windows must match those in the principle dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).
 - d. Eaves must project from the building walls at the same proportion as the eaves on the principle dwelling unit.
 11. Parking.
 - a. Purpose. The parking requirements balance the need to provide adequate parking while maintaining the character of single-dwelling neighborhoods and reducing the amount of impervious surface on a site.
 - b. The following parking requirements apply to accessory dwelling units.
 1. No additional parking space is required for the accessory dwelling unit if it is created on a site with a principle dwelling unit and the roadway for at least one abutting street is at least 28 feet wide.
 2. One additional parking space is required for the accessory dwelling unit as follows:
 - i. When none of the roadways in abutting streets are at least 28 feet wide; or
 - ii. When the accessory dwelling unit is created at the same time as the Principle Dwelling Unit.
- C. Application Procedure
- Application for a building permit for an ADU shall be made to the building official in accordance with the permit procedures established in OCMC 15.12, and shall include:
1. A letter of application from the owner(s) stating that the owner(s) shall occupy one of the dwelling units on the premises, except for bona fide temporary absences, for 7 months out of each year.

2. The registration application or other forms as required by the building official shall be filed as a deed restriction with Clackamas County Records Division to indicate the presence of the ADU, the requirement of owner-occupancy, and other standards for maintaining the unit as described above.
3. The building official shall report annually to the Community Development Director on ADU registration with the number of units and distribution throughout the City.
4. Cancellation of an ADU's registration may be accomplished by the owner filing a certificate with the building official for recording at the Clackamas County Records Division, or may occur as a result of enforcement action.

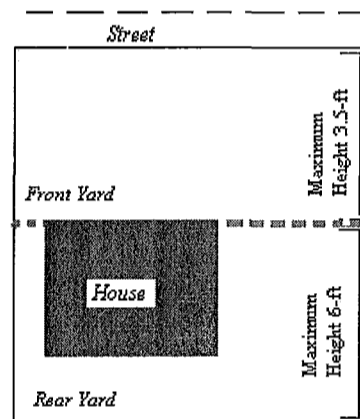
17.54.100 Fences.

Fence, Setback and Height Limitations

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

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

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



- A. Generally. Fence, hedge, or wall.
 1. Fences and walls – Fences and walls over 42 inches shall not be located in front of the front faced or within 40 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 6 feet in total height unless as permitted in 17.54.100, Section (B).
 2. Hedges shall not be more than 42-inches in the underlying front yard setback
 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 30 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 30 inches in height, the combined height of the retaining wall and fence or wall from finished grade shall not exceed 8 ½ feet.
 3. Fences, hedges or walls located on top of retaining walls or earth berms in excess of 8 ½ feet in height shall be setback a minimum of 2 feet from the edge of the retaining wall or earth berm below and shall not exceed a combined height of 8 ½ 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 8 feet in height without approval of a variance.

17.54.105 Live/Work Units.

Live/work units provide important flexibility by combining residential and commercial uses and allowing for commercial uses on the ground floor when the market is ready to support them. These standards apply to all new live/work units. Live/work units that conform to the standards will be approved as a Type II Decision and a Live/work Permit will be granted for the property. For all zones where live/work units are permitted, the following standards shall apply. Conditions of approval may be implemented to ensure compliance with the standards.

A. The ground floor business has visibility, signage and access from the primary street. The building in which the live work dwelling is located shall architecturally differentiate the ground floor commercial/office space from the rest of the building by meet the following requirements:

1. The main front elevation shall provide at least fifty percent transparency at the pedestrian level through the use of a storefront system. The transparency is measured in lineal fashion (For example, a twenty-five foot long building elevation shall have at least twelve a half feet (50% of 25 feet) of transparency in length).
 2. Windows shall begin 13 to 30 inches above the sidewalk rather than continue down to street level. Large single paned windows over 10 feet in width shall be divided into multiple panes to add human scale by dividing the vertical plane into smaller parts.
 3. Highly reflective or glare-producing glass with a reflective factor of .25 or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen (15) percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.
- B. A live/work dwelling is allowed instead of, or in addition to, a home occupation as defined by OCMC 17.04. The business portion of the dwelling shall be limited to the ground floor and may not exceed 50 percent of the square footage of the entire dwelling, excluding the garage or 1000 square feet whichever is the smaller number.
- C. The primary entrance to the business must be located on the primary street frontage. Alley access is required to provide refuse and recycling service and residential parking. If alley access cannot be provided an alternative parking and refuse and recycling service plan may be approved by the Community Development Director if it meets the intent of the standards.
- D. The applicant must show that there is adequate on street or off-street parking for the proposed use. One parking space is required for every 500 square feet of commercial, personal service, or office use or a portion thereof. For example, 700 square feet of commercial use requires 2 parking spaces. Adequate parking can be shown by meeting one of the following:
1. Shared Parking. Required parking may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature) or the live/work use is utilizing a parking space that is above the minimum parking requirement of the shared use, and that the shared parking facility is within 1,000 feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.
 2. On-Street Parking. On-street parking dimensions for livework units shall conform to the standards set forth in OCMC 17.52010C
 3. Onsite Parking. Parking spaces are provided onsite and meet the requirements of OCMC 17.52.- Offstreet Parking and Loading.

- E. The number of employees permitted onsite for employment purposes shall be limited to 5 persons at one time.
- F. The location of lots where live/work dwellings may be sited shall be specified on the subdivision plat (if applicable) and a deed restriction shall be placed on all units describing the restrictions placed upon these units. These include, but are not limited to, the following:
 - 1. The work use shall not generate noise exceeding 55-decibel level as measured at the lot line of the lot containing the live/work dwelling.
 - 2. No outside storage of materials or goods related to the work occupation or business shall be permitted. Solid waste associated with the work use shall be stored inside the building and can be set out no more than 4 hours before the solid waste pickup.
 - 3. No dust or noxious odor shall be evident off the premises.
 - 4. If the business is open to the public, public access must be through the front door and the business may not be open to clients or the public before 7:00 a.m. or after 8:00 p.m.

Oregon City Municipal Code
Chapter 17.62 SITE PLAN & DESIGN REVIEW

17.62.010 Purpose.

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

17.62.015 Modifications That Will Better Meet Design Review Requirements.

The review body may consider modification of site-related development standards. These modifications are done as part of design review and are not required to go through the Variance process pursuant to section 17.60.020. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the Variance process pursuant to section 17.60.020. Modifications that are denied through design review may be requested as Variance through the Variance process pursuant to section 17.60.020. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

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

17.62.030 When Required.

Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6, R-5 and R-3.5 zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cottage housing development, multi-family and non-residential uses in all zones. No building permit or other permit authorization for development shall be issued prior to site plan and design review approval. Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and

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

17.62.035 Minor Site Plan and Design Review.

This section provides for a minor site plan and design review process. Minor Site Plan Review is a Type II decision subject to administrative proceedings described in OCMC 17.50 section 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. Generally. Minor site plan and design review applies to the following uses and activities:

1. Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).
2. Modification to parking lot layout and landscaping or the addition of up to 5 parking spaces.
3. 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.
4. 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.

B. Application. The application for the minor site plan and design review shall contain the following elements:

1. The submittal requirements of Chapter 17.50.
2. A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in Section 17.62.035(C) below.
3. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
4. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
5. Additional submittal material may be required by the Community Development Director on a case-by-case basis.

C. Development Standards for Minor Site Plan and Design Review.

1. All development shall comply with Section 17.62.050(1-7 and 8-15 and 20-22) when deemed applicable by the Community Development Director. Other sections may apply, as directed by the Community Development Director when applicable, in order to show compliance with this chapter, such as the commercial and institutional standards of section 17.62.055

17.62.040 Plans 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 plans and information:

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 Section 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 fifty 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 Chapter 52 of this title;
 12. Site access points for automobiles, pedestrians, bicycles and transit;
 13. On-site pedestrian and bicycle circulation;
 14. Outdoor common areas proposed as open space;
 15. Total impervious surface created (including buildings and hard ground surfaces).
 16. The proposed location, dimensions and materials of fences and walls.
- B. A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.
- C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction.
- D. A materials board, no larger size than eleven inches by seventeen inches clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures. An electronic version may be accepted as an alternative if approved by the Community Development Director.
- E. An erosion/sedimentation control plan, in accordance with the requirements of Chapter 17.47 and the Public Works Erosion and Sediment Control Standards, and a drainage plan developed in accordance with city drainage master plan requirements, Chapter 13.12 and the Public Works Stormwater and Grading Design Standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/ geotechnical development impact statement.

- F. The legal description of the site.
- G. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.
- H. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,
 - 1. A letter or email from the Oregon State Historic Preservation Office Archeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within 45 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 45 days of notification by the applicant.

If, after 45 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.

- I. Such special studies or reports as the Community Development Director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The Community Development Director shall require an applicant to submit one or more development impact statements, as described in Section 16.12.050, upon determination that (1) there is a reasonable likelihood that traffic safety or capacity improvements may be required; (2) the proposal could have significant adverse impacts on identified natural resource areas, including areas designated as being within the natural resources overlay district; or (3) the proposal would be located on or could have significant adverse impacts on natural hazard areas, including the geologic hazard and flood plain overlay districts. The Community Development Director shall determine which types of development impact statements are necessary and provide written reasons for requiring the statement(s). The development impact statements shall include the information described in Sections 16.12.070, 16.12.080, and 16.12.120. 17.62.040
- J. The Community Development Director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:
 - 1. The Community Development Director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the

application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the Community Development Director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter is forwarded to the planning commission for initial review, the information required by this paragraph shall be included in the staff report;

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

K.. If the applicant has not already done so as some other part of the land use review process, the applicant shall submit an erosion control plan that complies with the applicable requirements of Chapter 17.74 of this code.

17.62.050 Standards.

A. All development shall comply with the following standards:

1. Landscaping, A minimum of fifteen percent of the lot shall be landscaped. Existing native vegetation shall be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.

- a. Except as allowed elsewhere in the Zoning and Land Division Chapters of this code, all areas to be credited towards landscaping must be installed with growing plant materials. A reduction of up to 25% of the overall required landscaping may be approved by the Community Development Director if the same or greater amount of pervious material is incorporated in the non-parking lot portion of the site plan (pervious material within parking lots are regulated in OCMC 17.52.070) .
 - b. Pursuant to Chapter 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.
 - c. The landscaping plan shall be prepared by a registered landscape architect and include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within 3 years will cover 100% of the Landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. The Community Development Department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.
 - d. For properties within the Downtown Design District, or for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the ten percent requirement.
 - e. Landscaping shall be visible from public thoroughfares to the extent practicable.
 - f. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum, unless otherwise permitted by the dimensional standards of the underlying zone district.
2. Vehicular Access and Connectivity
- a. Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.
 - b. Ingress and egress locations on public thoroughfares shall be located in the interest of public safety. Access for emergency services (fire and police) shall be provided.
 - c. Alleys or vehicular access easements shall be provided in the following Districts: R-2, MUC-1, MUC-2, MUD and NC zones unless other permanent provisions for access to off-street parking and loading facilities are approved by the decision-maker. The corners of alley intersections shall have a radius of not less than ten feet.
 - d. Sites abutting an alley shall be required to gain vehicular access from the alley unless deemed impracticable by the Community Development Director.
 - e. Where no alley access is available, the development shall be configured to allow only one driveway per frontage. On corner lots, the driveway(s) shall be located off of the side street (unless the side street is an arterial) and away from the street intersection. Shared driveways shall be required as needed to accomplish the requirements of this section. The location and design of pedestrian access from the public sidewalk shall be emphasized so as to be clearly visible and distinguishable from the vehicular access to the site. Special landscaping, paving, lighting, and architectural treatments may be required to accomplish this requirement
 - f. Development shall be required to provide existing or future connections to adjacent sites through the use of a vehicular and pedestrian access easements where applicable.
 - g. Parking garage entries (both individual, private and shared parking garages) shall not dominate the streetscape. They shall be designed and situated to be ancillary to the use and architecture of the ground floor. This standard applies to both public garages and any individual private garages, whether they front on a street or private interior access road.
 - h. Buildings containing above-grade structured parking shall screen such parking areas with landscaping or landscaped berms, or incorporate contextual architectural elements that

complement adjacent buildings or buildings in the area. Upper level parking garages shall use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.

3. Building structures shall be complimentary to the surrounding area. All exterior surfaces shall present a finished appearance. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear facades or decking shall be prohibited.
 - a. Alterations, additions and new construction located within the McLoughlin Conservation District, Canemah National Register District, and the Downtown Design District and when abutting a designated Historic Landmark shall utilize materials and a design that incorporates the architecture of the subject building as well as the surrounding district or abutting Historic Landmark. Historic materials such as doors, windows and siding shall be retained or replaced with in kind materials unless the Community Development Director determines that the materials cannot be retained and the new design and materials are compatible with the subject building, and District or Landmark. The Community Development Director may utilize the Historic Review Board's Guidelines for New Construction (2006) to develop findings to show compliance with this section.
 - b. In historic areas and where development could have a significant visual impact, the review authority may request the advisory opinions of appropriate experts designated by the Community Development Director from the design fields of architecture, landscaping and urban planning. The applicant shall pay the costs associated with obtaining such independent professional advice; provided, however, that the review authority shall seek to minimize those costs to the extent practicable.
4. Grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.
5. Development subject to the requirements of the Geologic Hazard overlay district shall comply with the requirements of that district.
6. Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards.
7. Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, Chapter 17.52.
8. Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and street design standards. Upon application, the Community Development Director may waive this requirement in whole or in part in those locations where there is no probable need, or comparable alternative location provisions for pedestrians are made.
9. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:
 - a. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct. Exceptions may be allowed by the Director where steep slopes or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.

- b. The pedestrian circulation system shall connect all main entrances on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard. Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.
 - c. Elevated external stairways or walkways, that provide pedestrian access to multiple dwelling units located above the ground floor of any building are prohibited. The Community Development Director may allow exceptions for external stairways or walkways located in, or facing interior courtyard areas provided they do not compromise visual access from dwelling units into the courtyard.
 - d. The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.
 - e. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent commercial and residential sites where practicable. Walkway linkages to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially-zoned land.
 - f. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.
10. There shall be provided adequate means to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency.
11. Site planning shall conform to the requirements of OCMC Chapter 17.41 Tree Protection
12. Development shall be planned, designed, constructed and maintained to protect water resources and habitat conservation areas in accordance with the requirements of the city's Natural Resources Overlay District, Chapter 17.49, as applicable.
13. All development shall maintain continuous compliance with applicable federal, state, and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference. Prior to issuance of a building permit, the Community Development Director or building official may require submission of evidence demonstrating compliance with such standards and receipt of necessary permits. The review authority may regulate the hours of construction or operation to minimize adverse impacts on adjoining residences, businesses or neighborhoods. The emission of odorous gases or other matter in such quantity as to be readily detectable at any point beyond the property line of the use creating the odors or matter is prohibited.
14. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities

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

15. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the city's transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

When approving land use actions, Oregon City requires all relevant intersections to be maintained at the minimum acceptable level of service (LOS) upon full build-out of the proposed land use action. The minimum acceptable LOS standards are as follows:

- a. For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of critical movements.
 - b. For signalized intersections within the Regional Center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0.
 - c. For unsignalized intersection throughout the city a LOS "E" or better for the poorest approach and with no movement serving more than twenty peak hour vehicles operating at worse than LOS "F" will be tolerated for minor movements during a peak hour.
16. If Tri-Met, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, bus landing pad or transit stop connection be constructed at the time of development, the review authority shall require such improvement, using designs supportive of transit use
 17. All utility lines shall be placed underground.
 18. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.

19. For a residential development, site layout shall achieve at least eighty percent of the maximum density of the base zone for the net developable area. Net developable area excludes all areas for required right-of-way dedication, land protected from development through Natural Resource or Geologic Hazards protection, and required open space or park dedication.
20. Screening of Mechanical Equipment:
- a. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening.
 - b. Wall-mounted mechanical equipment shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning or HVAC equipment and groups of multiple utility meters, that extends six inches or more from the outer building wall shall be screened from view from streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least 80 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.
 - c. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least 80 percent of the view. Placement and type of screening shall be determined by the Community Development Director.
 - d. All mechanical equipment shall comply with the standards in this section. If mechanical equipment is installed outside of the Site Plan and Design Review process, planning staff shall review the plans to determine if additional screening is required. If the proposed screening meets this section, no additional Planning review is required.
 - e. This section shall not apply to the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.

21. Building Materials

- a. Preferred building materials. Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the City's desired traditional character are as follows:
 - i. Brick.
 - ii. Basalt stone or basalt veneer
 - iii. Narrow horizontal wood or composite siding (generally 5 inches wide or less); wider siding will be considered where there is a historic precedent.
 - iv. Board and baton siding
 - v. Other materials subject to approval by the Community Development Director.

- vi. Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.
- vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

b. Prohibited materials. The following materials shall be prohibited in visible locations 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 10 percent of the building façade
- iii. Corrugated fiberglass.
- iv. Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).
- v. Crushed colored rock/crushed tumbled glass.
- vii. Non-corrugated and highly reflective sheet metal.

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

1. Concrete block. When used for the front 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 3 feet above the finished grade level adjacent to the foundation wall.
 2. Metal siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level).
 3. Exterior Insulation and Finish System (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.
 4. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.
22. Conditions of Approval. The review authority may impose such conditions as it deems necessary to ensure compliance with these standards and other applicable review criteria, including standards set out in city overlay districts, the city's master plans, and city public works design standards. Such conditions shall apply as described in Sections 17.50.310, 17.50.320 and 17.50.330. The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the city attorney.

17.62.055 Institutional and Commercial Building Standards.

- A. Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved through this process are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety through informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.
- B. Applicability. In addition to Section 17.62.050 requirements, institutional and commercial buildings shall comply with design standards contained in this section.
- C. Relationship between zoning district design standards and requirements of this section.
1. Building design shall contribute to the uniqueness of the underlying zoning district by applying appropriate materials, elements, features, color range and activity areas tailored specifically to the site and its context.
 2. A standardized prototype or franchise design shall be modified if necessary to meet the provisions of this section.
 3. In the case of a multiple building development, each individual building shall include predominant characteristics, architectural vocabulary and massing shared by all buildings in the development so that the development forms a cohesive place within the underlying zoning district or community.
 4. 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.
 5. On sites with 100 feet or more of frontage at least 60 percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of 17.62.055(D). For sites with less than 100 feet of street frontage, at least 50 percent of the site frontage width shall be occupied by buildings placed within five feet of the property line unless a greater setback is accepted under the provisions of 17.62.055(D).
- D. Relationship of Buildings to Streets and Parking.
1. Buildings shall be placed no farther than five feet from the front property line. 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 5 feet of increased setback requested:
 - a. Tables, benches or other approved seating area
 - b. Cobbled, patterned or paved stone or enhanced concrete
 - c. Pedestrian scale lighting
 - d. Sculpture / public art

- e. Fountains / Water feature
 - f. At least 20 square feet of landscaping or planter boxes for each tenant façade fronting on the activity area
 - g. Outdoor cafe
 - h. Enhanced landscaping or additional landscaping.
 - i. Other elements, as approved by the Community Development Director, that can meet the intent of this section.
2. The front most architecturally significant façade shall be oriented toward the street and shall be accessed from a public sidewalk. 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.
3. Entryways. The primary entranceway for each commercial or retail establishment shall face the major street. The entrance may be recessed behind the property line a maximum of five feet unless a larger setback is approved pursuant to Section 17.62.055.D.1 and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined, highly visible and recessed or framed by a sheltering element including at least four of the following elements, listed below.
- a. Canopies or porticos;
 - b. Overhangs;
 - c. Recesses/projections;
 - d. Arcades;
 - e. Raised corniced parapets over the door;
 - f. Peaked roof forms;
 - g. Arches;
 - h. Outdoor patios;
 - i. Display windows;
 - j. Architectural details such as tile work and moldings which are integrated into the building structure and design;
 - k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
 - l. Planter boxes and street furniture placed in the right-of-way shall be approved for use according to materials, scale and type.
4. Where additional stores will be located in the large retail establishment, each such store shall have at least one exterior customer entrance, which shall conform to the same requirements. (Ord. 01-1002 §2, 2001)
5. 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. Awnings shall be no longer than a single storefront.

E. 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 25 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 25 feet of the corner of the building.

2. Chamfer the corner of the building (i.e. cut the corner at a 45-degree angle and a minimum of 10 feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.

F. Commercial First Floor Frontage.

In order to ensure that the ground floor of structures have adequate height to function efficiently for retail uses, the first floor height to finished ceiling of new infill buildings in the mixed use and neighborhood commercial districts shall be no lower than 14 feet floor to floor. Where appropriate, the exterior façade at the ceiling level of new structures shall include banding, a change of materials or relief which responds to the cornice lines and window location of existing buildings that abut new structures.

G. Variation in Massing

1. A single, large, dominant building mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings.
2. Horizontal masses shall not exceed a height: width ratio of 1:3 without substantial variation in massing that includes a change in height and projecting or recessed elements.
3. Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect.

H. Minimum Wall Articulation.

1. Facades shall add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including, but not be limited to, at least two of the following:
 - i. Change in plane,
 - ii. Change in texture or masonry pattern or color,
 - iii. Windows, treillage with landscaping appropriate for establishment on a trellis.
 - iv. An equivalent element that subdivides the wall into human scale proportions.
2. Facades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least twenty percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred horizontal feet.
3. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length.
4. Building facades must include a repeating pattern that includes any one or more of the following elements:

- a. Color change;
- b. Texture change;
- c. Material module change.

5. Facades shall have an expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib.

6. Facades shall have at least one of elements subsections (H) 4 or 5 of this section repeat horizontally. All elements shall repeat at intervals of no more than thirty feet, either horizontally or vertically.

I. Façade Transparency.

1. Transparent windows or doors facing the street are required. The main front elevation shall provide at least sixty percent (60%) windows or transparency at the pedestrian level. Facades on corner lots shall provide at least sixty percent (60%) windows or transparency on all corner-side façades. All other side elevations shall provide at least thirty percent (30%) transparency. The transparency is measured in lineal fashion. For example, a one-hundred-foot long building elevation shall have at least sixty feet (60% of 100 feet) of transparency in length. Reflective, glazed, mirrored or tinted glass is limited to ten percent (10%) of the lineal footage of windows on the street facing façade. Highly reflective or glare-producing glass with a reflective factor of .25 or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen (15) percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.
2. Side or rear 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 20 feet of a Right of Way shall be utilized as display windows with a minimum display depth of 36 inches.

J. Roof Treatments.

1. All facades shall have a recognizable “top” consisting of, but not limited to:
 - a. Cornice treatments, other than just colored “stripes” or “bands,” with integrally textured materials such as stone or other masonry or differently colored materials; or
 - b. Sloping roof with overhangs and brackets; or
 - c. Stepped parapets;
 - d. Special architectural features, such as bay windows, decorative roofs and entry features may project up to three feet into street rights-of-way, provided that they are not less than nine feet above the sidewalk.

2. Mixed use buildings: For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall). The maximum length of any continuous roofline shall be 75 feet.
 - 3 Other roof forms consistent with the design standards herein may satisfy this standard if the individual segments of the roof with no change in slope or discontinuity are less than 40 feet in width (measured horizontally).
- K. Drive-through facilities shall:
1. Be located at the side or rear of the building
 2. Be designed to maximize queue storage on site.

17.62.056 Additional Standards for Large Retail Establishments.

- A. This section is intended to ensure that large retail building development is compatible with its surrounding area.
- B. Large retail establishment shall mean a retail building occupying more than ten thousand gross square feet of floor area.
- C. In addition to Sections 17.62.050 and 17.62.055 requirements, large retail buildings shall comply with design standards contained in this section.
- D. Development Standards.
 1. Roofs. Roofs shall include at least two of the following features:
 - a. Parapets concealing flat roofs and rooftop equipment from public view. The average height of such parapets shall not exceed fifteen percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment;
 - b. Overhanging eaves, extending no less than three feet past the supporting walls;
 - c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run;
 - d. Three or more roof slope planes.
 2. Site Design and Relationship to Surrounding Community. Retail buildings occupying more than twenty-five thousand gross square feet of floor area shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:
 - a. Patio/seating area;
 - b. Pedestrian plaza with benches;

- c. Transportation center;
- d. Window shopping walkway;
- e. Outdoor playground area;
- f. Kiosk area, water feature;
- g. Clock tower;
- h. Or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

17.62.057 Multi Family Standards

- A. Purpose. The standards of this section are intended to promote high-quality multi-family residential development and construction; encourage visual variety and architectural compatibility; and promote an integrated character with Oregon City's existing neighborhoods. Specifically, the standards shall:
 - 1. Promote architectural variety that adds visual interest to the neighborhood.
 - 2. Reduce the apparent bulk and scale of large buildings.
 - 3. Provide for a variety of housing types for a range of households and age groups.
 - 4. Enhance public safety, residential streetscape and the pedestrian environment by diminishing the prominence of garages and parking areas.
 - 5. Improve the compatibility of multi-family residential development with the residential character of surrounding neighborhoods.
 - 6. Promote the use of durable materials that which are appropriate for multi-family residential use and which reduce long-term maintenance costs and depreciation.
- B. Applicability. In addition to Section 17.62.050 requirements, all multi-family buildings shall comply with the design standards contained in this section. Cottage Housing Development shall follow OCMC 17.62.58 instead of this section.
- C. Setbacks-Multi-family developments shall be placed no farther than twenty feet from the front property line. A deeper front yard setback may be approved through site plan and design review if the setback area incorporates enhanced pedestrian spaces and amenities, including but not limited to, street furniture, public art or other such deliberately shaped area and/or a feature or amenity that, in the judgment of the Community Development Director, integrates well with adjoining areas. Setbacks may also be increased in order to protect wildlife habitat and water resources pursuant to section 17.49.100(F), and trees and tree groves pursuant to and 17.41.120(A).
- D. Entrances- Every building abutting a street shall have a street facing front façade. The facade shall be oriented to the street and include windows, doorways, and a structured transition from public to private areas using built elements such as porch features, arbors, low walls, trellis work and/or similar elements integrated with planting.

E. Percentage of Frontage - On sites with 100 ft. or more of street frontage at least 50 percent of the site frontage width shall be occupied by buildings placed within 20 feet from the property line, unless a greater setback is accepted under the provisions of section 17.62.057C. For sites with less than 100 ft. of street frontage, at least 40 percent of the site frontage width shall be occupied by buildings placed within 20 feet of the property line, unless a greater setback is accepted under the provisions of section 17.62.056D

F. Pedestrian Circulation

1. Pathways between dwelling units entrances and the street are required. Such pathways between the street and buildings fronting on the street shall be in a straight line. Exceptions may be allowed by the Director where steep slopes 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 on the site. For townhouses or other residential units fronting on the street, the sidewalk may be used to meet this standard. For multiple-family developments, pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.
3. Elevated external stairways or walkways, which provide pedestrian access to dwelling units located above the ground floor are *prohibited*. The Community Development Director may allow exceptions for external stairways or walkways located in, or facing interior *courtyard* areas provided they do not compromise visual access from dwelling units into the courtyard.

G. Architectural and Material Standards. Building articulation and modulation - multifamily residential buildings and residential portions of mixed-use buildings. An alternative to the standards in subsection G. below may be approved by the Community Development Director if the design is consistent with the intent of the standards and a specific architectural or building use exists that prohibits the full implementation of the standard.

1. Articulation and modulation of buildings is essential in providing the ability for new buildings to be compatible with the surrounding commercial and residential development. All residential buildings and residential portions of mixed-use buildings shall include at least three of the following *modulation* and/or *articulation* features at intervals of no more than 30 feet along all facades facing a street, common open space, and common parking areas:
 - a. Repeating distinctive window patterns at intervals less than the required interval. Vertical building *modulation*. Minimum depth and width of *modulation* is 36 inches and 4 feet (respectively) if tied to a change in color or building material and/or roofline *modulation*. Otherwise, minimum depth of *modulation* is 10 feet and minimum width for each *modulation* is 15 feet. Balconies may not be used to meet *modulation* option unless they are recessed or projected from the facade and integrated with the building's architecture as determined by the Community Development Director, Balconies that appear to be "tacked on" to the facade will not qualify for this option.
 - b. Horizontal *modulation* (upper level step-backs). The minimum horizontal *modulation* for buildings higher than 2 stories shall be 5 feet. A dormer- set 5 feet back from the front facade-is an example of an acceptable horizontal modulation.

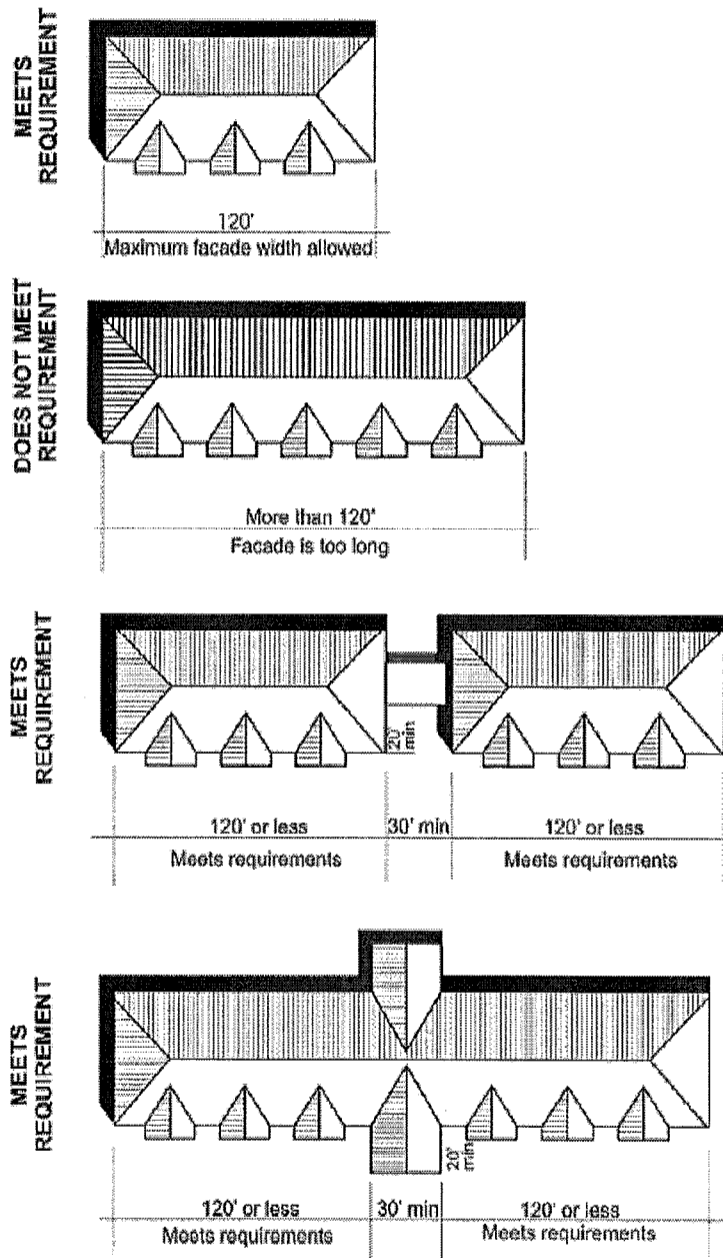
- c. *Articulation* of the building's top, middle, and bottom. This typically includes a distinctive ground floor or lower floor design, consistent *articulation* of middle floors, and a distinctive roofline.



This multifamily building uses a combination of horizontal and vertical modulation, roofline modulation, distinctive window patterns, and clear articulation of the building's top, middle, and bottom to help reduce its perceived architectural scale and add visual interest.

2. Maximum façades width. Buildings visible from the street must use design techniques to break up long continuous building walls, reduce the architectural scale of the building, and add visual interest. Buildings exceeding 120 feet in width along the street front shall be divided by a 30-foot wide *modulation* of the exterior wall, so that the maximum length of a particular facade is 120 feet. Such *modulation* must be at least 20 feet or deeper and extend through all floors. Decks and roof overhangs may encroach up to 3 feet (per side) into the *modulation*. The Director will consider other design

methods that are effective at reducing the perceived width of the building. Examples could include a combination of vertical and/or horizontal building modulation with a change in building materials or finishes, a clear change in building articulation and/or fenestration technique.



3. Roofline standards.

- a. Single purpose residential buildings in residential districts must provide a pitched roof with minimum 6:12 roof pitch. The maximum width of any continuous roofline shall be 35 feet for single purpose residential buildings. Alternative roof designs will be considered provided design elements are included to help the building and its roofline fit into the site's context.
- b. Mixed use buildings and stand-alone residential in commercial districts shall incorporate a roofline *modulation*. Specifically: For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline *modulation* is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall). The maximum length of any continuous roofline shall be 75 feet.
- c. Other roof forms consistent with the design standards herein may satisfy this standard if the individual segments of the roof with no change in slope or discontinuity are less than 40 feet in width (measured horizontally).

H. Diversity of building types. Multi-building developments of four or more buildings shall be required to provide different architectural designs to provide interest and variety. This is particularly important where multiple buildings front on the same street. Simple changes in building colors or reversal of basic facade designs are not sufficient to comply with this standard. Consider changes in vertical and/or horizontal *articulation, fenestration*, building materials, architectural style, and/or roof design.

I. Diversity of unit types. Multifamily buildings with more than 25 units are required to provide a diversity of housing types to allow for a range of households and age groups. Unit types are defined as the following:

Studio, one-bedroom, two-bedroom and three-bedroom units or an ADA accessible master bedroom and bathroom (ground floor or elevator access).

1. Developments of 25-50 units must provide 2 unit types representing a minimum of 10 % of the total units per unit type
2. Developments of 51-75 units must provide 3 unit types representing a minimum of 10 % of the total units per unit type
3. Developments of 76 units and above must provide 4 unit types representing a minimum of 10 % of the total units per unit type

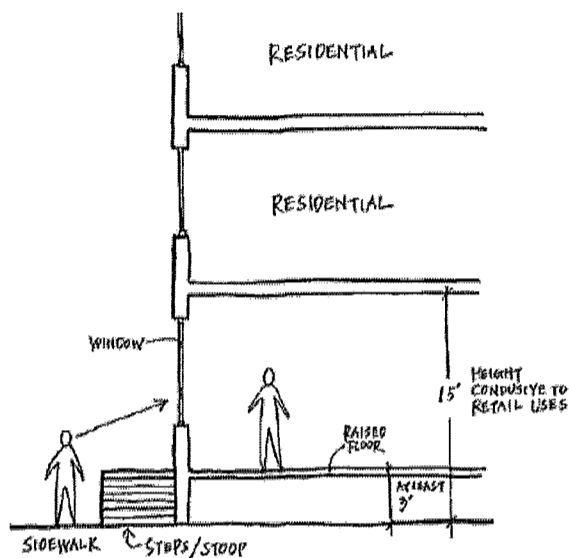
J. Raised ground floor.

This is particularly important when dwelling units are within 15 feet of a sidewalk or common parking area

or for buildings in established neighborhoods that have an established pattern with raised dwelling units.

Where ground floor residential uses are permitted on the ground floor in commercial districts, developments

shall incorporate a 13-foot tall ground floor height to allow future conversion to commercial uses where desirable. Such projects can utilize a false floor 36 inches above the ground for residential uses to increase residents' privacy.



K. Building Materials

All multifamily buildings shall be enhanced with appropriate details. Each of the types of details listed below are worth one point. Multifamily buildings must achieve the equivalent of five points worth of architectural details.

1. Decorative porch design with distinct design and use of materials.
2. Decorative treatment of windows and doors, such as decorative molding/ framing details around all ground floor windows and doors, bay windows, decorative glazing, or door designs., and/or unique window designs.
3. Landscaped trellises or other decorative element that incorporates landscaping near the building entry or entries.
4. Decorative light fixtures with a diffuse visible light source, such as a globe or "acorn" that is non-glaring or a decorative shade or mounting for each building entry on the facade.
5. Brick or stonework covering more than 15 percent of the facade
6. Decorative building materials that add visual interest, including
 - a. Individualized patterns or continuous wood details.
 - b. Decorative moldings, brackets, wave trim or lattice work.
 - c. Other materials with decorative or textural qualities as approved by the Director. The applicant must submit architectural drawings and material samples for approval.
7. Decorative roofline design, including multiple gables and/or dormers , decorative parapet or other design that adds distinct visual interest.
8. Decorative railings, grill work, or terraced landscape beds integrated along the façade of the building.

9. Other details that meet the intent of the guidelines as approved by the Director.

L. Window design.

1. Transparent windows or doors facing the street are required. To meet this requirement, at least 15 percent of the facade must be transparent. Transparency is measured at the 1st floor only.
2. All windows on all elevations shall recess or project individual windows at least two inches from the facade and incorporate window trim at least four inches in width that features color that contrasts with the base building color. Exceptions will be considered by the Community Development Director where buildings employ other distinctive window or facade treatment that adds visual interest to the building.

M. Common Open Space Requirements

1. Intent. Creating areas of common 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.

2. Common Open Space Required. All new multi-family developments in all zones except for the Mixed Use Corridor, Neighborhood Commercial or Mixed Use Downtown Districts, shall set aside a percentage of the net site acreage as common open space for the use and enjoyment of the development's residents. The common open space shall be aggregated into meaningful, quality open spaces. Clustering of buildings is encouraged to minimize small, narrow, unassigned strips in front of and between buildings. Open space areas shall be clearly identified on the development plan. Such designated common open space can be in a natural, undisturbed state, or may be landscaped for more formal courtyards or plazas, or may be developed for active or passive recreation. Phasing shall not be used to circumvent common open space standards.

3. Minimum Amount Required. The minimum amount of common open space (as a percentage of net land area) shall be: 15 percent

4. Areas Not Allowed as Part of Common Open Space. The following shall not

count toward common open space set-aside requirements:

(a) Private lots, yards, balconies and patios dedicated for use by a specific unit;

(b) Public right-of-way or private streets and drives;

(c) Open parking areas and driveways for dwellings;

(d) Land covered by structures except for ancillary structures associated with the use of the open space such as gazebos and picnic shelters or recreation building.

(e) Designated outdoor storage areas;

(f) Land areas between buildings and parking lots or driveways of less than 20 feet;

(g) Required perimeter setbacks; and

(h) Detention/retention facilities, including drainage swales, except that detention or retention areas and stormwater management structures or facilities may be used to meet up to one-hundred percent (100%) of the required common open space amount provided such areas or facilities are accessible and useable, as determined by the city, as year-round community amenities by the residents of the development (e.g., picnic areas, passive recreation areas, playgrounds, ponds for fishing and/or boating, etc.)

f. Required Greenway Linkages. Where a greenway linkage, natural or water resource area or other public park is dedicated to or acquired by the City, the area may be credited toward ½ the minimum amount of common open space required. The dedicated lands are not to be calculated in the net land area.

g. Design Criteria for Open Space. All common open space lands shall meet the following design criteria, as relevant:

2. Connectivity Required. To the maximum extent practicable, common open space shall be organized to create integrated systems of open space that connect with the following types of lands located within or adjacent to the development:

- (1) Dedicated public park, greenway, or habitat lands;
- (2) Dedicated school sites;
- (3) Other dedicated open spaces;
- (4) Common open space located adjacent to the development;
- (5) Portions of the regional trail and open space system;

a. Compact and Contiguous. To the maximum extent practicable, common open space land shall be compact and contiguous unless the land is used as a continuation of an existing greenway, trail, or other linear park, or unless specific topographic features require a different configuration. An example of such topographic features would be the provision of open space along a scenic creek.

b. Accessible to Residents. Common open space shall be reasonably accessible to all of the residents of the development. The city may require access to be restricted if it would degrade, destroy, or adversely interfere with sensitive environmental or natural areas or with significant historic or cultural resources

c. Recreational Facilities. If an applicant constructs recreational facilities in the common open space as a community amenity, such recreational facilities shall be constructed in accordance with applicable city standards regarding, but not limited to, size, siting, use, materials, and similar matters. The recreational facilities shall be built with long-lasting and sturdy materials. A long-term maintenance schedule may be required to ensure that there is sufficient funding and management set in place for the amenity to be maintained and replaced if needed.

d. Design Criteria. Common open spaces, other than those preserved as natural features or areas, should include gardens, courtyards, recreation, or play areas. Required common open space areas over 10,000 square feet of non-natural area shall provide a minimum of five amenities from the list below. Open space of 10,000 feet or less of non-natural area shall provide three amenities.

- (i) Seasonal planting/community gardening areas.

- (ii) Large trees
- (iii) Seating.
- (iv) Pedestrian-scaled lighting.
- (v) Gazebos or other decorative shelters.
- (vi) Play structures for children.
- (vii) On-site community recreation amenities.
- (viii) Roof gardens or shared patio decks
- (ix) An alternative amenity as approved by the Community Development Director.

4. Exceptions to the common open space standard may be granted for the following:
- a. For multi-unit developments of up to 25 units (or for the first 25 units of a larger project) no common open space shall be required when such developments are within one-quarter mile (measured walking distance) to a public park of 3 acres or more; and there is a direct, improved, permanent, public, Americans with Disabilities Act (ADA) - accessible, lighted, maintained pedestrian trail or sidewalk between the sites. An exception shall be granted only when the nearby park provides an active and fully improved recreation area.
 - b. For multi-unit developments with required common open space in excess of 15,000 square feet, the required open space may be reduced by ½ if access to the public is provided. The qualifying open space area shall be for active use, be maintained by the home owners association and not be within the boundaries of a Water Resource Buffer area.

N. Private Open Space

1. Private Open Space Required. All new multi-family developments in all zones except for the Mixed Use Corridor, Neighborhood Commercial or Mixed Use Downtown Districts, shall set aside a private open space for the use and enjoyment of the development's residents. Private open space is a semi-enclosed area, which is intended for use strictly by the occupants of one dwelling unit. Private open space may include porches, balconies, terraces, roof top gardens, verandas, and decks. Dwellings located at finished grade, or within five feet of finished grade, shall provide a minimum of ninety-six square feet of private open space per dwelling unit, with no dimension less than six feet. Dwellings located more than five feet above finished grade shall provide a minimum of forty-eight square feet with no dimension less than six feet. Ground level private open space shall be visually and physically separated from common open space through the use of perimeter landscaping or fencing.

2. Common And Private Open Space Requirements For Multifamily Dwelling Units In The Mixed Use Corridor, Neighborhood Commercial Or Mixed Use Downtown Districts. All residential development in the Mixed Use Corridor, Neighborhood Commercial Or Mixed Use Downtown Districts must provide a portion of the project area for private open space or common open space. Fifty (50) square feet of private or common open space is required for each dwelling unit. The open space may be allocated exclusively for private or common use or may be a combination of the two uses.

a. *Common Open Space*: Common open space may be provided in the form of decks, shared patios, roof gardens, recreation rooms, lobbies or other gathering spaces created strictly for the tenants and not

associated with storage or circulation. Landscape buffer areas may not be used as common open space unless active and passive uses are integrated into the space and its use will not adversely affect abutting properties.

b. Private Open Space: Private open space may be provided in the forms of decks, screened patios, roof gardens or an alternate private space as approved by the Community Development Director.

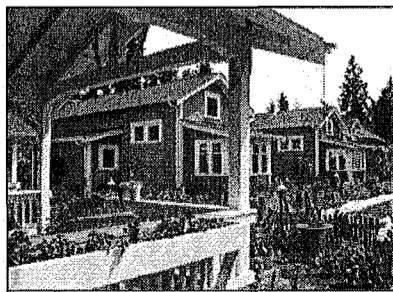
17.62.059 Cottage Housing

A. Applicability

These guidelines apply to all cottage developments in any applicable zone within the City. Cottages are considered multi-family development and are subject to all the applicable sections of OCMC 17.62. Site Plan and Design Review and OCMC 17.52 Off Street Parking and Loading. However, this section replaces OCMC 17.62.057- multifamily. The proposed development shall be processed under the Type II Land Use process and shall remain one lot. Where there is a conflict between these standards and the standards in other chapters, the Cottage Housing standards shall apply.

B. Intent

1. To provide a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single person households).
2. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards.
3. To ensure that the overall size, including bulk and mass of cottage structures and cottage housing developments, remain smaller and incur less visual impact than standard sized single-family dwellings, particularly given the allowed intensity of cottage dwellings.
4. To provide centrally located and functional common open space that fosters a sense of community and a sense of openness in cottage housing developments.
5. To provide private area around the individual dwellings to enable diversity in landscape design and foster a sense of ownership.
6. To ensure minimal visual impact from vehicular use and storage areas for residents of the cottage housing development as well as adjacent properties, and to maintain a single-family character along public streets.



Cottage Clusters

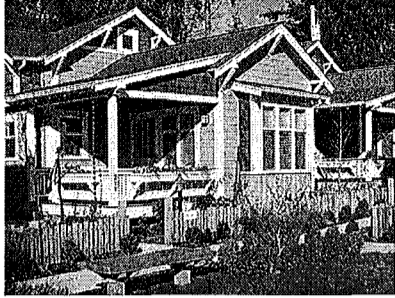
C. Density bonus. For Developments in, R6, R8 and R-10 Zoning Districts: The City shall allow up to two cottage units for each regular dwelling unit allowed under existing standards in applicable zoning districts. For Developments in the R 3.5 and R-5 zoning district: The City shall allow up to 1.5 cottage units for each regular dwelling unit allowed under existing standards in the applicable zoning district. At no time shall the proposed project fall below the minimum required density of the underlying district.

D. Dimensional standards for cottage housing.

Dimensional Standards for Cottage Housing

Standard Requirement

1. Average Gross Floor Area 800 square feet per dwelling
2. Maximum Gross Floor Area 1,200 square feet per dwelling
3. Minimum Gross Floor Area 600 square feet per dwelling
4. Maximum Footprint (not including porches) 700 square feet per dwelling
5. Maximum Accessory building footprint for parking or community use 600 square feet
6. Maximum Accessory building Gross Floor Area for parking or community use 800 square feet
7. Minimum Common Space 400 square feet per dwelling
8. Minimum Private Open Space 200 square feet per dwelling
9. Maximum Height 25 feet.
10. Setbacks (to exterior property lines) Same as the underlying zone
11. Setbacks for non-habitable accessory buildings 200 square feet or less to follow OCMC 17.54.010 (b) 2
12. Minimum Distance Separating dwelling units (*excluding accessory structures*) 10 feet
13. Minimum roof slope of all structures 6:12
14. Minimum Parking Spaces 1.5 space per dwelling
15. Clustered Developments shall contain a minimum of 4 and a maximum of 12 cottage housing units located in a cluster group to encourage a sense of community among the residents. A development site may contain more than one group.
16. Minimum Lot size 10,000 square feet.
17. The total square footage of a cottage dwelling unit may not be increased. A deed restriction shall be placed on the title to the property for purpose of notifying future property owners that any increase in the total square footage of a cottage is prohibited for the life of the cottage or the duration of the city cottage housing regulations.



E. Cottage open space design standards:

1) Common open space requirements for cottage developments:

- a) Shall abut at least 50 percent of the cottages in a cottage housing development.
- b) Shall have cottages abutting on at least two sides of the common open space.
- c) Cottages shall be oriented around and have an entry facing the common open space.
- d) Cottages shall be within 60 feet walking distance of the common open space.
- e) Shall be at least 20 feet in width.
- f) Shall be designed and maintained as an amenity for residents of the development.
- g) Up to 25 percent of the required common open space may be utilized through a community building built for the sole use of the cottage housing residents.
- h) The applicant shall implement a mechanism, acceptable to the Community Development Director to ensure the continued care and maintenance of the common areas. A typical example would be creation of a management, home owner's association or condominium association with authority and funding necessary to maintain the common areas.

2) Required private open space for cottage dwelling units shall be adjacent to each dwelling unit and for the exclusive use of the cottage resident(s). The private space shall be a minimum of 200 square feet and shall be:

- a) Usable (not on a steep slope).
- b) Oriented toward the common open space as much as possible.
- c) No dimension less than ten feet.

3) Alternative open space configurations may be permitted by the Community Development Director provided they present a hierarchy of usable semi-private and public open spaces that meet the intent of the guidelines.

F. Porches and covered entry standards for cottages:

1) Cottage facades facing the common open space, common pathway, or street shall feature a roofed porch at least sixty square feet in size with a minimum dimension of six feet. The front porch shall be covered and must be a minimum of 18 inches above average grade and contain railings.

2) *Exemption:* House styles that do not contain porches or require a reduction in the size of the porch or its location may request an exemption from the Community Development Director from (a) above, if another type of pronounced entryway is provided. Pronounced entrances may include a rounded front door, canopy or other articulated entrances, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.

G. Architectural styles. Structures shall be consistent with historic architectural styles

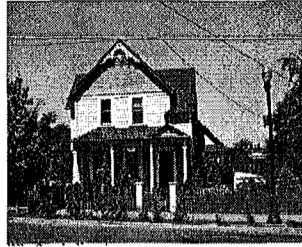
Approved architectural styles include Western Farmhouse/Vernacular, Bungalow and Queen Anne Vernacular. Examples and architectural descriptions of Oregon City historic single-family residential styles can be found in the 2006 Historic Review Board's Design Guidelines for New Construction. An alternate architectural style may be approved by the Community Development Director if it meets the intent of this chapter.



Western Farmhouse/Vernacular



Bungalow (Craftsman)



Queen Anne Vernacular

H. Architectural details. Dwelling units shall contain architectural details.

1. Each of the types of details listed below are worth one point unless otherwise noted. Dwelling units must achieve the equivalent of five points worth of architectural details.

- a) Stonework detailing on columns or across foundation.
- b) Brick or stonework covering more than 10 percent of the facade
- c) Wood, cladded wood, or fiberglass windows on all four elevations of the building. (2- points).
- e) Decorative roofline elements including roof brackets or multiple dormers.
- f) Decorative porch elements including scrolls, or brackets, or railings
- g) Decorative shingle designs.
- h) Decorative paint schemes (three or more colors)i.

Other architectural detailing may be approve by the by the Community Development Director if they are constructed with quality material, have a high level of craftsmanship and are consistent with the architectural style of the dwelling.

2.Approved siding materials.

- a. Brick.
- b. Basalt stone or basalt veneer
- c. Narrow horizontal wood or composite siding (5 inches wide or less); wider siding will be considered where there is a historic precedent.
- d. Board and baton siding solely as an accent element unless the design has historic precedent and is approved by the Community Development Director through the exemption process.

3.Other materials may be approve by the Community Development Director if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.

I. Windows

All windows on all elevations must be recessed at least two inches from the facade and incorporate window trim at least four inches in width. Windows on corner lots must provide an average of one window every 15 feet of linear elevation on each floor of the side elevation.

J. Cottage parking shall be:

- 1) Located on the same property as the cottage development.
- 2) Screened from public streets and adjacent residential uses by landscaping or architectural screening.
- 3) Located in clusters of not more than five adjoining spaces (except where parking areas are adjacent to an alley).
- 4) Parking spaces are prohibited in the front , interior or and side yard setback areas. Drive aisles and access driveways may be allowed in the side or rear yard setback.
- 5) A pitched roof design is required for all detached parking structures. Detached parking structures/garages shall be 600 square feet or less and are not counted as part of the gross floor area of the cottage.
- 6) Garages may be attached to individual cottages provided all other design standards have been met and the footprint of the ground floor, including the garage, is included as part of the gross floor area calculations. Such garages shall be located away from common open spaces, shall not gain access off a public street and shall have garage doors of 10 feet or less in width and be architecturally subordinate to the cottage. No Accessory Dwelling Units (ADU) are allowed within a cottage housing development.

K. Fences.

All fences on the interior of the development shall be no more than thirty-six inches in height. Fences along the exterior property lines are subject to the fence requirements of OCMC 17.54.100. Chain link fences shall not be allowed.

L. Existing Dwelling Unit Onsite

An existing single-family home incorporated into a Cottage Housing Development that does not meet the requirements of this chapter is permitted to remain on a site developed for cottage housing and shall be considered a dwelling in the development. The size of the existing single family dwelling unit may be over the 1200 square foot maximum. The existing dwelling unit shall not be part of the average Gross Floor Area calculations. Modifications or additions to the existing dwelling unit not consistent with the provisions of this chapter shall not be permitted.



17.62.065 Outdoor Lighting

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

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

B. Applicability

1. General

- a. All exterior lighting for any type of commercial, mixed-use, industrial or multi-family development shall comply with the standards of this Section, unless excepted in Subsection B.3.
- b. The City Engineer/Public Works Director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.

2. Lighting Plan Requirement

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

3. Excepted Lighting

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

- a. 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 60 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. General Review Standard. If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. For purposes of this Section, properties that comply with the design standards of Subsection D below shall be deemed to not adversely affect adjacent properties or the community.

D. Design and Illumination Standards

General Outdoor Lighting Standard and Glare Prohibition

1. Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 foot-candles of light as measured at the property line. In no case shall exterior lighting add more than 0.5 footcandle to illumination levels at any point off-site. Exterior lighting is not required except for purposes of public safety. However, if installed, all exterior lighting shall meet the following design standards:
2. Any light source or lamp that emits more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property. All fixtures shall utilize one of the following bulb types: metal halide, induction lamp, compact fluorescent, incandescent (including tungsten-halogen), or high pressure sodium with a color rendering index above 70.
3. The maximum height of any lighting pole serving a multi-family residential use shall be 20 feet. The maximum height serving any other type of use shall be 25 feet, except in parking lots larger than five acres, the maximum height shall be 35 feet if the pole is located at least 100 feet from any residential use.
4. Lighting levels

Table 1-17.62.065. Foot-candle Levels

Location	Min	Max	Avg
Pedestrian Walkways	0.5	7:1 max/min ratio	1.5
Pedestrian Walkways in Parking Lots		10:1 max/min ratio	0.5
Pedestrian Accessways	0.5	7:1 max/min ratio	1.5
Building Entrances	3		
Bicycle Parking Areas	3		
Abutting property	N/A	.05	

5. Parking lots and other background spaces shall be illuminated as unobtrusively as possible while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize pedestrian scale lighting that defines the space without glare.
6. Any on-site pedestrian circulation system shall be lighted to enhance pedestrian safety and allow employees, residents, customers or the public to use the walkways at night. Pedestrian walkway lighting through parking lots shall be lighted to light the walkway and enhance pedestrian safety pursuant to Table 1.
7. Pedestrian Accessways. To enhance pedestrian and bicycle safety, pedestrian accessways required pursuant to OCMC 12.28 shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances. Lamps shall include a high-pressure sodium bulb with an unbreakable lens.
8. Floodlights shall not be utilized to light all or any portion of a building facade between 10:00 pm and 6:00 am.
9. Lighting on automobile service station, convenience store, and other outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.
10. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.
11. In no case shall exterior lighting add more than 1 foot-candle to illumination levels at any point off-site.
12. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
13. 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.
14. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
15. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
16. Wireless Sites. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited. Strobe lighting of Wireless Communication facilities is prohibited unless required by the Federal Aviation Administration. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment on Wireless Communication Facilities shall be initiated by motion detecting lighting.
17. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:
 - i. Maximum permitted light post height: 80 feet.
 - ii. Maximum permitted illumination at the property line: 0.5 foot-candles.

17.62.080 Special Development Standards along Transit Streets.

- A. 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.
- B. 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.
- C. Development Standards.
1. 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.
 - a. 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.
 - b. 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
 2. Main building entrances shall be well lighted and visible from the transit street. The minimum lighting level for building entries shall be three foot-candles. Lighting shall be a pedestrian scale with the source light shielded to reduce glare.
 3. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.
- D. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection C of this section:
1. Heavy equipment sales;
 2. Motor vehicle service stations, including convenience stores associated therewith;
 3. Solid waste transfer stations; and
 4. Truck stops, including convenience stores, eating or drinking establishments, overnight accommodations or other similar services associated therewith. A use found by the Community Development Director to be similar to the exempt uses above.

17.62.085: Refuse and Recycling Standards For Commercial, Industrial, and Multi-family Developments

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

- A. Sized appropriately to meet the needs of current and expected tenants, including an expansion area if necessary;
- B. Designed with sturdy materials, which are compatible to the primary structure(s);
- C. Fully enclosed and visually screened;
- D. Located in a manner easily and safely accessible by collection vehicles;
- E. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;
- F. On a level, hard surface designed to discharge surface water runoff and avoid ponding;
- G. Maintained by the property owner;
- H. Used only for purposes of storing solid waste and recyclable materials;
- I. Designed in accordance with applicable sections of the Oregon City Municipal Code (including Chapter 8.20-Solid Waste Collection and Disposal) and City adopted policies.

17.62.090 Enforcement.

- A. Applications for site plan and design review shall be reviewed in the manner provided in Chapter 17.50. The city building official may issue a certificate of occupancy only after the improvements required by site plan and design review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the city.
- B. In performing site plan and design review, the review authority shall consider the effect of additional financial burdens imposed by such review on the cost and availability of needed housing types. Consideration of such factors shall not prevent the imposition of conditions of approval found necessary to meet the requirements of this section. The cost of such conditions of approval shall not unduly increase the cost of housing beyond the minimum necessary to achieve the provisions of this title, nor shall such cost prevent the construction of needed housing types. The use of the site plan and design review provisions of this section shall have no effect on dwelling unit densities.

17.62.095 Performance Guarantees.

- A. Purpose. This section states the requirements for performance guarantees when they are required of an applicant by this Section or as a condition of a site plan and design review approval.
- B. Types of guarantees. Guarantees by the applicant may be in the form of a performance bond payable to the City in cash, by certified check, time certificate of deposit, irrevocable letter of credit, or other form acceptable to the City. Indemnity agreements may be used by other governmental agencies. Guarantees must be accompanied by a contract. The form of the guarantee and contract must be approved by the City Attorney. The Community Development Director is authorized to accept and sign the contract for the City, and to accept the guarantee. The guarantee must be filed with the City Recorder.

- C. Amount of guarantee. The amount of the performance guarantee must be equal to at least 110 percent of the estimated cost of performance. The applicant must provide written estimates by three contractors with their names and addresses. The estimates must include as separate items all materials, labor, and other costs of the required action.
- D. Completion. An inspection and approval of the action or improvement covered by the performance guarantee is required before the performance guarantee is returned. The inspection is done by the Planning Division or by other appropriate City departments. If the action or improvement is not completed satisfactorily within the stated time limits, the City may have the necessary action or improvement completed and seek reimbursement for the work from the performance guarantee. Any remaining funds will be returned to the applicant.

17.62.100 Fees.

Pursuant to Section 17.50.480, a nonrefundable application fee shall accompany the application for site plan and review.

Oregon City Municipal Code Chapter 17.65 - Master Plans

17.65.10 Purpose and Intent

It is the intent of this Chapter to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable services and employment opportunities that these developments bring to Oregon City residents. The master plan process is intended to facilitate an efficient and flexible review process for major developments and to provide them with the assurance they need over the long term so that they can plan for and execute their developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address the larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs.

17.65.20 What is Included in a Master Plan

A. A Master Plan is a two-step process that includes a General Development Plan and a Detailed Development Plan.

A General Development Plan incorporates the entire area where development is planned in the next 5-20 years, including the identification of one or more development phases. The General Development Plan may encompass land that is not currently under the applicant's control, but which eventually may be controlled by the applicant during the duration of the master plan. The plan shall have no effect for lands not currently controlled by the applicant. "Controlled" shall be defined as leased or owned by the applicant.

A Detailed Development Plan is the phase or phases of the General Development Plan that are proposed for development within two-years.

B. A Master Plan identifies the current and proposed use of the development, as defined by the General Development Plan boundary. If approved, the General Development Plan may be used to allow existing legal non-conforming uses. If conditions of approval from a previous land use decision have not been completed, they must be modified through the General Development Plan or completed with new development.

C. A Master Plan identifies future development impacts, thresholds for mitigation and mitigation improvements and implementation schedules.

A threshold for mitigation is the point that determines when or where a mitigation improvement will be required. Examples of "thresholds" include vehicle trips, square feet of impervious surface area, water usage measured in gallons per minute, construction of a building within a General Development Plan and construction of a building within a certain distance of a residential lot.

Mitigation improvements are improvements that will be made or constructed by an institution when a threshold for mitigation is reached. Examples include road dedication, intersection improvement, road widening, construction of a stormwater or water quality facility, installation of vegetative buffering and wetland restoration or enhancement.

17.65.030 Applicability of the Master Plan Regulations.

- A. Submission. A master plan shall be submitted for any institutional development on a site over ten acres in size. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No permit under this title shall be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter.
The provisions of this chapter do not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.
- B. When Required as Part of Previous Land Use Review. The master plan regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.
- C. When Identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the Land Use section of the Oregon City Comprehensive Plan.
- D. Voluntarily. An applicant may voluntarily submit a master plan as part of a land use review. (Ord. 03-1014, Att. B3 (part), 2003)

17.65.040 Procedure.

- A. Preapplication Review. Prior to filing for either General Development Plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to Section 17.50.030.
- B. General Development Plan. An application for a General Development Plan describing the the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant must have an approved General Development Plan before any detailed development plan may be approved, unless both are approved or amended concurrently. Amendments to an approved General Development Plan shall be reviewed under a Type III procedure pursuant to Section 17.65.080.
- C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved General Development Plan. Amendments to an approved detailed development plan shall be processed pursuant to Section 17.65.080. Once a development has an approved detailed development plan, Chapter 17.62 Site Plan and Design Review is not be required.
- D. Concurrent Review. An applicant may concurrently apply for a General Development Plan and a detailed development plan, or any phase of a detailed development plan. Such a concurrent application is reviewed through a Type III procedure. (Ord. 03-1014, Att. B3 (part), 2003)

17.65.50 General Development Plan

A. Existing Conditions Submittal Requirements

1. Narrative statement. An applicant must submit a narrative statement that describes the following:

- a. Current uses of and development on the site, including programs or services.
- b. History or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the General Development Plan.
- c. A vicinity map showing the location of the General Development Plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map must be 8.5" x 11" in size, and black and white reproducible.
- d. Non-institutional uses that surround the development site. May also reference submitted maps, diagrams or photographs.
- e. Previous land use approvals within the General Development Plan boundary and related conditions of approval.
- f. Existing utilization of the site. May also reference submitted maps, diagrams or photographs.
- g. Site description, including the following items. May also reference submitted maps, diagrams or photographs.

- (1) Physical characteristics,
- (2) Ownership patterns,
- (3) Building inventory,
- (4) Vehicle/bicycle parking,
- (5) Landscaping/usable open space,
- (6) FAR/lot coverage,
- (7) Natural resources that appear on the City's adopted Goal 5 inventory,
- (8) Cultural/historic resources that appear on the City's adopted Goal 5 inventory, and,
- (9) Location of existing trees 6" in diameter or greater when measured 4' above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually.

h. Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.

- (1) Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;
- (2) Transit routes, facilities and availability;
- (3) Alternative modes utilization, including shuttle buses and carpool programs; and
- (4) Baseline parking demand and supply study (may be appended to application or waived if not applicable).

i. Infrastructure facilities and capacity, including the following items.

- (1) Water,
- (2) Sanitary sewer,
- (3) Stormwater management, and
- (4) Easements.

2. Maps and Plans.

a. Existing conditions site plan. Drawn at a minimum scale of one-inch equals one hundred feet (1"=100') that shows the following items. At least one copy must be 8.5" x 11" in size, and black and white reproducible.

- (1) Date, north point, and scale of drawing.
- (2) Identification of the drawing as an existing conditions site plan.
- (3) Proposed development boundary.
- (4) All parking, circulation, loading and service areas, including locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title.
- (5) Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent.

- (6) A site plan or plans, to scale, for the General Development Plan site and surrounding properties containing the required information identified in:
 - a. Chapter 17.62.040.A(1), (2), (3), (4), (5), (6), (7), (9), (11), (12), (13), (14), and (15);
 - b. Chapter 17.62.040.B;
 - c. Chapter 17.62.040.F; and
 - d. Chapter 17.62.040.G

b. Vicinity map. Depicting the location of the site sufficient to define its location, including identification of nearest cross streets. At least one copy of the vicinity map must be 8.5" x 11" in size, and black and white reproducible.

c. Aerial photo. Depicting the subject site and property within 250 feet of the proposed development boundaries. At least one copy of the aerial photo must be 8.5" x 11" in size, and black and white reproducible.

B. Proposed Development Submittal Requirements

1. Narrative statement. An applicant shall submit a narrative statement that describes the following:

- a. The proposed duration of the General Development Plan.
- b. The proposed development boundary. May also reference submitted maps or diagrams.
- c. A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.
- d. An explanation of how the proposed development is consistent with the purposes of Section 17.65, the institutional zone, and any applicable overlay district.
- e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within 250 feet of the proposed development boundary.
- f. An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:
 - (1) Transportation impacts as prescribed in Subsection "g" below;
 - (2) Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within 250 feet of the development boundary;
 - (3) Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems;
 - (4) Neighborhood livability impacts;
 - (5) Natural, cultural and historical resource impacts within the development boundary and within 250 feet of the development boundary.
- g. A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan.
- h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by City requirements. The transportation impact study shall either:
 - (1) address the impacts of the development of the site consistent with all phases of

- the General Development Plan; or
 - (2) address the impacts of specific phases if the City Engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.
 - i. If an applicant chooses to pursue option h(1), the applicant may choose among three options for implementing required transportation capacity and safety improvements:
 - (1) The General Development Plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.
 - (2) The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed General Development Plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a General Development Plan is later amended in a manner so as to cause the projected average daily trips, the projected AM or PM peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.
 - (3) The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.
 - j. The applicant or city staff may propose objective development standards to address identified impacts that will apply within the proposed development on land that is controlled by the institution. Upon approval of the General Development Plan, these standards will supercede corresponding development standards found in this code. Development standards shall address at least the following:
 - (1) Pedestrian, bicycle and vehicle circulation and connectivity;
 - (2) Internal vehicle and bicycle parking;
 - (3) Building setbacks, landscaping and buffering;
 - (4) Building design, including pedestrian orientation, height, bulk, materials, ground floor windows and other standards of Chapter 17.62; and
 - (5) Other standards that address identified development impacts.

2. Maps and diagrams. The applicant must submit, in the form of scaled maps or diagrams, as appropriate, the following information:

a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.

b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within 250 feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within 250 feet may be extended to and/or through the

proposed development.

c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.

d. The approximate projected location, footprint and building square footage of each phase of proposed development.

e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.

C. Approval Criteria for a General Development Plan. The Planning Commission shall approve an application for General Development Plan approval only upon finding that the following approval criteria are met.

1. The proposed General Development Plan is consistent with the purposes of Section 17.65.
2. The transportation system has sufficient capacity based on the City's level of service standards and is capable of supporting the development proposed in addition to the existing and planned uses in the area, or will be made adequate by the time each phase of the development is completed.
3. Public services for water supply, police, fire, sanitary waste disposal, and storm-water disposal are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.
4. The proposed General Development Plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.
5. The proposed General Development Plan, including development standards and impact mitigation thresholds and improvements adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.
6. The proposed General Development Plan is consistent with the Oregon City Comprehensive Plan and its ancillary documents.

D. Duration of General Development Plan. A General Development Plan shall involve a planning period of at least five years and up to twenty years. An approved General Development Plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superceded, or the plan expires under its stated expiration date. (Ord. 03-1014, Att. B3 (part), 2003)

17.65.60 Detailed Development Plan

A. Submittal Requirements.

1. A transportation impact study documenting the on- and off-site transportation impacts, as specified in 17.65.050.B.1.h(1). If such an analysis was submitted as part of the General Development Plan process, the scope of the report may be limited to any changes which have occurred during the interim and any information listed below which was not a part of the initial study.

The on-site portion of the analysis shall include the location, dimensions and names of all

proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within 250 feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within 250 feet may be extended to and/or through the proposed development.

2. The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.

3. A site plan or plans, to scale, containing the required information identified in:

- a. Chapter 17.62.040.A.(8), (10), (11), (12), (13), (14), and (15);
- b. Chapter 17.62.040.B;
- c. Chapter 17.62.040.C;
- d. Chapter 17.62.040.D;
- e. Chapter 17.62.040.E;
- f. Chapter 17.62.040.G;
- g. Chapter 17.62.040.H; and
- h. Chapter 17.62.040.J

4. Any other information the Community Development Director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.

B. Approval Criteria. The Community Development Director shall approve an application for detailed development plan approval only upon findings that:

1. All development standards and impact mitigation meet the requirements of the approved General Development Plan, including conditions of approval.

2. Any other applicable zoning regulations that are not addressed in the General Development Plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan are contained in 17.65.070.

3. The detailed development plan conforms with the standards contained in Chapter 17.62, unless adjusted as provided in 17.65.070.

C. Duration of Detailed Development Plan. Unless substantial expenditures have been made to implement the approved detailed development plan, defined as the submittal to the city of engineered plans for approval, a detailed development plan shall expire twenty-four months from the notice of decision date. The date of final approval includes the resolution of all appeals. Upon the receipt from the applicant of a written request and payment of the required fee prior to the expiration dated of the Detailed Development Plan, the Community Development Director may, on a one-time basis, grant a 12-month extension.

17.65.070 Adjustments to Development Standards.

A. Purpose. In order to implement the purpose of the City's master plan process, which is to foster the growth of major institutions and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as

part of the master planning process. These include, but are not limited to, items such as: dimensional standards of the of the underlying zone, Site Plan and Design Review criteria, residential design standards, and standards for land division approval.

- B. Procedure. Requests for adjustments shall be processed concurrently with a General Development Plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.

- C. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:
 - 1. To allow a primary or accessory use that is not allowed by the regulations;
 - 2. To any regulation that contains the word “prohibited”;
 - 3. As an exception to a threshold review, such as a Type III review process; and
 - 4. Any exception to allow a use not identified as a permitted or conditional use in the underlying zone.

D. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met.

- 1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;
- 2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;
- 3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;
- 4. Any impacts resulting from the adjustment are mitigated; and
- 5. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable. (Ord. 03-1014, Att. B3 (part), 2003)
- 6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and ancillary documents.

17.65.80 Amendments to Approved Plans

- A. When Required. An amendment to an approved General Development Plan or detailed development plan is required for any use or development that is not in conformance with the applicable plan, as provided below. The approval criteria contained in 17.65.050 will apply to General Development Plan amendments, the approval criteria contained in 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.
- B. Type III Procedure. Unless the approved General Development Plan or detailed development plan specifically provides differently, amendments to either plan that require a Type III procedure are:
 - 1. Any proposed development on the site that is within 100 feet of the master plan boundaries, unless a greater distance is stated in the master plan;
 - 2. A proposed expansion of the approved boundary;
 - 3. A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard;
 - 4. Proposals that increase the amount, frequency, or scale of a use over 10 percent of what

was approved (examples include the number of students, patients or members; the number of helicopter flights; the number or size of special events);

5. New uses not covered in the plan that will increase vehicle transportation to the site, except for those that are replacing another use so that there is no net increase in vehicles drawn to the site;
 6. Increases in overall floor area of development on the site of over 10 percent;
 7. A increases/decrease greater than 10 percent in the amount of approved or required parking; and
 8. Proposed uses or development which were reviewed, but were denied because they were found not to be in conformance with an approved plan.
- C. Type II Procedure. Unless an approved plan specifically provides otherwise, amendments to a General Development Plan or detailed development plan not specifically stated in Subsection B or D are processed through a Type II procedure.
- D. Type I Procedure. Unless an approved plan specifically provides otherwise, the following amendments to a General Development Plan or detailed development plan shall be processed through a Type I procedure:
1. Accessory uses and structures that meet applicable development regulations;
 2. Reconfiguration of approved parking or landscape designs that do not alter the points of ingress or egress, and do not change the number of parking spaces required, so long as the reconfiguration meets applicable development regulations; and
 3. Structures for approved uses that do not exceed 1500 square feet in size and that meet applicable development regulations.

17.65.090 Regulations that Apply

An applicant is entitled to rely on land use regulations in effect on the date its General Development Plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a General Development Plan is approved, and so long as that General Development Plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its General Development Plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved General Development Plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.

Oregon City Municipal Code
Chapter 17.80 Communication Facilities

17.80.10 Purpose.

The provisions of this chapter are designed to protect the visual, aesthetic, and historical features of Oregon City, ensure that wireless communications services are located, designed, installed, maintained, and removed in an appropriate manner for the safety, health, and welfare of the citizens of Oregon City, and to provide for development consistent with the Oregon City Comprehensive Plan by:

- A. Promoting maximum utilization and encourage collocation of new and existing wireless communication antennas to minimize the total number of support structures and towers throughout the City;
- B. Encouraging careful consideration of topography, greenways, and historical significance of potential telecommunication sites and the use of camouflaging and screening to ensure development has minimal impacts on the community, views, and historical areas;
- C. Encouraging the use of existing buildings, light or utility poles, or water towers as opposed to construction of new telecommunication towers; and
- D. Encourage the location of monopole telecommunication towers and antenna arrays in non-residential areas.

17.80.30 Applicability and Exemptions.

- A. Applicability. All wireless communication facilities that are not exempt pursuant to this section shall conform to the standards specified in this chapter.
- B. Exemptions. The following are exempt from the provisions of this chapter and shall be allowed:
 - 1. Wireless communication facilities that were legally established prior to the effective date of this chapter;
 - 2. Temporary facilities used on the same property for sixty (60) days or less;
 - 3. Temporary wireless communications facilities of all types that are used by a public agency solely for emergency communications in the event of a disaster, emergency preparedness, or public health or safety purposes;
 - 4. Any maintenance or repair of previously approved wireless communications facilities provided that such activity does not increase the height, width, or mass of the facility;
 - 5. Dish antennas used for residential purposes;
 - 6. VHF and UHF receive-only television antennas and radio transmitter antennas on public facilities used for public safety, provided they are fifteen (15) feet or less above the existing or proposed roof;
 - 7. Amateur Stations on properties zoned residential are exempt from the standards of this Chapter. Amateur Stations on properties zoned non-residential are exempt from the standards of this Chapter, provided the antenna is fifteen (15) feet or less above the existing or proposed roof. Amateur Stations located on: (1) public facilities/property; or (2) properties zoned non-residential with an antenna in excess of fifteen (15) feet above the existing or proposed roof, shall be reviewed under the Compatibility Review process set forth in this Chapter and shall be subject to the Design Standards of Section 17.80.110; and
 - 8. Wireless Communication Facilities for public safety are exempt from the following Sections: Section 17.80.090.C.17, Section 17.80.090.D.2, Section 17.80.090.D.5, and Section 17.80.100.

17.80.40 Collocation of Additional Antenna(s) on Existing Support Towers.

The following standards shall apply for the placement of antenna(s) and auxiliary support equipment on an existing wireless communication facility support tower.

- A. Compatibility Review. Required for property zoned GI, CI, I, C, HC, MUC-1, MUC-2, MUE, MUD or NC.
- B. Site Plan and Design Review. Required for all cases other than those identified in Section 17.80.040.A.

17.80.50 Collocation of Additional Antenna(s) on Support Structures.

The following standards shall apply for the placement of antenna(s) and auxiliary support equipment on a support structure.

- A. Compatibility Review. Required if the following exist:
 - 1. Property is zoned GI, CI, I, C, HC, MUC-1, MUC-2, MUE, MUD or NC; and
 - 2. Property is not located in the McLoughlin or Canemah Historical Conservation Districts; and
 - 3. Antenna(s) and auxiliary support equipment are setback a minimum of 10 feet from each edge of the support structure and do not exceed a total height of 12 feet or a total width of 8 feet, unless the antenna(s) is less than 4 inches in diameter and does not exceed a total height of 20 feet.
- B. Site Plan and Design Review. Required if the property is zoned GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC and does not meet all the criteria of Section 17.80.050.A.
- C. Conditional Use Review. Required for all cases other than those identified in Sections 17.08.050.A and B.

17.80.60 Collocation of Additional Antenna(s) on Existing Utility Poles, Light Standards, and Light Poles.

The following standards shall apply for the collocation of additional antenna(s) on existing utility poles, light standards, and light poles that meet the following requirements:

- A. Site Plan and Design Review. Required for property zoned GI, CI, I, C, HC, MUC-1, MUC-2, MUE, MUD or NC.
- B. Conditional Use Review. Required for all cases other than those identified in Section 17.80.060.A.
- C. Permits. The applicant shall apply for and obtain all permits necessary for the construction, installation, and operation of its facilities in the streets. The applicant shall pay all applicable fees due for City permits. All construction and maintenance of any and all of the applicant's Facilities within the Streets incident to the applicant's provision of telecommunications services shall, regardless of who performs installation and/or construction, be and remain the responsibility of the applicant.
- D. Installation of Equipment. The applicant's facilities shall be installed and maintained in accordance with the laws of the State of Oregon and the ordinances and standards of the City regulating such construction.
- E. Common Users. The applicant's facilities shall be attached to utility poles, light standards, and light poles located within the streets. The applicant shall also allow and encourage other wireless carriers to collocate facilities on the utility poles, light standards, and light poles with the applicant's facilities, provided such collocation does not interfere with the applicant's facilities or jeopardize the physical integrity of the structure and provided the owner of the structure consents to such collocation.
- F. Scale of Facilities. This section establishes standards for attaching facilities to utility poles, light standards, and light poles in the streets in a manner that minimizes the facilities' potential incompatibility with adjacent uses.
 - 1. Facilities may be collocated on existing utility poles, light standards, and light poles, provided:
 - a. Facilities do not jeopardize the physical integrity of the utility pole, light standard, or light pole;
 - b. Triangular "top hat" style antenna mounts are prohibited;
 - c. The device used to mount the facilities does not project more than ten (10) feet above the utility pole, light standard, or light pole;
 - d. Antennas will be mounted flush with the device referenced in Section 17.80.060.F.1.c or the existing utility pole, light standard, or light pole, within a unicell-style top cylinder, or on davit arms that are no greater than five (5) feet in length as measured from the center of the utility pole, light standard, or light pole;
 - e. The visual impact of any facilities located in the streets must be minimized by utilizing the smallest antennas, equipment, and equipment cabinets available that will satisfy engineering requirements and the service objectives of the site. Whenever possible, facilities shall be painted or otherwise treated architecturally so as to minimize visual impacts;
 - f. All antennas, cabling, mounting hardware, and associated microcell/equipment cabinets mounted on an existing utility pole, light standard, or light pole must be painted to match the color of the utility pole, light standard, or light pole. If cabinets require a special heat-reducing paint finish, they must be a neutral color such as beige, off-white, or light gray; and
 - g. The existing utility pole, light standard, or light pole is not replaced with a taller utility pole, light standard, or light pole, except as authorized in Section 17.80.060.F.2.
 - 2. Replacement Utility Poles, Light Standards, and Light Poles. For purposes of this Section, "replacement utility poles, light standards, and light poles" shall mean a utility pole, light standards, or light pole that a) replaces an existing or original utility pole, light standard, or light pole to accommodate Facilities; and b)

does not result in an increase in the total number of utility, guy, or support poles in the Streets. Facilities may be attached to replacement utility poles, light standards, and light poles in the streets, provided:

- a. The replacement utility poles, light standards, and light poles are of sufficient integrity to support the Facilities;
 - b. The replacement utility poles, light standards, and light poles, and any subsequent replacements, are no more the twenty (20) feet taller than the original utility pole, light standard, or light pole; and
 - c. The utility pole, light standard, or light pole the replacement utility pole, light standard, or light pole replaces is promptly removed.
3. The applicant shall not locate any facilities, such as cabinets, at grade within the streets, but may connect its facilities in the streets to facilities located on property adjacent to the streets in accordance with applicable City codes and with the permission of the adjacent property owner.

17.80.70 Construction or Modification of a Support Tower.

- A. Site Plan and Design Review. Required if the following exists:
 1. Property is zoned GI, CI, I, C, MUC-2 or MUE; and
 2. No adjacent parcel is zoned for residential use.
- B. Conditional Use Review. Required for all cases other than those identified in Section 17.80.070.A.
- C. Prohibited Zoning Districts and Locations. No new support towers shall be permitted within the Canemah Historic Neighborhood, McLoughlin Conservation District, The Oregon Trail-Barlow Road Historic Corridor, 500 feet of the Willamette Greenway Corridor, or any new Historic Districts unless the applicant can demonstrate that failure to allow the support tower would effectively prevent the provision of communication services in that area. If the applicant makes such a demonstration, the minimum height required to allow that service shall be the maximum height allowed for the tower.

17.80.80 Site Review Process.

No wireless communications facilities, as defined in Section 17.80.020, may be constructed, collocated, modified to increase height, installed, or otherwise located within the City except as provided in this section. Depending on the type and location of the wireless communication facility, the facility shall be subject to the following review unless collocation or an increase in height was granted through a prior land use process. A Conditional Use Review shall require Site Plan and Design Review to occur concurrently with the Conditional Use Review process.

- A. Compatibility Review. A wireless communication facility that, pursuant to Sections 17.80.030 – 17.80.050, is subject to a Compatibility Review shall be processed in accordance with Standards of Section 17.80.110. The criteria contained in Section 17.80.110 shall govern approval or denial of the Compatibility Review application. No building permit shall be issued prior to completion of the Compatibility Review process.
- B. Site Plan and Design Review. A wireless communication facility that, pursuant to Sections 17.80.040 – 17.80.070, is subject to Site Plan and Design Review shall be processed in accordance with the Standards of Section 17.80.110 and Chapter 17.62, as applicable. The criteria contained in Section 17.80.110 and Chapter 17.62 shall govern approval or denial of the Site Plan and Design Review application. In the event of a conflict in criteria, the criteria contained in this Chapter shall govern. No building permit shall be issued prior to completion of the Site Plan and Design Review process, including any local appeal.
- C. Conditional Use Review. A wireless communication facility that, pursuant to Sections 17.80.050 – 17.80.070, is subject to Conditional Use Review, shall be processed in accordance with the Standards of Section 17.80.110 and Chapter 17.56, as applicable. The criteria contained in Section 17.80.110 and Chapter 17.56 shall govern approval or denial of the Conditional Use Review application. In the event of a conflict in criteria, the criteria contained in this Chapter shall govern. No building permit shall be issued prior to completion of the Conditional Use Review process, including any local appeal.

17.80.90 Permit Application Requirements.

- A. Compatibility Review Requirements – For an application under Sections 17.80.030.B.7, 17.80.040.A or 17.80.050.A, the following information is required:
 1. Application fee(s).

2. Planning Division land use application form;
 3. A narrative of the proposed project that includes a description of the following:
 - i. Need for the project;
 - ii. Rationale and supporting evidence for the location; and
 - iii. Description of the project design and dimensions.
 - iv. A written response demonstrating compliance with each criterion listed in OCMC Chapter 17.80.110
 4. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC) particularly with respect to any habitable areas within the structure on which the antenna(s) are collocated on or in structures directly across from or adjacent to the antenna(s);
 5. Documentation that the auxiliary support equipment shall not produce sound levels in excess of standards contained in Section 17.80.110.G, or designs showing how the sound is to be effectively muffled to meet those standards;
 6. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use process;
 7. Documentation of the integrity of the support tower, support structure, utility pole, light standard, or light pole to safely handle the load created by the collocation;
 8. Elevations showing all improvements and connections to utilities; and
 9. Color simulations of the site after construction demonstrating compatibility.
- B. Site Plan and Design Review. For an application under Sections 17.80.040.B, 17.80.050.B, 17.80.060.A, or 17.80.070.A the following information is required:
1. The information required in OCMC Chapter 17.80.90.A;
 2. Pre-application notes;
 3. A written response demonstrating compliance with each criterion listed in the Site Plan and Design Review Standards of Chapter 17.62.050 and all other applicable criterion as defined by the Community Development Director; and
 4. Supplemental requirements listed in OCMC Chapter 17.80.90.D as needed.
- C. Conditional Use Review. For an application under Sections 17.80.050.C, 17.80.060.B, or 17.80.070.B the following information is required:
The information required in OCMC Chapter 17.80.90.A;
1. Pre-application notes;
 2. A written response demonstrating compliance with each criterion listed in the Site Plan and Design Review Standards of Chapter 17.62.050, 17.56, and all other applicable criterion as defined by the Community Development Director as applicable
 3. For an application under Section 17.80.070. Construction or Modification of a Support Tower, the requirements listed under Section 17.80.090.D Supplemental Information are required;
 4. Responses to Conditional Use Review criteria under Chapter 17.56.010;
 5. For an application under Section 17.80.050.C Collocation of Additional Antenna(s) on Support Structures, rationale for being unable to collocate in areas identified in Sections 17.80.050.A and B shall be provided;
 6. For an application under Section 17.80.060.B Collocation of Additional Antenna(s) on Utility Poles, Light Standards, and Light Poles, rationale for being unable to collocate in areas identified in Section 17.80.060.A shall be provided; and
 7. For an application under Section 17.80.070.B Construction or Modification of a Support Tower, rationale for being unable to collocate in areas identified in Section 17.80.070.A shall be provided.
 8. Supplemental information listed in OCMC Chapter 17.80.90.D.
- D. Supplemental Information. The applicant shall submit the following information for all applications subject to Conditional Use and Site Plan and Design Review:
1. The capacity of the support tower in terms of the number and type of antennas it is designed to accommodate;
 2. A signed agreement, as supplied by the City, stating that the applicant shall allow collocation with other users, provided all safety, structural, technological, and monetary requirements are met. This agreement shall also state that any future owners or operators will allow collocation on the tower.
 3. Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed the proposal. Alternatively, a statement

documenting that notice of the proposal has been submitted to the Federal Aviation Administration and Oregon Aeronautics Division may be submitted. The review process may proceed and approval may be granted for the proposal as submitted, subject to Federal Aviation Administration approval. If Federal Aviation Administration approval requires any changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed, and approved through an additional Site Plan and Design Review or Conditional Use Review process. No building permit application shall be submitted without documentation demonstrating Federal Aviation Administration review and approval and Oregon Aeronautics Division review.

4. A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and auxiliary support equipment from at least 5 points within a 1-mile radius. Such points shall be chosen by the provider with a review and approval by the Community Development Director to ensure that various potential views are represented.
5. Documentation that one or more wireless communications service providers will be using the support tower within sixty (60) days of construction completion.
6. A site plan, drawn to scale, that includes:
 - a. existing and proposed improvements;
 - b. adjacent roads;
 - c. parking, circulation, and access;
 - d. connections to utilities, right-of-way cuts required, and easements required;
 - e. a landscape plan describing the maintenance plan and showing areas of existing and proposed vegetation to be added, retained, replaced, or removed; and
 - f. setbacks from property lines or support structure edges of all existing and proposed structures. Plans that have been reduced, but have not had their scale adjusted, will not be accepted as satisfying this requirement.
7. An alternatives analysis for new support towers demonstrating compliance with the Support Tower Location Requirements of Chapter 17.80.100.

17.80.100 Support Tower Location Requirements.

No new support tower shall be permitted under the provisions of Chapter 17.80.070 unless the applicant demonstrates to the satisfaction of the Community Development Director, and the results are verified by a State of Oregon certified professional engineer, that no existing collocation or modification possibility can accommodate the service needs of the applicant's proposed support tower. All proposals for new support towers must be accompanied by a statement and documentation from a qualified engineer, as determined by the Community Development Director, that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or structure for one or more of the following reasons:

- A. No existing support towers or support structures are located within the geographic area required to meet the applicant's engineering requirements;
- B. Existing support towers or support structures are not of sufficient height to meet the applicant's engineering requirements;
- C. Existing support towers or support structures do not have sufficient structural strength to support the applicant's proposed antenna(s) and related equipment.
- D. The applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing support tower or support structure, or the existing antenna would cause interference with the applicant's proposed antenna(s);
- E. The applicant demonstrates that there are other limiting factors that render existing support towers and support structures unsuitable; or
- F. That fees, costs, or contractual provisions required by the owner in order to share or adapt to an existing support tower or support structure for collocation are unreasonable.

17.80.110 Design Standards.

Installation, collocation, construction, or modification of all support towers, structures, and antennas shall comply with the following standards, unless an adjustment is obtained pursuant to the provisions of Section 17.80.120.

- A. Support Tower. The support tower shall be self-supporting.

- B. Height Limitation. Support tower and antenna heights shall not exceed the maximum heights provided below.
1. If the property is zoned GI, CI or I; and no adjacent parcel is zoned residential the maximum height of a support tower, including antennas, is 120 feet.
 2. If the property is zoned: a. GI, CI or I, and an adjacent parcel is zoned residential; or b. C, MUC-2 or MUE; the maximum height of a support tower, including antennas, is 100 feet.
 3. If the property is zoned MUC-1, MUD or NC; the maximum height of a support tower, including antennas, is 75 feet.
 4. For all cases other than those identified in Section 17.80.110.B.1-3 above, the maximum height of a support tower, including antennas, is 75 feet.
- C. Collocation. New support towers shall be designed to accommodate collocation of additional providers.
1. New support towers of a height greater than 75 feet shall be designed to accommodate collocation of a minimum of two additional providers either outright or through future modification of the tower.
 2. New support towers of a height between 60 feet and 75 feet shall be designed to accommodate collocation of a minimum of one additional provider either outright or through future modification of the tower.
- D. Setbacks. The following setbacks shall be required from property lines, not the lease area, for support towers, auxiliary support equipment, and perimeter fencing.
1. Support towers not designed to collapse within themselves shall be setback from all property lines a distance equal to the proposed height of the support tower.
 2. Support towers designed to collapse within themselves shall be setback from the property line a distance equal to the following:
 - a. If the property is zoned GI, CI, I, C, MUC-2 or MUE; and no adjacent parcel is zoned for a residential use the underlying zone setback shall apply;
 - b. If the property is zoned:
 - i. GI, CI, I, C, MUC-2 or MUE and an adjacent parcel is zoned residential; or
 - ii. MUC-1, MUD or NC; the setback shall be a minimum of 25 feet from all adjacent residentially zoned property lines and the underlying zoning setback for all other adjacent property lines; or
 - c. For all cases other than those identified in Section 17.80.110.D.2.a and b above, the setback shall be a minimum of 25 feet from all adjacent property lines.
- E. Auxiliary Support Equipment. The following standards shall be required.
1. If the property is zoned:
 - a. For GI, CI, I, MUC-1, MUC-2, C, MUD, MUE or NC, the auxiliary support equipment footprint shall not exceed an area of 340 square feet and 15 feet in height at the peak;
 - b. For all cases other than those identified in Section 17.80.110.E.1.a above, the auxiliary support equipment shall be:
 - i. Located underground or completely screened by landscaping or an architecturally significant masonry wall. The wall shall be finished with brick, stone, or stucco. The Community Development Director may approve an alternate screening material if it is compatible with adjacent development and is architecturally significant. No exposed CMU is allowed on the exterior of the wall.
 2. Only one auxiliary accessory cabinet shall be allowed per service provider located on a support structure.
- F. Landscaping. In all zoning districts, existing vegetation shall be preserved to the maximum extent practicable. Screening of a site is mandatory.
1. If the property is zoned:
 - a. GI or CI, and no adjacent parcel is zoned residential, landscaping may not be required if water quality issues are addressed and appropriate screening around the facility is proposed;
 - b. For all cases other than those identified in Section 17.80.110.F.1.a above, landscaping shall be placed completely around the perimeter of the wireless communication facility, except as required to gain access. The minimum planting height shall be a minimum of 6 feet at the time of planting, densely placed so as to screen the facility. The landscaping shall be compatible with vegetation in the surrounding area, and shall be kept healthy and well maintained as long as the facility is in operation. Failure to maintain the site will be grounds to revoke the ability to operate the facility.
 - c. The Community Development Director may approve an alternative landscaping plan that visually screens the facility and is consistent with the intent of this standard.
- G. Noise Reduction. Noise generating equipment shall be baffled to reduce sound level measured at the property line to the following levels except during short durations for testing and operation of generators in emergency situations:

1. For any property where no adjacent parcel is zoned residential, the sound level at the property line shall not be greater than 50 dB;
 2. For all other cases, the sound level shall not be greater than 40 dB when measured at the nearest residential parcel's property line.
- H. Lighting.
1. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited.
 2. Strobe lighting is prohibited unless required by the Federal Aviation Administration.
 3. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment shall be initiated by motion detecting lighting. The lighting shall be the minimal necessary to secure the site, shall not cause illumination on adjacent properties in excess of a measurement of 0.5 footcandles at the property line, and shall be shielded to keep direct light within the site boundaries.
- I. Color.
- Unless otherwise required by the Federal Aviation Administration, all support towers and antennas shall have a non-glare finish and blend with the natural background.
- J. Signage.
- Support towers and antenna(s) shall not be used for signage, symbols, flags, banners, or other devices or objects attached to or painted on any portion of a wireless communication facility.
- K. Access Drives.
1. On a site with an existing use, access shall be achieved through use of the existing drives to the greatest extent practicable. If adequate intersection sight distance is unavailable at the existing access intersection with a City Street, an analysis of alternate access sites shall be required.
 2. Site shall be serviced by an access adequate to ensure fire protection of the site.
 3. New access drives shall be paved a minimum of 20 feet deep from the edge of the right-of-way (though the use of pervious paving materials such as F-mix asphalt, pavers, or geotech webbing is encouraged) and designed with material to be as pervious as practicable to minimize stormwater runoff.
 4. New access drives shall be reviewed for adequate intersection sight distances.
- L. Informing the City. All service providers with facilities within the City of Oregon City shall be required to report in writing to the Community Development Director any changes in the status of their operation.
1. An annual written statement shall be filed with the Planning Manager verifying continued use of each of their facilities in the City's jurisdiction as well as continued compliance with all state and federal agency regulations.
 2. The report shall include any of the following changes:
 - a. Changes in or loss of Federal Communication Commission license from the Federal Communication Commission to operate;
 - b. Receipt of notice of failure to comply with the regulations of any other authority over the business or facility;
 - c. Change in ownership of the company that owns wireless communication facility or provides telecommunications services; or
 - d. Loss or termination of lease with the telecommunications facility for a period of six (6) months or longer.

17.80.120 Adjustments.

Adjustments to the standards of this chapter may be approved by the Planning Commission at a duly noticed public hearing. The Planning Commission may grant an adjustment under either of the following circumstances:

1. The Planning Commission may grant an adjustment when a gap in the applicant's service exists and the gap can only be alleviated through the adjustment of one or more of the standards in this section. If an adjustment is to be approved, the applicant must demonstrate each of the following:
 - a. A gap in coverage or capacity exists in the wireless communication provider's service network that results in network users being regularly unable to connect with the provider's network, or maintain connection;
 - b. The proposed facility will fill the existing service gap. The gap would be filled if the proposed facility would substantially reduce the frequency with which users of the network are unable to connect, or maintain connection, with the provider's network; and

- c. The gap cannot be filled through collocation on existing facilities, or establishment of facilities that are consistent with the standards of this section on properties other than the proposed site or on the proposed site in a manner which does not require an adjustment under this subsection.
2. The Planning Commission may grant an adjustment to a standard when the proposed adjustment would utilize existing site characteristics to minimize demonstrated or potential impacts on the use of surrounding properties. For the purposes of this subsection, site characteristics shall include, but need not be limited to, the suitability of the proposed use considering size, shape, location, topography, existence of improvements, and natural features. Applicants for an adjustment under this provision must demonstrate that the adjustment will result in a lower level of impact on surrounding properties than would be generated if the standard were not adjusted. In considering the requested adjustment, the Planning Commission may consider the following:
 - a. Visual impacts;
 - b. Impacts on views;
 - c. Impacts on property values; and
 - d. Other impacts that the Planning Commission finds can be mitigated by an adjustment so that the proposed use will have greater compliance in not altering the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary use listed in the underlying district.
3. Requests for adjustments under this subsection shall only be considered concurrently with the applicable Site Review Process as required by Section 17.80.080. If the Site Review Process required by Section 17.80.080 is a Compatibility Review or a Site Plan and Design Review, the inclusion of an adjustment will require that the application be subject to a Conditional Use Review under Section 17.80.090.C.

17.80.130 Temporary Facilities.

In order to facilitate continuity of services during maintenance or repair of existing installations, or prior to completion of construction of a new wireless communication facility, temporary wireless communication facilities shall be allowed subject to a Type I administrative review. Temporary wireless communication facilities shall not be in use in excess of six (6) month period. Temporary wireless communication facilities shall not have a permanent foundation, and shall be removed within thirty (30) days of suspension of service they provide.

17.80.140 Removal for Discontinuance of Service.

Any wireless communication facility that has not provided service for six (6) months shall be deemed a nuisance and subject to removal as provided in Oregon City Municipal Code Chapter 8.08. The Planning Manger may grant a six (6) month extension where a written request has been filed, within the initial six (6) months period, to reuse the support tower or antenna(s).

17.80.150 Fees.

Notwithstanding any other provisions of this code, the Community Development Director may require, as part of the application fees for land use permits, an amount sufficient to recover all of the City's costs in retaining consultants to verify statements made in conjunction with the permit application, to the extent that verification requires telecommunication experts.

Priority Mail
ComBasPrice



UNITED STATES POSTAGE
EAGLE
PRIMEV BROWES
02 1M
0004287672
MAILED FROM ZIP CODE 97045
JUL 23 2010
\$ 04.90⁰⁰



OREGON CITY

P.O. Box 3040

Oregon City, OR 97045-0304

Address Correction Requested

ATTN: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION
& DEVELOPMENT
635 CAPITOL ST NE, STE. 150
SALEM, OR 97301-2540

PRESERVING OUR PAST, BUILDING OUR FUTURE