TYPE II NATURAL RESOURCE OVERLAY DISTRICT
and
SUBDIVISION APPLICATION
with
MODIFICATION REQUESTS FOR A CONSTRAINED STREET AND STREET CENTERLINE OFFSET
and
VARIANCE REQUEST FOR REDUCTION IN STREET SIDE YARD SETBACK
Applicant's Submittal
October 2018
Updated 2-3-19

APPLICANT/OWNER: Jerry Lemon
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Damascus, OR 97089

REPRESENTATIVE: Tom Sisul, Sisul Engineering
375 Portland Avenue
Gladstone, OR 97027

REQUEST: 5 Lot Subdivision with Natural Resource Overlay Impacts

LOCATION: 16362 Hiram Avenue
Map 2 2E 28BC, Tax Lots 900 and 1000

I. BACKGROUND:

1. **Currently a single family home and outbuilding**

2. **New public street, 5 subdivision lots (including one for the existing home)**

3. **Contains a NROD area along its northerly property line.**

4. **Adjustments to lot dimensions as permitted under the NROD regulations will be used to achieve the maximum density.**

5. **Three existing trees will be lost along Hiram due to street frontage improvements and seven mitigation trees will be planted at the rear of the parcel as replacement.**

6. **A variance request for a street side yard setback reduction from 15 to 6 feet for the existing home relative to the new street.**

7. **Modification requests to allow a constrained street and to increase the intersection centerline offset distance to 24.9 feet.**

8. **A fee in lieu of is proposed for lower portion of the site that is too shallow to be treated under the City's BMP water quality requirements. The upper portion of the site will be treated.**

II. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:

CHAPTER 17.10 - "R-8" SINGLE-FAMILY DWELLING DISTRICT

17.10.040. A. Minimum lot area, eight thousand square feet;
Applicant's Response: The minimum lot size proposed will be 7007 SF. The lot sizes take advantage of the 80% flexible lot sizing as Permitted by 16.12.050 and lot sizing adjustments as permitted under Section 17.49.240.

17.10.040. B. Minimum lot width, sixty feet;
Applicant's Response: All lots will be at least 60 feet in width, except Lot 3 which is proposed to be 50 feet in width as is allowed under Section 17.49.240.

17.10.040. C. Minimum lot depth, seventy-five feet;
Applicant's Response: All lots will be at least 75 feet deep.

17.10.040.D. Maximum building height: two and one-half stories, not to exceed thirty-five feet. If an existing structure is being retained.
Applicant's Response: The existing home on the that exists meets this standard, and it is expected all future homes will meet this standard, unless the code is modified at some future time.

17.10.040.E Setbacks if an existing structure is being retained.
1. Front yard: fifteen feet minimum depth.
Applicant's Response: The front yard setback will be met on all lots.

2. Front porch, ten feet minimum setback,
Applicant's Response: The front porch setback will be met on all lots.

3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.
Applicant's Response: No alleys are proposed the garage setbacks will be met on all lots.

4. Interior side yard, nine feet minimum setback for at least one side yard; seven feet minimum setback for the other side yard,
Applicant's Response: The interior side yard will be met on all lots.

5. Corner side yard, fifteen feet minimum setback,
Applicant's Response: Lot 2 will have required corner side yard setback. Lot 1, with the existing home, a variance to the street side yard setback will be requested.

6. Rear yard, twenty-foot minimum setback
Applicant's Response: The rear yard setback will be met on all lots.

7. Rear porch, fifteen-foot minimum setback.
Applicant's Response: The rear porch setback will be met on all lots.

G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area. If an existing structure is being retained.
Applicant's Response: Maximum footprint coverage will not be exceeded on all lots.

CHAPTER 16.08 – SUBDIVISIONS PROCESS AND STANDARDS

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,

Applicant's Response: An 8" water main exists in Hiram Avenue and is a part of a looped system and can provide adequate pressure and water supply. A new 8 inch line will be extended within the ROW of the new public street to several of the new lots.

2. Sanitary sewer,

Applicant's Response: A 12" sanitary sewer main exists in Hiram Avenue and is sufficient to serve the site. there is also an 8 inch line along the easterly side of the parcel that can serve lots. An 8 inch sanitary sewer will be extended in the new public street to serve Lot 3. Lots 4 and 5 will make sewer connections to the existing sewer lot along the rear of those proposed lots.

3. Storm sewer and stormwater drainage,

Applicant's Response: The easterly side of the parcel will be directed into a water quality and detention facility based on the City's BMP tool design requirements. The westerly portion of the site lies too low compared the available public drainage facilities to be able to be designed per the City's BMP tool and will a fee in lieu will need to be paid to account for the portion of the site that cannot drain to such.

4. Parks and recreation,

Applicant's Response: There is adequate parks to serve the proposed 4 additional lots as Park Place Park lies 2 blocks to the north of the site on Hiram Avenue.

5. Traffic and transportation,

Applicant's Response: The traffic impacts from the proposed subdivision will result in approximately 40 additional trips per day. The City's street capacity will be able to handle the additional trips.

6. Schools,

Applicant's Response: It could be expected that approximately 8 additional children, could be added to the school system. There is adequate capacity for such students.

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;

Applicant's Response: City of Oregon City Police and Clackamas Fire District already serve the site. Therefore there is adequate capacity to serve the proposed subdivision.

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;

Applicant's Response: Draft CC&R's will be developed at later time, when it is clearer what the need is for such.

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;

Applicant's Response: No phasing is proposed.

F. Overall density of the subdivision and the density by dwelling type for each.

Applicant's Response: Five lots are proposed on 62,045 site. Gross density would be 3.5 units per acre. Net density, based on the subtraction of new ROW areas and the storm water tract, but including one third the area of NROD area (not the tract which will contain it) which is 2696 SF and the remaining portion of Tract B outside the NROD area which is another 1272 SF. The 5 proposed lots themselves are 38,091 SF therefore the net density is 42,039 SF divided by 8,000 SF or 5.25 lots or simply 5 lots.

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.

Applicant's Response: A minimum of 20 feet of frontage for each lot will be created and thus this standard will be met.

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.

Applicant's Response: No flag lots are proposed.

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.

Applicant's Response: No flag lots are proposed.

C. The pole portion of the flag lot shall connect to a public street.

Applicant's Response: No flag lots are proposed.

D. The pole shall be at least 8 feet wide for the entire length.

Applicant's Response: No flag lots are proposed.

E. The pole shall be part of the flag lot and must be under the same ownership as the flag portion of the lot.

Applicant's Response: No flag lots are proposed.

CHAPTER 16.12 - MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS[3]

16.12.020 - Blocks—Generally.

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

Applicant's Response: A natural resource corridor and as this is an infill development, with existing development on some adjoining parcels with no existing street or pedestrian connectivity, limit where blocks can be created.

16.12.030 - Blocks—Width.

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

Applicant's Response: Because this is an infill project of limited parent parcel depth, there is in adequate depth to develop a new street, as Engineering desires, and create two tiers of lots between Hiram and the new street, without backing up the new street to existing developed parcels that have access from elsewhere.

16.12.045 - Building sites—Minimum density.

All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in Chapter 17.04.

Applicant's Response: The net developable area of the site after subtracting for ROW areas and 2/3 rds of the water resource areas (1/3rd of the water resource area is allowed to be counted towards the density) and including the portion of Tract B outside the NROD area is 42,039 SF. The maximum density is therefore 5 lots and minimum density would be 4 lots. Five lots is proposed.

16.12.050 - Calculations of lot area.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots. Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.

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

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

Applicant's Response: The parcel is zoned R-8 or for 8,000 SF lots. The minimum lot size for any lot would be 80% of the that figure or 6,400 SF. The minimum lot size proposed is 7,007 SF, therefore this standard is met.

16.12.055 - Building site—Through lots.

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

Applicant's Response: Lot 1 as proposed would be a lot with streets on 3 sides. However, such cannot be avoided without the loss of density, and placing the proposed street next to existing parcels that are flag lots with access to Hunter St. As an infill site it is most practical for orderly development for Lot 1 to a through lot.

16.12.060 - Building site—Lot and parcel side lines.
The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.
Applicant's Response: To the most extent practicable all lots line will be either at right angles to the street or radial to the curve, and still allow for relatively rectangular lots.

16.12.070 - Building site—Setbacks and building location.
This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. The objective is for lots located on a neighborhood collector, collector or minor arterial street locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street.
A. The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.
Applicant's Response: All the existing and proposed streets within or adjacent to the subject site will be local streets, this is not applicable.

B. The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.
Applicant's Response: This is not applicable to this subdivision site.

C. On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.
Applicant's Response: The existing home faces towards Hiram. It is unknown for sure which way the home on Lot 2 will be faced by the future home builder.

D. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:
1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or
2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.
Applicant's Response: This is not applicable.

16.12.075 - Building site—Division of lots.
Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the community development director shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.
Applicant's Response: No further redivision will be possible under current code and zoning regulations that pertain to this site.

16.12.085 - Easements.
The following shall govern the location, improvement and layout of easements:
A. Utilities. Utility easements shall be required where necessary as determined by the city engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the land division and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.
Applicant's Response: Utility easements is expected will be needed in some locations within the proposed subdivision. We have shown those easements we expect will be needed.

B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any

necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.

Applicant's Response: Tracts and easements have been shown as is thought would be required on the preliminary application maps.

D. Access. When easements are used to provide vehicular access to lots within a land division, the construction standards, but not necessarily width standards, for the easement shall meet city specifications. The minimum width of the easement shall be twenty feet. The easements shall be improved and recorded by the applicant and inspected by the city engineer. Access easements may also provide for utility placement.

Applicant's Response: No easements for vehicular access will be needed.

16.12.095 - Minimum improvements—Public facilities and services.

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

A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the land division and those portions of public streets adjacent to but only partially within the land division. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street improvements that benefit the applicant's property. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points or curvature and points of tangency of their center line, and at such other points as directed by the city engineer.

Applicant's Response: Street frontage improvements on Hiram is expected to be required and is shown on the application plans.

B. Stormwater Drainage System. Applicants shall design and install drainage facilities within land divisions and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for stormwater drainage improvements that benefit the applicant's property. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with city drainage master plan requirements, Chapter 13.12 and the Public Works Stormwater and Grading Design Standards.

Applicant's Response: The storm drainage improvements, including a water quality facility to serve the site to the extent possible is shown on the application plans.

C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division in accordance with the city's sanitary sewer design standards, and shall connect those lots or parcels to the city's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property. Applicants are responsible for extending the city's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the city engineer before construction begins.

Applicant's Response: A sanitary sewer extension to serve the proposed site's parcels is shown.

D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a land division in accordance with the city public works water system design standards, and shall connect those lots or parcels to the city's water system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for water improvements that benefit the applicant's property. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

Applicant's Response: A water main extension along the proposed new public street is shown on the application maps.

G. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the city engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.

Applicant's Response: Street signs and traffic control devices as may be needed will be installed if the subdivision is developed.

H. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.

Applicant's Response: Street lights will be installed as may be needed.

J. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.

Applicant's Response: A bench mark will be located within the subdivision per these requirements if required by the City Engineer.

K. Other. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

Applicant's Response: All franchise utilities within the proposed subdivision boundary will be placed underground.

L. Oversizing of Facilities. All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. The city may require oversizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.
M. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of Chapter 17.47 with regard to erosion control.

Applicant's Response: No oversizing of facilities is expected to be required with this development.

CHAPTER 17.49 NATURAL RESOURCE OVERLAY DISTRICT

17.49.050 *Emergencies*

Applicant's Response: The proposed development does not constitute an emergency.

17.49.060 *Consistency and Relationship to Other Regulations*
A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the Oregon City Municipal Code, other City requirements, regional, state or federal law, the provisions that provides the greater

protection of the resource shall govern.

Applicant's Response: It is not expected that regional, state or federal laws will be more restrictive than Oregon City ordinances with regards to the NROD area.

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

Applicant's Response: No approvals from other agencies is expected to be required.

17.49.[0]70 - Prohibited uses.

Applicant's Response: No prohibited uses is proposed.

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

Applicant's Response: Some allowed uses will be proposed within the NROD area, such a surveys, and the land division.

17.49.090 *Uses Allowed Under Prescribed Conditions*

Applicant's Response: Street widening of Hiram and associated utility improvements along Hiram are the only things that may possibly fall when the prescribed conditions of this section.

17.49.100 *General Development Standards*
The following standards apply to all Uses Allowed under Prescribed Conditions within the NROD with the exception of rights of ways (subject to Section 17.49.150), trails (subject to Section 17.49.170), utility lines (subject to Section 17.49.140), land divisions (subject to Section 17.49.160), and mitigation projects (subject to Section 17.49.180 or 17.49.190):
A. Native trees may be removed only if they occur within 10 feet of any proposed structures or within 5 feet of new driveways or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;

Applicant's Response: No native trees are proposed to be removed.

17.49.100.B*. The Community Development Director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the Natural Resource Overlay District.*

Applicant's Response: It is not expected that landscaping will be required by the base zone, and thus this is not applicable.

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

Applicant's Response: Any vegetation planted in the NROD area will be native.

***17.49.100.E**. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;*

Applicant's Response: The base zone setbacks will be met except for the existing home on Lot 1, which is entirely outside the NROD portion of the lot.

***17.49.100.F**. Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;*

Applicant's Response: This will not be applicable to this proposed subdivision request.

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

Applicant's Response: Fences will only be installed with the allowed disturbance area.

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

Applicant's Response: Such lighting exceeding the brightness of a 200 watt light bulb, will not shine directly onto the NROD area.

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

Applicant's Response: The site is not in the 100 year flood plain.

***17.49.110** Width of Vegetated Corridor.*

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

Applicant's Response: The minimum vegetated corridor width is 15 feet from the top of bank in accordance with the requirements for an intermittent stream with slopes of less than 25%.

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

Applicant's Response: This is not applicable to the proposed subdivision.

17.49.130 Existing Development Standards

In addition to the General Development Standards of Section 17.49.100, the following standards apply to alterations and additions to existing development within the NROD, except for trails, rights of way, utility lines, land divisions and mitigation projects. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased are exempt from review pursuant to Section 17.49.080(J). As of June 1, 2010, applicants for alterations and additions to existing development that are not exempt pursuant to Section 17.49.080(J) shall submit a Type II or Type III application pursuant to this section. The application shall include a site plan which delineates a permanent disturbance area that includes all existing buildings, parking and loading areas, paved or graveled areas, patios and decks. The same delineated disturbance area shall be shown on every subsequent proposal for alterations and additions meeting this standard.

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

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

2. *Alterations or additions that cumulatively exceed five-hundred (500) square feet of additional disturbance area or which propose encroachment closer than 1/2 of the distance of the regulated NROD buffer after June 1, 2010 shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.*

Applicant's Response: The application should be process as a Type II permit as less than 500 SF of area of the NROD will be disturbed.

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

Applicant's Response: Mitigation is not expected to be required.

17.49.140 *Standards for Utility Lines*

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

A. The disturbance area for private connections to utility lines shall be no greater than 10 feet wide;

B. The disturbance area for the upgrade of existing utility lines shall be no greater than 15 feet wide;

C. New utility lines shall be within the right-of-way, unless reviewed under D.

D. New utility lines that cross above or underneath a drainage way, wetland, stream, or ravine within the NROD but outside of a right-of-way shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.

E. No fill or excavation is allowed within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;

F. The Division of State Lands must approve any work that requires excavation or fill in a wetland;

G. Native trees more than 10 inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and

H. Each 6 to 10-inch diameter native tree cut shall be replaced at a ratio of three trees for each one removed. Each 11-inch or greater diameter native tree shall be replaced at a ratio of five trees for each removed. The replacement trees shall be a minimum one-half inch diameter and selected from the Oregon City Native Plant List. All trees shall be planted on the applicant's site. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees shall be planted between the utility line and the stream channel.

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

Applicant's Response: The standards are noted and is not expected these standards will be applicable to the proposed subdivision.

17.49.150 Standards for Vehicular or Pedestrian Paths and Roads

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

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

Applicant's Response: No pathway or road, outside a current public street ROW, is proposed to encroach into the NROD area.

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

Applicant's Response: No stream crossings are proposed.

17.49.150.C. *No fill or excavation shall occur within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;*

Applicant's Response: No fill or excavation is expected to be required for the proposed development.

***17.49.150.D**. If the Oregon Department of State Lands (DSL) has jurisdiction over any work that requires excavation or fill in a wetland, required permits or authorization shall be obtained from DSL prior to release of a grading permit;*

Applicant's Response: This is not expected to be applicable to this site.

***17.49.150.E**. Any work that will take place within the banks of a stream shall be conducted between June 1 and August 31, or shall be approved by the Oregon Department of Fish and Wildlife; and*

Applicant's Response: This is not expected to be applicable.

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

Applicant's Response: This is not expected to be applicable.

***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 to1/2 the distance of the NROD corridor.

E. The stormwater facility shall not impact more than 1,000 square feet of the NROD. Impacts greater than 1,000 square feet shall be process as a Type III application.

F.. The Community Development Director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the Natural Resource Overlay District.

Applicant's Response: This is not expected to be required.

***17.49.160** Standards for Land Divisions*

Applicant's Response: The land division shall conform.

***17.49.170** Standards for Trails*

The following standards apply to trails within the NROD:

Applicant's Response: This will not be applicable to the proposed subdivision.

***17.49.180.** Mitigation Standards*

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

Applicant's Response: Mitigation is not expected to be required.

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

Applicant's Response: Mitigation is not expected to be required.

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

1. The mitigation is required for disturbance associated with a right-of-way or utility in the right-of-way;

2. The mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and

3. An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.

Applicant's Response: Mitigation is not expected to be required.

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

Applicant's Response: Mitigation is not expected to be required.

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

Applicant's Response: Mitigation is not expected to be required.

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

Mitigation Planting Option 1.

Applicant's Response: Mitigation is not expected to be required.

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

***17.49.180.E.2a.** Option 2 - Planting Quantity. In this option, the mitigation requirement is calculated based on the size of the disturbance area within the NROD. Native trees and shrubs are required to be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.*

Applicant's Response: Mitigation is not expected to be required.

***17.49.180.E.2.b** Option 2 - Plant Size. Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than 12 inches in height.*

Applicant's Response: Mitigation is not expected to be required.

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

Applicant's Response: Mitigation is not expected to be required.

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

Applicant's Response: Mitigation is not expected to be required.

***17.49.180.E.2.e** Option 2 – Plant Diversity. Shrubs shall consist of at least three (3) different species. If 20 trees or more are planted, no more than one-third of the trees may be of the same genus.*

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

Applicant's Response: Mitigation is not expected to be required.

***17.49.180.F**. Monitoring and Maintenance. The mitigation plan shall provide for a 5-year monitoring and maintenance plan with annual reports in a form approved by the Director of Community Development. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said*

annual report to the City's Planning Division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of 80% survival of trees and shrubs of those species planted is required at the end of the 5-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind. Bare spots and areas of invasive vegetation larger than ten (10) square feet that remain at the end the 5 year monitoring period shall be replanted or reseeded with native grasses and ground cover species.

Applicant's Response: Mitigation is not expected to be required.

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

Applicant's Response: Mitigation is not expected to be required.

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

Applicant's Response: Mitigation is not expected to be required.

17.49.190 Alternative Mitigation Standards

Applicant's Response: Mitigation is not expected to be required.

***17.49.200.** Adjustment from Standards*

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

Applicant's Response: An adjustment is not expected to be required.

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

Applicant's Response: An adjustment is not expected to be required.

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

Applicant's Response: An adjustment is not expected to be required.

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

Applicant's Response: An adjustment is not expected to be required.

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

Applicant's Response: An adjustment is not expected to be required.

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

Applicant's Response: An adjustment is not expected to be required.

17.49.200.F. *The applicant has proposed adequate mitigation to offset the impact of the adjustment.*
Applicant's Response: An adjustment is not expected to be required.

17.49.210 *Type II Development Permit Application*
Applicant's Response: A Type II permit is the process expected to be required.

17.49.220 *Required Site Plans*
Site plans showing the following required items shall be part of the application:
A. For the entire subject property (NROD and non-NROD areas):

1. *The NROD district boundary. This may be scaled in relation to property lines from the NROD Map;*
2. *100 year floodplain and floodway boundary (if determined by FEMA);*
3. *Creeks and other waterbodies;*
4. *Any wetlands, with the boundary of the wetland that will be adjacent to the proposed development determined in a wetlands delineation report prepared by a professional wetland specialist and following the Oregon Division of State Lands wetlands delineation procedures;*
5. *Topography shown by contour lines of 2 or 1 foot intervals for slopes less than 15% and by 10 foot intervals for slopes 15% or greater;*
6. *Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.*
7. *Extent of the required Vegetated Corridor required by Table 17.49.110.*

Applicant's Response: The NROD boundary area shown based on being 15 feet from the top of bank for an intermittent drainageway with slopes less than 25%.

B. Within the NROD area of the subject property:

1. *The distribution outline of shrubs and ground covers, with a list of most abundant species;*
2. *Trees 6 inches or greater in diameter, identified by species. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;*
3. *An outline of the disturbance area that identifies the vegetation that will be removed. All trees to be removed with a diameter of 6 inches or greater shall be specifically identified as to number, trunk diameters and species;*
4. *If grading will occur within the NROD, a grading plan showing the proposed alteration of the ground at 2 foot vertical contours in areas of slopes less than 15% and at 5 foot vertical contours of slopes 15% or greater.*

Applicant's Response: No grading is proposed in the NROD area, that is currently outside existing street ROW.

C. A construction management plan including:

1. *Location of site access and egress that construction equipment will use;*
2. *Equipment and material staging and stockpile areas;*
3. *Erosion control measures that conform to City of Oregon City erosion control standards;*
4. *Measures to protect trees and other vegetation located outside the disturbance area.*

Applicant's Response: Sediment fencing along the NROD boundary is noted on the plans.

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

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

Applicant's Response: Mitigation is not expected to be required.

17.49.230 Mitigation Plan Report

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

A. Written responses to each applicable Mitigation Standard 17.49.180 or 17.49.190 indicating how the proposed development complies with the mitigation standards;

B. The resources and functional values to be restored, created, or enhanced through the mitigation plan;

C. Documentation of coordination with appropriate local, regional, state and federal regulatory/resource agencies such as the Oregon Department of State Lands (DSL) and the United States Army Corps of Engineers (USACE);

D. Construction timetables;

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

Applicant's Response: Mitigation is not expected to be required.

17.49.240 *Density Transfer*

Applicant's Response: As allowed under 17.49.240(B) one third of the square footage of the NROD area (975 SF) is being transferred to the non-NROD portion of the site. The modifications to the residential dimensional standards are being met, by allowing the average lot size to be less than 8,000 SF (7614 SF). The minimum lot width of Lot 3 is proposed to be 50 feet wide as is allowed under Table 17.49.240A- Lot Size Reduction, a reduction from the minimum per the base zone requirement.

17.49.250 *Verification of NROD Boundary*

Applicant's Response: A NROD verification report has been prepared by John McConnaughey of Environmental Technology Consultants and is included with this application.

17.49.255 *Type I Verification*

Applicant's Response: A Type I verification is not applicable to this site.

17.49.260. *Type II Verification*

Applicant's Response: A Type II verification is applicable to this site and information appropriate for such an application is submitted as a part of the application process.

<u>CHAPTER 17.41 - TREE PROTECTION STANDARDS</u>

17.41.020 - Tree protection—Applicability.

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

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

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

4. A heritage tree or grove which has been designated pursuant to the procedures ofChapter 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.
Applicant's Response: The application shall comply with the City code.

17.41.040 - Same—Exemptions.
These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of section 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930. Farm or forest resources. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The community development director has the authority to modify or waive compliance in this case.
Applicant's Response: No trees are proposed to be removed except for the three lie within a right-of-way or a public utility easement of some sort. Exceptions are not expected to be applicable to this site.

17.41.050 - Same—Compliance options.
Applicants for review shall comply with these requirements through one or a combination of the following procedures:
A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.
B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections 17.41.080—17.41.100; or
C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; or
D. Option 4—Cash-in-lieu of planting pursuant to Section 17.41.130.
A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.
The community development director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:
1. Preclude achieving eighty percent of minimum density with reduction of lot size; or
2. Preclude meeting minimum connectivity requirements for subdivisions.
Applicant's Response: Mitigation will be addressed through Option #1, replacement by replanting. The 7 mitigation trees will be planted near the easterly property line of the site.

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 17.04to 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 arborculture. At the applicant's expense, the city may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under section 12.08—Community Forest and Street Trees.
B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:
1. Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or

2. Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.
Table 17.41.060-1
Tree Replacement Requirements
All replacement trees shall be either:
Two-inch caliper deciduous, or
Six-foot high conifer

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

Steps for calculating the number of replacement trees:
1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.
3. Document any trees that are currently diseased or hazardous.
4. Subtract the number of diseased or hazardous trees in step 3. from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5. through 8.
5. Define the construction area (as defined in Chapter 17.04).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6. and 7.
Applicant's Response: Since all the trees that will be lost will be in the construction zone, along Hiram Avenue, the number of trees required for replacement is 3 for the 20" and 23" diameter trees and 1 for the 8" tree. Therefore, a total of 7 replacement trees are required.

17.41.070 - Planting area priority for mitigation (Option 1).
Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:
A. First Priority. Replanting on the development site.

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

Applicant's Response: The mitigation trees will be planted the on-site, either in an area of a tract, outside the NROD zone or in the rear of a proposed lots, as shown on the proposed development plans.

17.41.075 - Alternative mitigation plan.

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

Applicant's Response: This will not be applicable to this application.

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.

Applicant's Response: There will not be dedicated tracts for trees as a part of this application and thus this is not applicable.

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

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

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

1. Provide a map showing the net buildable area of the tree protection tract;

2. Provide calculations justifying the requested dimensional adjustments;

3. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the tree protection tract created pursuant toSection 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.

Applicant's Response: This will not be applicable to this site.

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

Table 17.41.100 B

Reduced Dimensional Standards for Detached Single-Family Residential Units

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

Table 17.41.100 C

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

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

1,800—3,499 square feet	*5 feet*	*15 feet*	*5/0* feet*	*10 feet*	*55%*

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

Applicant's Response: Modifications to dimensional for tree preservation purposes, will not be required for this subdivision site.

17.41.110 - Tree protection by restrictive covenant (Option 3).
Any regulated tree or grove which cannot be protected in a tract pursuant toSection 17.41.080 above shall be protected with a restrictive covenant in a format to be approved by the community development director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the community development director, are determined to be diseased or hazardous.

Applicant's Response: Protected trees on lots will be covered by a restrictive covenant as may be required.

17.41.120 - Permitted adjustments (Option 3 Only).
A. The community development director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduce less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.
B. The community development director, pursuant to a Type II procedure, may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.
C. The community development director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.

Applicant's Response: Adjustments to setbacks for tree purposes, will not be requested as a part of this application.

17.41.1[25] - Cash-in-lieu of planting (tree bank/fund) (Option 4).
The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the community development director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.
A. The cash-in-lieu payment per tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index (Index). The price shall include the cost of materials, transportation and planting.
B. The amount of the cash-in-lieu payment into the tree bank shall be calculated as the difference between the value of the total number of trees an applicant is required to plant, including cost of installation and adjusted for Consumer Price Index, minus the value of the trees actually planted. The value of the trees shall be based on the adopted fee schedule.

Applicant's Response: This option will not be applicable to this site.

17.41.130 - Regulated tree protection procedures during construction.
A. No permit for any grading or construction of public or private improvements may be released prior to verification by the community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the community development director.

Applicant's Response: Regulated trees that are intended to be saved will be protected during construction.

B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:
1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.
2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the community development director.
3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.
4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.
5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the community development director.
7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.
8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.
9. The city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.
10. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.
Applicant's Response: Trees that are required to be protected will be protected by the minimum standards, unless noted other wise and approved by an arborist.

C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.
Applicant's Response: Soil compaction around trees will be avoided to the extent possible.

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

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

5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.
Applicant's Response: More than 10 CY will be excavated and therefore a grading permit will be required.

15.48.090 Submittal requirements.
An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.
A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:
1. No portion of the proposed site is within the flood management area overlay district pursuant to Chapter 17.42, the unstable soils and hillside constraints overlay district pursuant to Chapter 17.44, or a water quality resource area pursuant to Chapter 17.49; and
2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.
B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.
C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:
1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;
2. When an embankment for a stormwater pond is created by the placement of fill;
3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.
D .Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.
Applicant's Response: An engineered grading plan will be required. At this point it is not anticipated at that a geotechnical report will be required.

<u>CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL</u>

17.47.070 Erosion and sediment control plans.
A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.
Applicant's Response: An erosion control plan will be required, and a preliminary EC plan is a part of the grading plan. It is also anticipated that the site could require a 1200-C permit application as the total disturbance area could exceed one acre.

<u>CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES</u>

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

B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage, of all single and two-family dwellings. All applicable single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter. In addition, the frontage of the site shall comply with the following prioritized standards identified in this chapter:
1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
2. Plant street trees.
The cost of compliance with the standards identified in 12.04.003.B.1 and 12.04.003.B.2 is limited to ten percent of the total construction costs. The value of the alterations and improvements as determined by the community development director is based on the entire project and not individual building permits. It is the responsibility of the applicant to submit to the community development director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal such as access or landscaping requirements.
Applicant's Response: Because of the proposed subdivision it is expected frontage improvements will be a required of the land use decision.

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

12.04.007 - Modifications.
The review body may consider modification of this standard resulting from constitutional limitations restricting the city's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:
Two Modifications are being requested.
1. **A modification request is being made to allow the use of a constrained street section.**
2. **A modification request is being made to allow a street centerline off-set of 24.9 feet.**

(Also see the transportation analysis by Ard Engineering for more detailed explanations.)

A. The modification meets the intent of the standard;
Applicant's Response:
1. **The constrained street request will meet the intent of the standard by provide vehicular and pedestrian access to the proposed subdivision site and will be able to be extended in the future.**

2. **The off-set intersections, while generally prohibited between 5 feet and 150 feet, will meet the intent of the standard, as the intersection spacing cannot be placed any closer than 24.9 feet due to an existing house that prevents a straighter alignment. A variance request to street side yard setback is also being requested to allow the 24.9 foot off-set intersection.**

B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
Applicant's Response:

1. **Because the proposed constrained street will be a local street, use by freight is not an issue, but the constrained street will not hinder pedestrians, motor vehicles or bicyclists from using the proposed street as intended. While allowing for reasonable size lots and allowing for one additional infill lot than would be otherwise achievable.**
2. **All three streets that involved with this design are local streets, (Hiram, Gains and the new proposed street). All three streets are or will be short in length, (Four blocks maximum). The modification request should not have any significant effect of the efficient movement of pedestrians, bicyclists or motor vehicles.**

C. The modification is consistent with an adopted plan; and
Applicant's Response:

1. **As a local street the street itself is not specifically noted in the Master Transportation Plan, but the intent of providing connectivity through to underdeveloped adjoining parcels is achieved.**
2. **There is no specific adopted plan for the new proposed street.**

D. The modification is complementary with a surrounding street design; or, in the alternative;
Applicant's Response:

1. **The requested modification will allow for a public street extension and for the project as a whole to be financially feasible.**
2. **In the Park Place neighborhood, there are a number of intersections off-set by similar distances, such as Gains at Front and Cleveland at Front.**

E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.
Applicant's Response: The request is not made for constitutional reasons.

12.04.010 - Construction specifications—Improved streets.
All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.
Applicant's Response: Construction of the curb and sidewalk along Hiram will be constructed in accordance with the required public work standards.

12.04.020 - Construction specifications—Unimproved streets.
Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer and approved by the city commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.
Applicant's Response: There is not an unimproved street, but a new street will be constructed in accordance with City standards.

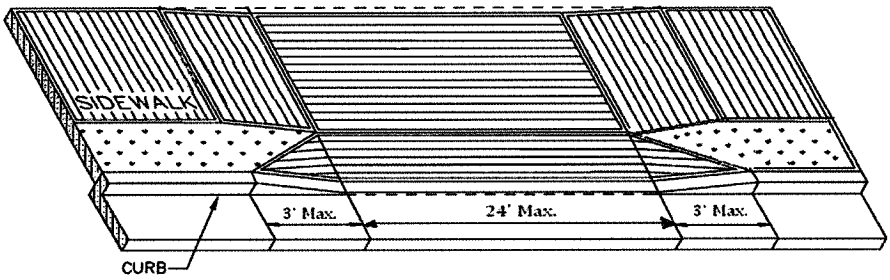
12.04.025 - Street design—Driveway curb cuts.
A. One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single or two-family residential property with multiple frontages.

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

Property Use	*Minimum Driveway Width at sidewalk or property line*	*Maximum Driveway Width at sidewalk or property line*
Single or two-family dwelling with one car garage/parking space	*10 feet*	*12 feet*
Single or two-family dwelling with two car garage/parking space	*12 feet*	*24 feet*
Single or two-family dwelling with three or more car garages/parking space	*18 feet*	*30 feet*
Nonresidential or multi-family residential driveway access	*15 feet*	*40 feet*

The driveway width abutting the street pavement may be extended three feet on either side of the driveway to accommodate turn movements. Driveways may be widened onsite in locations other than where the driveway meets sidewalk or property line (for example between the property line and the entrance to a garage).
Figure 12.04.025: Example Driveway Curb Cut

Single-Family Dwelling with a Two Car Garage



Applicant's Response: Driveway widths will be accordance the requirements of this standard.

C. The decision maker shall be authorized through a Type II process, unless another procedure applicable to the proposal applies, to minimize the number and size of curb cuts (including driveways) as far as practicable for any of the following purposes:
1. To provide adequate space for on-street parking;
2. To facilitate street tree planting requirements;
3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
4. To assure that adequate sight distance requirements are met.
a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements.
b. Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the "R-5" Single-Family Dwelling District or "R-3.5" Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements.
Applicant's Response: Curb cuts will be installed in accordance with City Standards.

D. For all driveways, the following standards apply.
1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet and preferably twenty feet back into the

lot as measured from the current edge of street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.
2. Driving vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or city-approved temporary driveway approach is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.
3. Placing soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.
4. Any driveway built within public street or alley right-of-way shall be built and permitted per city requirements as approved by the city engineer.
Applicant's Response: Driveways will be constructed in accordance with City standards.

E. Exceptions. The public works director reserves the right to waive this standard, if it is determined through a Type II decision including written findings that it is in the best interest of the public to do so.
Applicant's Response: It is not expected that the standards will have to be waived by the Public Works Director.

12.04.080 - Excavations—Permit required.
It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.
Applicant's Response: All work will be performed in accordance with City permitting requirements.

12.04.090 - Excavations—Permit restrictions.
The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.
Applicant's Response: Excavations in street rights-of-way will be accordance with City requirements, including those limiting the number of days permitted for the excavation to be performed.

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

12.04.120 - Obstructions—Permit required.
A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B. of this section, in any public street or alley in the city, without obtaining approval for a right-of-way permit from the commission by passage of a resolution.
1. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.
2. The applicant shall submit at least the following information in the permitting process in order to allow the commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:
a. Site plan showing right-of-way, utilities, driveways as directed by staff;
b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;
c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
d. Alternative routes if necessary;
e. Minimizing obstruction area; and
f. Hold harmless/maintenance agreement.

3. If the commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the city engineer shall issue a right-of-way permit with any conditions deemed necessary by the commission.
B. Temporary Obstructions.
1. A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.
2. The city engineer, or designee, is authorized to grant a permit for a temporary obstruction.
3. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.
4. The applicant shall submit, and the city engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the city engineer:
a. Site plan showing right-of-way, utilities, driveways as directed by staff;
b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;
c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
d. Alternative routes if necessary;
e. Minimizing obstruction area; and
f. Hold harmless/maintenance agreement.
5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the city engineer may issue such a permit only after finding that the following criteria have been satisfied:
a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;
b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;
c. No alternative locations are available that would not require use of the public right-of-way; and
d. Any other factor that the city engineer deems relevant.
6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.
C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the commission.
Applicant's Response: If a temporary obstruction Is needed for some reason a proper permit will be applied for.

12.04.160 - Street vacations—Restrictions.
The commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.
Applicant's Response: No street vacation will be required.

12.04.170 - Street design—Purpose and general provisions.
All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for development, the city engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.
Applicant's Response: A constrained street section is being requested, but otherwise utilities created will be per standard requirements.

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

A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with [Chapter] 12.04 shall be required to preserve the objectives of street extensions.
Applicant's Response: No street stubs are currently at the edge of this parcel. A street stub to the south property line will be created so that it can be extended in the future.

12.04.180 - Street design.
All development regulated by this chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The standards provided below are maximum design standards and may be reduced with an alternative street design which may be approved based on the modification criteria in [Section] 12.04.007. The steps for reducing the maximum design below are found in the Transportation System Plan.
Table 12.04.180 Street Design
To read the table below, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation on either side of the street differs, the wider right-of-way standard shall apply.

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

Road Classification	Comprehensive Plan Designation	Right-of-Way	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median

		Width								
Minor Arterial	*Mixed Use, Commercial or Public/Quasi Public*	*116 ft.*	*94 ft.*	*0.5 ft.*	*10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells*		*6 ft.*	*8 ft.*	*(5) 12 ft. Lanes*	*6 ft.*
	Industrial	*118 ft.*	*86 ft.*	*0.5 ft.*	*5 ft.*	*10.5 ft.*	*6 ft.*	*7 ft.*	*(5) 12 ft. Lanes*	*N/A*
	Residential	*100 ft.*	*68 ft.*	*0.5 ft.*	*5 ft.*	*10.5 ft.*	*6 ft.*	*7 ft.*	*(3) 12 ft. Lanes*	*6 ft.*

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

Road Classification	*Comprehensive Plan Designation*	*Right-of-Way Width*	*Pavement Width*	*Public Access*	*Sidewalk*	*Landscape Strip*	*Bike Lane*	*Street Parking*	*Travel Lanes*	*Median*

Local	*Mixed Use, Commercial or Public/Quasi Public*	*62 ft.*	*40 ft.*	*0.5 ft.*	*10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells*		*N/A*	*8 ft.*	*(2) 12 ft. Lanes*	*N/A*
	Industrial	*60 ft.*	*38 ft.*	*0.5 ft.*	*5 ft.*	*5.5 ft.*	*(2) 19 ft. Shared Space*			*N/A*
	Residential	*54 ft.*	*32 ft.*	*0.5 ft.*	*5 ft.*	*5.5 ft.*	*(2) 16 ft. Shared Space*			*N/A*

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.
Applicant's Response: A constrained street has been requested through the Modification section of this code. A street section of a 40 foot ROW, with a 28 foot curb to curb width, curb and 5 foot sidewalks on each side.

12.04.185 - Street design—Access control.
A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the city as a city controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.
B. The city may grant a permit for the adjoining owner to access through the access control.
C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."
D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."
Applicant's Response: An access control strip may be needed at the end of the proposed street stub.

12.04.190 - Street design—Alignment.
The centerline of streets shall be:
A. Aligned with existing streets by continuation of the centerlines; or
B. Offset from the centerline by no more than five (5) feet, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the offset intersection will not pose a safety hazard.
Applicant's Response: A modification of this standard has been made per 12.04.007, to allow an centerline intersection off-set of 24.9 feet.

12.04.194 - Traffic sight obstructions.
All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.
Applicant's Response: The new street will comply with this standard.

12.04.195 - Spacing standards.

A. All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the transportation system plan. The maximum block spacing between streets is five hundred thirty feet and the minimum block spacing between streets is one hundred fifty feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every three hundred thirty feet. The spacing standards within this section do not apply to alleys.
B. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 12.04.195.B.

Table 12.04.195.B Minimum Driveway Spacing Standards

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

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.
Applicant's Response: The driveways will meet the standards for driveways for local streets.

12.04.199 - Pedestrian and bicycle accessways.
Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding three hundred thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.
A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.
Applicant's Response: There is not a Pedestrian and bicycle accessway proposed, therefore this is not applicable.

B. Accessways shall be free of horizontal obstructions and have a nine-foot, six-inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:

1. Accessways shall have a fifteen-foot-wide right-of-way with a seven-foot wide paved surface between a five-foot planter strip and a three-foot planter strip.
2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-three feet wide with a fifteen-foot paved surface a five-foot planter strip and a three-foot planter strip.
Applicant's Response: This not applicable to proposed subdivision.

C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.
Applicant's Response: This not applicable to proposed subdivision.

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

E. Accessways shall comply with Americans with Disabilities Act (ADA).
Applicant's Response: This not applicable to proposed subdivision.

F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:
1. Within the three-foot planter strip, an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average;
2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees;
3. Within the five-foot planter strip, two-inch minimum caliper trees with a maximum of thirty-five feet of separation between the trees to increase the tree canopy over the accessway;
4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.
Applicant's Response: This not applicable to proposed subdivision.

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.
Applicant's Response: This not applicable to proposed subdivision.

H. Accessway surfaces shall be paved with all-weather materials as approved by the city. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.
Applicant's Response: This not applicable to proposed subdivision.

I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.
Applicant's Response: This not applicable to proposed subdivision.

J. The community development director may approve an alternative accessway design due to existing site constraints through the modification process set forth in Section 12.04.007.
Applicant's Response: This not applicable to proposed subdivision.

K. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the hearings body shall require one of the following:
1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or

2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.
Applicant's Response: This not applicable to proposed subdivision.

12.04.205 - Mobility standards.
Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection D below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan or as otherwise identified by the city transportation engineer.
A. For intersections within the regional center, the following mobility standards apply:
1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.
B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
1. For signalized intersections:
a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
2. For unsignalized intersections outside of the boundaries of the Regional Center:
a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.
D. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:
I-205/OR 99E Interchange
I-205/OR 213 Interchange
OR 213/Beavercreek Road
State intersections located within or on the Regional Center Boundaries
1. In the case of conceptual development approval for a master plan that impacts the above references intersections:
a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and
b. Only those trips approved by a detailed development plan review are vested.
2. Development which does not comply with the mobility standards for the intersections identified in [Section] 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other

provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

Applicant's Response: It is expected that for the new unsignalized intersection the movements during the peak hour will not exceed 20 vehicles per 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.

Applicant's Response: The intersection of the new street with Hiram will be at a right angle to Hiram.

12.04.215 - Street design—Off-site street improvements.

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

Applicant's Response: No off-site street improvements are expected to be warranted by the development of the 4 new additional lots.

12.04.220 - Street design—Half street.

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

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

Applicant's Response: A half street is not proposed.

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

The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the community development director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end roads

shall include pedestrian/bicycle accessways as required in this chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.
Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and city adopted street standards. Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way/easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.
Applicant's Response: While the proposed development itself does not end with a cul-de-sac, via the future street plan, it is expected that a cul-de-sac will eventually end the proposed street stub. Because of existing development patterns, and the fact that Rock Street ROW is very narrow and cannot easily be widen, without significant redevelopment in the area, a cul-de-sac is the most reasonable way to provide a public street for this small infill area.

12.04.230 - Street design—Street names.
Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the city and shall be subject to the approval of the city.
Applicant's Response: A street name has not been decided upon, but it shall meet the City standards.

12.04.235 - Street design—Grades and curves.
Grades and center line radii shall conform to the standards in the city's street design standards and specifications.
Applicant's Response: The grades and centerline radius will meet the City standards, with a street knuckle being used to make the development most efficient for lots, on what will be a relatively short street.

12.04.240 - Street design—Development abutting arterial or collector street.
Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.
Applicant's Response: This is not applicable to this subdivision.

12.04.245 - Street design—Pedestrian and bicycle safety.
Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic.
All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the city engineer.
Applicant's Response: Special curb extensions for pedestrian and bicycle safety is not expected to be needed for the proposed intersection due to the low volume of vehicles.

12.04.255 - Street design—Alleys.
Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet.
Applicant's Response: No alley is proposed.

12.04.260 - Street design—Transit.
Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in [Section] 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary in Chapter 12.04 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.
Applicant's Response: The site is not on a transit street.

12.04.265 - Street design—Planter strips.
All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within ten feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.
To promote and maintain the community tree canopy adjacent to public streets, trees shall be selected and planted in planter strips in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining healthy and attractive trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction.
Applicant's Response: Because a constrained street is proposed, planter strips will not be created.

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

Chapter 12.08 - PUBLIC AND STREET TREES[2]

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

A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an

alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.
Applicant's Response: A street per every 35 feet will be planted to the fullest extent possible, while meeting other code requirements, as noted below.

B. The following clearance distances shall be maintained when planting trees:
1. Fifteen feet from streetlights;
2. Five feet from fire hydrants;
3. Twenty feet from intersections;
4. A minimum of five feet (at mature height) below power lines.
Applicant's Response: These standards will be met.

C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.
Applicant's Response: This standard will be met.

D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.
Applicant's Response: This is not applicable to this site.

12.08.020 - Street tree species selection.
The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.
Applicant's Response: We are not aware of any specific requirements for a particular street tree.

12.08.035 - Public tree removal.
Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035.
All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where necessary due to planting constraints. The community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City in accordance with Oregon City Municipal Code 12.08.
Table 12.08.035

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

		19" to 24"	*4 Trees*
		25" to 30"	*5 Trees*
		31" and over	*8 Trees*

Applicant's Response: No existing trees in existing right-of-way areas will have to be removed for this development.

12.08.040 - Heritage Trees and Groves.
A. Purpose. Certain trees, because of their age, species, natural resource value, ecological or historical association, are of special importance to the city. These trees may live on private or public property.
1. The purpose of this chapter is to recognize, foster appreciation and provide for voluntary protection of Heritage Trees.
2. In particular, the following trees are shall be considered significant, and therefore eligible for heritage tree nomination in Oregon City, if they meet the minimum size requirements of the table below:
Tree Eligibility based on Size

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

D. Criteria.
1. The city commission may designate a tree or grove as a Heritage Tree or Heritage Grove if the commission determines that the following criteria are met:
a. The tree or grove is of landmark importance to the City of Oregon City due to age, size, species, horticultural quality or historic importance; or
b. It is listed as a State Heritage Tree, as designated by the state division of forest resources; or
c. It is a rare species, or provides a habitat for rare species of plants, animals or birds; and
d. The tree is not irreparably damaged, diseased, hazardous or unsafe, or the applicant is willing to have the tree treated by an arborist and the treatment will alleviate the damage, disease or hazard;
E. Protection of Heritage Trees and Groves.
1. No Heritage Tree or Grove may be removed, topped, or otherwise altered unless permitted by this section.
2. An application to remove a Heritage Tree or Grove shall demonstrate that the burden imposed on the property owner, or, if the tree is located within the public right-of-way under city jurisdiction, then the burden imposed on the city by the continued presence of the tree outweighs the public benefit provided by the tree. For the purposes of making this determination, the following tree impacts shall not be considered unreasonable burdens on the property owner, or if appropriate, the city:
a. View obstruction;
b. Routine pruning, leaf raking and other maintenance activities; and
c. Infrastructure impacts or tree hazards that can be controlled or avoided by appropriate pruning or maintenance.

3. Unless the tree is permitted to be removed due to poor health or hazard pursuant to Section 12.08.042, the applicant shall be required to mitigate for the loss of the tree pursuant to Table 12.08.042.
4. Any person who removes a Heritage Tree or Grove in violation of this chapter shall be subject to the penalties provided in this chapter.
F. Recognition of Heritage Trees and Groves.
1. A Heritage Tree plaque may be designed and furnished by the city to the property owner, or if the tree is in the public right-of-way, to the appropriate city official, of a designated Heritage Tree or Grove. The city may charge a fee to cover the costs of the providing the plaque. The plaque shall be posted at a location at or near the tree or grove and, if feasible, visible from a public right-of-way.
2. The community development director shall maintain a list and map of designated Heritage Trees and Groves.
G. Removal of Heritage Tree or Grove Designation.
1. A Heritage Tree or Grove may be removed from designation if it dies or is removed pursuant to this chapter. If removed from private property, the city shall record a document extinguishing the covenant.
Applicant's Response: There is no heritage trees involved on this, to the best of our knowledge.

12.08.045 - Gifts and funding.
The City of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the city. the community development director may allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City. The community development director may determine the type, caliper and species of the trees purchased with the fund. The cost of each tree may be adjusted annually based upon current market prices for materials and labor as calculated by the community development director. A separate fund shall be established and maintained for revenues and expenditures created by activities specified in this chapter. The natural resources committee shall have authority on behalf of the city to seek grants and alternative funding for tree projects. Funds from such grant awards shall be administered by the city pursuant to this section.
Applicant's Response: It is not expected this will be applicable to the site.

<u>Chapter 13.12 - STORMWATER MANAGEMENT</u>

13.12.050 - Applicability and exemptions.
This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.
A. Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:
1. The conveyance facilities are located entirely on one privately owned parcel;
2. The conveyance facilities are privately maintained; and
3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.
Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the building official.
Applicant's Response: This requirement is applicable to the site.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:
1. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or
2. Activities that create or replace more than five thousand square feet of impervious surface per parcel or lot, cumulated over any given five-year period.
Applicant's Response: This standard is applicable to the proposed development.

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

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

Applicant's Response: The exceptions permitted are not applicable to this site.

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

1. *Bulk petroleum storage facilities;*
2. *Above ground storage of liquid materials;*
3. *Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;*
4. *Exterior storage of bulk construction materials;*
5. *Material transfer areas and loading docks;*
6. *Equipment and/or vehicle washing facilities;*
7. *Development on land with suspected or known contamination;*
8. *Covered vehicle parking for commercial or industrial uses;*
9. *Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and*
10. *Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.*

Applicant's Response: The additional management practices are not applicable to this site.

13.12.080 - Submittal requirements.

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

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

Applicant's Response: Engineered plans will be submitted for permitting once the subdivision land use request has been conditionally approved.

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

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

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

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

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

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

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

Applicant's Response: These requirements will be met.

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

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

Applicant's Response: Alternative materials or design or construction methods are not expected to be required.

13.12.120 - Standard construction specifications.

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

Applicant's Response: The construction of the required stormwater improvements will meet the City standards or other applicable standard as may be the case.

<u>CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES</u>

17.50.050 Preapplication Conference

A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations,

requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.
B.A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.
Applicant's Response: A pre-application conference was held on October 31, 2017

17.50.055 Neighborhood Association Meeting
The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.
1. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, planning commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.
2. The applicant shall send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the citizen involvement committee describing the proposed project. Other communication methods may be used if approved by the neighborhood association.
3. A meeting shall be scheduled within thirty days of the notice. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall hold their own meeting after six p.m. or on the weekend, with notice to the neighborhood association, citizen involvement committee, and all property owners within three hundred feet. If the applicant holds their own meeting, a copy of the certified letter requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a city facility.
4. If the neighborhood association is not currently recognized by the city, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.
5. To show compliance with this section, the applicant shall submit a sign-in sheet of meeting attendees, a summary of issues discussed, and letter from the neighborhood association or citizen involvement committee indicating that a neighborhood meeting was held. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, a sign in sheet of attendees and a summary of issues discussed.
Applicant's Response: A presentation about the proposed subdivision was made in front of the Park Place Neighborhood Association Steering Committee on 1-28-19, Tom Sisul of Sisul Engineering. Minutes and the attendance list of the meeting is included as part of the additional application materials.

17.60.020 - Variances—Procedures.
A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.
Applicant's Response: The variance request is being made by the applicant.
B. A nonrefundable filing fee, as listed in Section 17.50.[0]80, shall accompany the application for a variance to defray the costs.

Applicant's Response: The application fee has been paid.

C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in Section 17.60.030, Variances — Grounds.

Applicant's Response: It is expected a planning commission hearing will be required.

D. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in Section 17.50.030B., and shall address the criteria identified in Section 17.60.030, Variance — Grounds.

Applicant's Response: It is not expected this will be a minor variance.

E. For the purposes of this section, minor variances shall be defined as follows:

1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;

2. Variances to width, depth and frontage requirements of up to twenty percent;

3. Variances to residential yard/setback requirements of up to twenty-five percent;

4. Variances to nonresidential yard/setback requirements of up to ten percent;

5. Variances to lot area requirements of up to five;

6. Variance to lot coverage requirements of up to twenty-five percent;

7. Variances to the minimum required parking stalls of up to five percent; and

8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.

Applicant's Response: The setback reduction request will exceed 25%.

17.60.030 - Variance—Grounds.

A variance may be granted only in the event that all of the following conditions exist:

A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

Applicant's Response: The variance request will not create damage to adjacent properties, by reducing light, air, or safe access or other necessary qualities. The existing home on which this variance is being requested for already has an existing driveway as close or closer to the house than where the proposed curb line would be.

B. That the request is the minimum variance that would alleviate the hardship;

Applicant's Response: There at least 3 competing requirements at play with this request. One is requested variance of the right-of-way to the house; another is the street centerline intersection off-set which is hoped to be reduced to the minimum possible; and finally, is having a reasonable width lot on the opposite side of the street next to the NROD area. The reduced street side yard is requested to reduce the centerline off-set and to allow for a wider lot on the opposite side of the street.

C. Granting the variance will equal or exceed the purpose of the regulation to be modified.

Applicant's Response: The proposed variance is a balance of different competing regulations as noted in B above. The proposed variance will overall provide a reasonable compromise, of competing requirements.

D. Any impacts resulting from the adjustment are mitigated;

Applicant's Response: Fencing along the ROW line could be installed, or vegetation screen could be planted although we note that side of the existing home as no windows or doors.

E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Applicant's Response: No practical alternatives that would not impact the centerline off-set are possible.

F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Applicant's Response: The variance allows for a reasonable adjustment to allow an infill development in a constrained area, to be served with a public street, as is desired by the City.