



ACCT CODE:

100-312-6122

# LAND USE APPLICATION FORM

### Type I (OCMC 17.50.030.A)

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

### Type II (OCMC 17.50.030.B)

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

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

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

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

Proposed Land Use or Activity: MODIFICATION FOR 13<sup>th</sup> ST. SIDEWALK REPAIR/INSTALLATION

OF 7 TREE WELLS - EXISTING SIDEWALK WIDTH DOES NOT MEET CODE WIDTH 10'6"

Project Name: 13<sup>th</sup> STREET SIDEWALK REPLACEMENT Number of Lots Proposed (If Applicable): N/A

Physical Address of Site: 1211 JACKSON ST

Clackamas County Map and Tax Lot Number(s): 2-2E-32BB-06100

### Applicant(s):

Applicant(s) Signature: Denise Conrad

Applicant(s) Name Printed: DENISE CONRAD Date: 10/22/19

Mailing Address: 625 CENTER ST. OREGON CITY, OR 97045

Phone: 503.657.0891 Fax: \_\_\_\_\_ Email: dconrad@orc.city.org

### Property Owner(s):

Property Owner(s) Signature: Jay Kell

Property Owner(s) Name Printed: \_\_\_\_\_ Date: \_\_\_\_\_

Mailing Address: 625 CENTER ST. OREGON CITY, OR 97045

Phone: 503.657.0891 Fax: \_\_\_\_\_ Email: \_\_\_\_\_

### Representative(s):

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

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

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

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

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

**TYPE II APPLICATION**  
**PUBLIC IMPROVEMENT MODIFICATION**  
**Applicant's Submittal**  
*October 18, 2019*

**APPLICANT:** City of Oregon City  
Parks and Recreation  
625 Center St, Oregon City, OR 97045

**OWNER:** City of Oregon City  
625 Center St.  
Oregon City, OR 97045

**REQUEST:** **Public Improvement** Modification for Sidewalk and Tree Planting along 13<sup>th</sup> Street abutting Oregon City Swimming Pool.

**LOCATION:** **Oregon City Swimming Pool and abutting 13<sup>th</sup> Street Right-of-Way**  
1211 Jackson St  
Clackamas County Map 2-2E-32BB-06100

**I. BACKGROUND:**

**1. Existing Conditions**

Currently the existing street section for 13<sup>th</sup> Street includes a 6-foot wide sidewalk, a 3 foot 4 inch wide planter strip, and a 6-inch curb width. The total width from edge of curb to the inside edge of the sidewalk measures 9' 10". The sidewalk has raised sections from ¼" to slightly more than 2" along a significant portion of the length of 13<sup>th</sup> Street due to root intrusion and wear and tear over the years. Several of the panels have had sectional replacements. The existing mow strip has areas where the curb has eroded allowing the soil to erode and creating an uneven unload and loading transition to and from vehicle parking. There is curbside/on street parking for the public use of the swimming pool facility. Primary users of the facility are seniors, teens, school age children, and parents with small children.

**2. Project Description.**

This proposal is to remove the existing mow strip replacing with 7 spaced tree wells and replace the existing deteriorated sidewalk. The proposal is for approximately 738 sq. ft. of sidewalk replacement, 703.5 sq. ft. of mow strip removed and installation of tree wells and repair 35 lineal ft. curb. There is one small section of sidewalk repair along Jackson St. of a 6'x 6' panel included in that proposal of sidewalk repair. That 6' x 6' panel replacement is not included in the modification application as it complies with code for a like for like replacement as maintenance standards require.

Currently there are no street trees planted in the planter strip along 13th Street. The City is planting street trees along 13th Street, as mitigation for the removal of two on-site trees and to improve the appearance of the streetscape along 13th Street. In order to provide adequate space for seven (7) street trees along 13th Street and still provide good clearance for pedestrian passage and compliance with the Americans with Disabilities Act (ADA), the proposed design for the sidewalk is for removal of the planter strip and replacement with curb-tight sidewalk panels with tree wells. The overall width will be slightly less than the standard 10.5' width required. Tree wells will be 5' by 5' in dimension, leaving 4' 4" of

clearance abutting the tree well. The sidewalk area between tree wells will have a clearance of 9'-4" abutting the 6" curb.

The intent of the standards in 16.12.016 (Local Street Road Classification) is to provide safe pedestrian passage abutting higher activity areas typical of mixed-use, commercial and public land uses, such as the swimming pool. Additionally, tree wells provide space for placement of street trees to provide shade, buffering from vehicle traffic and aesthetic improvement of the street scape. The swimming pools primary users are seniors, children, teens and families. All parking serving the pool is on-street, therefore having a wider, curb-tight sidewalk will allow safer transitions for people loading and unloading their vehicles.

It is not practicable to install a wider sidewalk without changing the existing pavement width of the street, drainage and on-street parking needs. The proposal meets the intent of the standard.

This application requests approval of a design modification to the sidewalk width standard of OCMC 16.12.016 – Street Design for Tax Lot 2-2E-32BB-06100. The addresses for these properties are 1211 Jackson Street.

13<sup>th</sup> Street/Ave is classified as a local street and the subject property is zoned Institutional. The property has a Comprehensive Plan designation of Public / Quasi-Public.

The provisions of OCMC 16.12016 regulate street design dependent on the Road Classification and Adjacent Comprehensive Plan Designation.

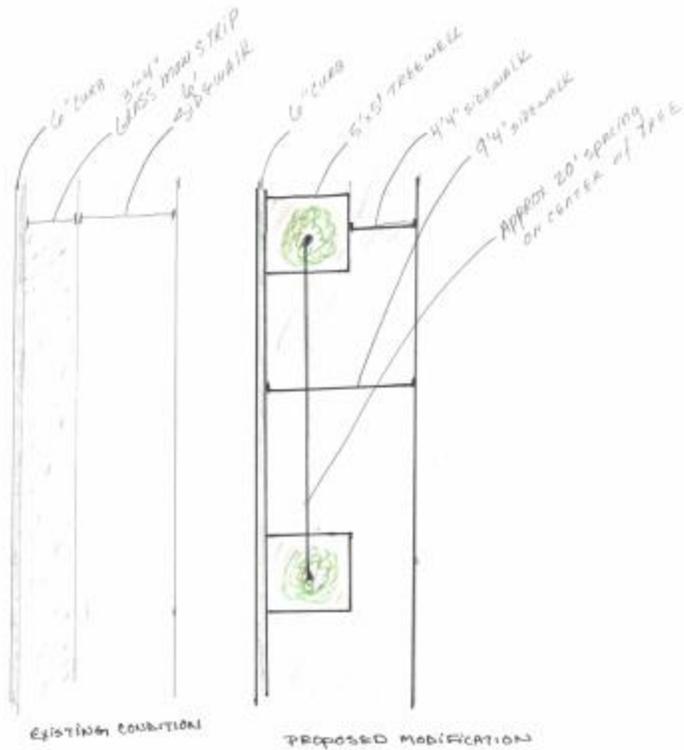
Table 16.12.016 of the OCMC requires that sidewalks for a local street be 10.5 ft. wide, including 5 ft. x 5 ft. tree wells.

Due to site constraints and the existing width of the edge of curb to edge of sidewalk at 9'-10", the proposed modification is the minimum practicable width that would allow for providing safe pedestrian passage.

The intent of the standards in 16.12.016 (Local Street Road Classification) is to provide safe pedestrian passage abutting higher activity areas typical of mixed-use, commercial and public land uses, such as the swimming pool. Additionally, tree wells provide space for placement of street trees to provide shade, buffering from vehicle traffic and aesthetic improvement of the street scape. The swimming pools primary users are seniors, children, teens and families. All parking serving the pool is on-street, therefore having a wider, curb-tight sidewalk will allow safer transitions for people loading and unloading their vehicles.

It is not practicable to install a wider sidewalk without changing the existing pavement width of the street, drainage and on-street parking needs. The proposal meets the intent of the standard.

13TH STREET SIDEWALK MODIFICATION PROPOSAL



Design modifications may be approved through a Type II process pursuant to the provisions of OCMC 16.12.013. Compliance with the approval criteria of that section is discussed below.

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

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

<b>CHAPTER</b>	<b>PAGE</b>
CHAPTER 16.12 MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT .....	4
CHAPTER 12.04 STREETS, SIDEWALKS, AND PUBLIC PLACES.....	21
CHAPTER 12.08 - PUBLIC AND STREET TREES .....	25
CHAPTER 17.39 I INSTITUTIONAL DISTRICT .....	27
CHAPTER 17.50 ADMINISTRATION AND PROCEDURES .....	29

The City Code Book is available on-line at [www.orcity.org](http://www.orcity.org).

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

**REQUIRED CODE RESPONSES:**

**CHAPTER 16.12 MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT**

**16.12.010 - Purpose and general provisions.**

*All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's public facility master plans and City design standards and specifications. In reviewing applications for development, the City Engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development shall 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 shall 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 Response:** Since this is a street improvement, it shall be reviewed and approved by the City engineer prior to construction.

**16.12.011 - Applicability.**

*A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements. Minor Site Plan and Design Review applications shall not be subject to this chapter unless improvements are proposed within the right-of-way.*

*B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all single and two-family dwellings living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:*

- 1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and*
- 2. Plant street trees.*

*The cost of compliance with the standards identified in 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the State of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.*

**Applicant Response:** Per 16.12.013 this chapter applies as it is a Modification to a Public Improvement Standard and this is a public improvement project, requiring a Type II review.

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

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

**Applicant Response:** Understood.

**16.12.013 - Modifications.**

*The applicant may request and the review body may consider modification of the standards in this chapter 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:*

**Applicant Response:**

This request is for modification to a public improvement standard and this is a public improvement project, requiring a Type II review.

*A. The modification meets the intent of the standard;*

**Applicant Response:**

OCCM 16.12.016 – Street Design requires 10.5’ wide sidewalks including 5’ by 5’ tree wells. The intent of this standard is to provide a slightly wider sidewalk on a local street when it abuts a property with a comprehensive plan designation of Mixed Use, Commercial or Public / Quasi Public. 13<sup>th</sup> Street is a local street. Currently the existing street section for 13<sup>th</sup> Street includes a 6’ sidewalk width, a 3’-4” planter strip width, and a 6-inch curb width. The total width from edge of curb to the inside edge of the sidewalk measures 9’ 10”.

Currently there are no street trees planted in the planter strip along 13<sup>th</sup> Street. The City is planting street trees along 13<sup>th</sup> street, in order to mitigate for the removal of two on-site trees at the swimming pool and to improve the appearance of the streetscape along 13<sup>th</sup> Street. In order to provide adequate space for seven (7) street trees along 13<sup>th</sup> Street and still provide good clearance for pedestrian passage and compliance with the Americans with Disabilities (ADA) act, the proposed design for the sidewalk is for removal of the planter strip and replacement with curb-tight sidewalk panels with tree wells. The overall width will be slightly less than the standard 10.5’ width required. Tree wells will be 5’ by 5’ in dimension, leaving 4’ 4” of clearance abutting the tree well.

The intent of the standards in 16.12.016 (Local Street Road Classification) is to provide safe pedestrian passage abutting higher activity areas typical of mixed-use, commercial and public land uses, such as the swimming pool. Additionally, tree wells provide space for placement of street trees to provide shade, buffering from vehicle traffic and aesthetic improvement of the street scape. The swimming pools primary users are seniors, children, teens and families. All parking serving the pool is on-street, therefore having a wider, curb-tight sidewalk will allow safer transitions for people loading and unloading their vehicles.

It is not practicable to install a wider sidewalk without changing the existing pavement width of the street, drainage and on-street parking needs. The proposal meets the intent of the standard.

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

**Applicant Response:** The proposed modification allows for the safe and efficient movement of pedestrians, while preserving adequate street width for vehicles, bicycles and on-street parking in this neighborhood. The sidewalk will meet Americans with Disabilities Act (ADA) standards for width. Sight

distance is uninterrupted in both directions. There are no fire hydrants, street lights, overhead power lines or vegetation requiring clearance distances for tree planting per OCMC 12.08.035. Tree wells are proposed farther than 20 feet from either end of the intersections with Jackson and J.Q. Adams as required. Nothing in this proposed modification would impact the safe and efficient movement for all transportation modes on this street.

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

**Applicant Response:** The comprehensive plan designation for this area is Public / Quasi-Public and the current use for a public swimming pool is consistent with the Comprehensive Plan designation. 12<sup>th</sup> Street and Jackson Streets are designated as collector level streets in the Transportation System Plan (TSP), while 13<sup>th</sup> Street and JQ Adams are local streets. The proposed sidewalk and tree well areas meet the intent of the TSP designation. The modification of the sidewalk width simply reflects what is needed for that requirement to be met in a practicable manner. The proposal will not affect existing or future sewer, water, storm water, projects identified in the City's adopted public facilities plans.

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

**Applicant Response:**

- The existing sidewalk on 13<sup>th</sup> Street is detached with a planter strip.
- Jackson Street has a curb-tight concrete sidewalk all the way around.
- 12<sup>th</sup> Street has curb-tight concrete sidewalk all the way around.
- JQ Adams Street has a detached sidewalk with a planter strip and overhead utility lines.

The surrounding existing street design complements the established residential and public uses in the vicinity. The proposed design will augment and complement this street design theme, especially through the addition of new street trees and a new sidewalk as described above.

The proposed modification will allow for safe passage by pedestrian and maneuvering of vehicles. For these reasons, the proposal is complementary with the surrounding street design.

*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 Response:** Not applicable. The modification is not sought for constitutional reasons.

#### **16.12.014 - Administrative provisions.**

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

- A. Pre-Design Meeting;*
- B. Final Engineering Plans, Stamped and Signed by an Oregon Licensed Professional Engineer;*
- C. Stormwater Report, Stamped and Signed by an Oregon Licensed Professional Engineer;*
- D. Geotechnical Report, Stamped and Signed by an Oregon Licensed Professional Engineer (if applicable);*
- E. Engineer's Preliminary and Final Cost Estimates (also may be known as engineer's opinion of probable construction cost);*
- F. Plan Check and Inspection Fees (as set by City resolution);*

- G. Certificate of Liability Insurance for city funded public projects contracted by the City (not less than one million dollars single incident and two million dollars aggregate);
- H. Preconstruction Meeting Notes;
- I. Financial Guarantee(s) per OCMC 17.50.140;
- J. Applicable Approvals/Permits from other agencies or entities;
- K. Developer/Engineer Agreement for public works improvements.

**Applicant Response:** Public Works – Development Services has waived submittal of these items on 10/21/19.

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

- L. Project Engineer's Certificate of Completion;
- M. Stormwater Operation and Maintenance Easement (if applicable);
- N. Deed of Dedication (Bargain and Sale Deed);
- O. Recorded Plat and/or Easements (if applicable);
- P. Recorded Non-Remonstrance Covenant Agreement;
- Q. Land Division Compliance Agreement (if applicable);
- R. Permanent Stabilization and/or Restoration of the impact from the development;
- S. Fulfillment of all Conditions of Approval;
- T. Payment of all Outstanding Fees;
- U. Maintenance Guarantee(s). per OCMC 17.50.141;
- V. Indemnity Agreement (if applicable);
- W. Completed Punchlist;
- X. As-Built Drawings;

**Applicant Response:** Public Works – Development Services has waived submittal of these items on 10/21/19.

*Details on individual items required by this subsection can be obtained by contacting Public Works. Many items, such as the engineer's cost estimate and plan check and inspection fee, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).*

**Applicant Response:** Public Works – Development Services has waived submittal of these items on 10/21/19.

**16.12.015 - Street design—Generally.**

*Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the Transportation System Plan, Trails Master Plan, and/or Parks and Recreation Master Plan and this chapter, subject to constitutional limitations. The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:*

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;

B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the City Engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with OCMC 16.12.017 shall be required to preserve the objectives of street extensions.

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

**Applicant Response:** See response 16.12.013.C.

**16.12.016 - Street design.**

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

**Applicant Response:** See response 16.12.013.C.

**Table 16.12.016 Street Design**

Table 16.12.016 Street Design. To read the table select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation for lands 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 Lanes	6 ft.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 Lanes	6 ft.

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

		Way 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.

7. A raised concrete median or landscape median shall be utilized for roads identified to have access restrictions.

**Applicant Response:** See response 16.12.013.C.

A. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the development. Both sidewalks and curbs are to be constructed to City standards and at widths set forth above, and according to plans and specifications provided by the City Engineer. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a development without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the development application. Applicants for partitions may be allowed to meet this requirement by providing the City with a financial guarantee per OCMC 16.12.110.

**Applicant Response:** The modification will result in the replacement of sidewalk along 13<sup>th</sup> Street.

B. Pedestrian and Bicycle Accessways Routes. If deemed appropriate to extend pedestrian and bicycle routes, existing or planned, the decision-maker may require the installation of separate pedestrian and bicycle facilities.

**Applicant Response:** N/A. Applicant is not extending the pedestrian or bike routes.

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

**Applicant Response:** N/A. Street signs and traffic control devices will remain as existing.

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

**Applicant Response:** N/A. The existing street lights are adequate.

E. Any new street proposed with a pavement width of less than thirty-two feet shall be processed through OCMC 16.12.013 and meet minimum life safety requirements, which may include fire suppression devices as determined by the Fire Marshall to assure an adequate level of fire and life safety. The modified street shall have no less than a twenty-foot wide unobstructed travel lane.

**Applicant Response:** N/A. No change to the existing pavement width.

F. All development shall include vegetated planter strips that are five feet in width or larger and located between the sidewalk and curb unless otherwise approved pursuant to this chapter. All development shall utilize the vegetated planter strip for the placement of street trees or place street trees in other acceptable locations, as prescribed by OCMC 12.08. Development proposed along a collector, minor arterial, or major arterial roads may place street trees within tree wells within a wider sidewalk in lieu of a planter strip. In addition to street trees per OCMC 12.08, vegetated planter strips shall include ground cover and/or shrubs spaced four feet apart and appropriate for the location. No invasive or nuisance plant species shall be permitted.

**Applicant Response:** The proposed design calls for tree wells, not planter strips, in conformance with the Street Design standards of 16.12.016.

G. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker and only where dedication of a street is deemed impracticable.

**Applicant Response:** N/A. No vehicle or pedestrian access easements needed as the area is existing public right-of-way.

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

**Applicant Response:** N/A. No vehicle or pedestrian access easements needed as the area is existing ROW

**16.12.017 - Street design—Access control.**

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

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

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

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

**16.12.018 - Street design—Alignment.**

The centerline of streets shall be:

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

B. Offset from the centerline by no more than five feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

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

**16.12.019 - Traffic sight obstructions.**

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

**16.12.020 - Street design—Intersection angles.**

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

**16.12.021 - Street design—Grades and curves.**

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

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

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

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

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

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

**16.12.024 - Street design—Half street.**

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker shall 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 shall construct a half street with at least twenty feet of pavement width and provide signage prohibiting street parking so as to make the half street safe until such time as the other half is constructed.

Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets.

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

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

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

A. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units.

B. Cul-de-sacs and permanent dead-end streets shall include pedestrian/bicycle accessways to meet minimum block width standards as prescribed in OCMC 16.12.030.

C. Cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and city adopted street standards.

D. Permanent dead-end streets shall provide public street right-of-way/easements sufficient to provide a sufficient amount of turn-around space complete with appropriate no-parking signs or markings to accommodate waste disposal, sweepers, emergency and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker.

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

**16.12.026 - Street design—Alleys.**

Alleys with public access easements on private property shall be provided in the Park Place and South End concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the City Engineer. Access easements and maintenance agreements shall be recorded on affected properties.

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

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

**16.12.028 - Street design—Transit.**

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

**16.12.029 - Excavations—Restoration of pavement.**

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

**16.12.030 - Blocks—Width.**

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

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

**16.12.031 - Street design—Street names.**

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

**Applicant Response:** Subsections 16.12.017 through 16.12.031 do not apply as no new streets are proposed.

**16.12.032 – Public off-street pedestrian and bicycle accessways.**

*Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable.*

*Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding 330 feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.*

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

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

1. Accessways shall have a fifteen-foot wide right-of-way with a seven-foot wide paved surface with a minimum four-foot planter strip on either side.
  2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-four feet wide with a sixteen-foot paved surface between four-foot planter strips on either side.
- C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.
- D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.
- E. Accessways shall comply with Americans with Disabilities Act (ADA).
- F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:
1. Either an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and
  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; and
  3. A two-inch minimum caliper tree for every thirty-five feet along the accessway. Trees may be planted on either side of the accessway, provided they are spaced no more than thirty-five feet apart; and
  4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.
- G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.
- H. Accessway surfaces shall be paved with all-weather materials as approved by the City. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.
- I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.
- J. The decision maker may approve an alternative accessway design due to existing site constraints through the modification process set forth in OCMC 16.12.013.
- K. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the City Engineer shall require one of the following:
1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or
  2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

**Applicant Response:** N/A. No pedestrian accessways are proposed. The section is not applicable to this proposal.

### **16.12.033 - Mobility standards.**

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

A. For intersections within the regional center, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.

B. For intersections outside of the Regional Center but designated on the Arterial and Thoroughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Thoroughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

1. For signalized intersections:

a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

2. For unsignalized intersections outside of the boundaries of the Regional Center:

a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.

D. For the intersection of OR 213 & Beaver Creek Road, the following mobility standards apply:

1. During the first, second & third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.

E. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205/OR 99E Interchange

State intersections located within or on the Regional Center Boundaries

1. In the case of conceptual development approval for a master plan that impacts the above referenced intersections:

a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and

b. Only those trips approved by a detailed development plan review are vested.

2. Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

**Applicant Response:** N/A. This proposal does not affect any mobility standards.

### **16.12.035 - Driveways.**

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

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

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

B. Nonresidential or multi-family residential driveways that generate high traffic volumes shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.

C. One driveway may be allowed per frontage, unless otherwise restricted. In no case shall more than two driveways be allowed for any single-family attached or detached residential property, duplex, 3-4 plex, or property developed with an ADU or internal conversion with multiple frontages, unless otherwise approved by the City Engineer.

D. When a property fronts multiple roads, access shall be provided from the road with the lowest classification in the Transportation System Plan whenever possible to minimize points of access to arterials and collectors. At the discretion of the City Engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:

1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or
2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.

E. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

<i>Property Use</i>	<i>Minimum Driveway Approach Width</i>	<i>Maximum Driveway Approach Width</i>
<i>Single-Family Attached</i>	<i>10 feet</i>	<i>12 feet</i>
<i>Single-Family Detached in R-5 &amp; R-3.5</i>	<i>10 feet</i>	<i>12 feet</i>
<i>Single-Family Detached in R-10, R-8, &amp; R-6</i>	<i>12 feet</i>	<i>24 feet</i>
<i>Duplexes</i>	<i>12 feet</i>	<i>24 feet</i>
<i>3-4 Plexes</i>	<i>12 feet</i>	<i>24 feet</i>
<i>Multi-Family</i>	<i>18 feet</i>	<i>30 feet</i>

Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential	One-Way 12 feet	Two-Way 20 feet	40 feet
---	--------------------	--------------------	---------

Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.

F. The City Engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:

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

a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.

G. For all driveways, the following standards apply.

1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the City Engineer.
2. Any driveway approach built within public right-of-way shall be built and permitted per City requirements as approved by the City Engineer.
3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the City Engineer.

H. Exceptions. The City Engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.

**Applicant Response:** N/A. No new driveways are being constructed or proposed.

#### **16.12.065 - Building site—Grading.**

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

**Applicant Response:** N/A. Grading is not included in this proposal.

#### **16.12.085 - Easements.**

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

A. Utilities. Utility easements shall be required where necessary as determined by the City Engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the development and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.

B. 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.

C. Watercourses. Where a development is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction,

*maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.*

*D. Access. When easements are used to provide vehicular access to lots within a development, the construction standards, but not necessarily width standards, for the easement shall meet City specifications. The minimum width of the easement shall be 20 feet. The easements shall be improved and recorded by the applicant and inspected by the City Engineer. Access easements may also provide for utility placement.*

*E. Resource Protection. Easements or other protective measures may also be required as the Community Development Director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.*

**Applicant Response:** N/A. All improvements are proposed within the public right-of-way.

#### **16.12.090 - Minimum improvements—Procedures.**

*In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to City specifications and standards as set out in the City's facility master plan and Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:*

*A. Improvement work shall not commence until construction plans have been reviewed and approved by the City Engineer and to the extent that improvements are located in County or State right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.*

*B. Improvements shall be constructed under the inspection and approval of the City Engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the City Engineer or other City decision-maker, the applicant's project engineer also shall inspect construction.*

*C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of OCMC 17.47, 17.49 and the Public Works Erosion and Sediment Control Standards.*

*D. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the ten-foot wide franchise utility easement within private property.*

*E. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.*

*F. The City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.*

**Applicant Response:** The City/applicant will obtain proper permits and inspections for public sidewalk improvements through the Engineering Division of Public Works Department.

#### **16.12.095 - Minimum improvements—Public facilities and services.**

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

*A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the City's planned level of service on all public streets, including alleys within the development and those portions of public streets adjacent to but only partially within development. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points or curvature and points of tangency of their center line, and at such other points as directed by the City Engineer.*

**Applicant Response:** See response under 16.12.013.C.

*B. Stormwater Drainage System. Applicants shall design and install drainage facilities within a development and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with City drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards.*

**Applicant Response:** See response under 16.12.090.

*C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a development in accordance with the City's sanitary sewer design standards, and shall connect those lots or parcels to the City's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. Applicants are responsible for extending the City's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the City Engineer before construction begins.*

**Applicant Response:** N/A. No changes to sanitary sewer systems proposed.

*D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a development in accordance with the City public works water system design standards, and shall connect those lots or parcels to the City's water system. Applicants are responsible for extending the City's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.*

**Applicant Response:** N/A. No changes to the water system is proposed.

*E. Street Trees. Refer to OCMC 12.08, Street Trees.*

**Applicant Response:** See response under 16.12.08.

*F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.*

**Applicant Response:** N/A. Proposal does not affect any benchmarks.

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

**Applicant Response:** N/A. The proposal does not include any changes to utilities listed.

*H. Oversizing of Facilities. All facilities and improvements shall be designed to City standards as set out in the City's facility master plan, public works design standards, or other City ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The City may require oversizing of facilities to meet standards in the City's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the City for oversizing based on the City's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.*

**Applicant Response:** N/A. The proposal does not include oversizing of utilities.

*I. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of OCMC 17.47 with regard to erosion control.*

**Applicant Response:** N/A. The proposal does not include grading.

**16.12.100 - Same—Road standards and requirements.**

A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of this Chapter. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:

1. The establishment of the public street is initiated by the City Commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.

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

**Applicant Response:** N/A. No new roads are proposed.

**16.12.105 - Same—Timing requirements.**

A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with OCMC 17.50.140.

B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the City Engineer. Under this option, the improvement shall be complete and accepted by the City Engineer prior to final plat approval.

**Applicant Response:** N/A.

**16.12.110 -Public improvements—Financial guarantees.**

To ensure construction of required public improvements, the applicant shall provide the City with a performance guarantee in accordance with OCMC 17.50.140.

After satisfactory completion of required public improvements and facilities, all public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period as prescribed in OCMC 17.50.141.

**Applicant Response:** N/A. The City does not require financial guarantees for replacement of sidewalks.

**16.12.120 Waiver of Remonstrance**

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

**Applicant Response:** A non-remonstrance agreement is not required by Public Works Engineering.

**16.12.125 - Violation—Penalty.**

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

**Applicant Response:** It is understood that the City has management and jurisdiction of the public right-of-way.

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

### **12.04.003 Definitions.**

*Whenever the words or terms and their derivatives are used in this chapter, they shall be given the meaning set forth in OCMC 17.04, unless the context dictates applying a different meaning.*

**Applicant Response:** It is understood that the City has management and jurisdiction of the public right-of-way.

### **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 Response:** It is understood that the City has management and jurisdiction of ROW

### **12.04.025 - Driveways.**

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

**Applicant Response:** N/A. No driveways are proposed.

### **12.04.030 - Maintenance and repair.**

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

**Applicant Response:** This proposal is intended to maintain sidewalk in good repair.

### **12.04.031 - Liability for sidewalk injuries.**

A. *The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.*

B. *If the City is required to pay damages for an injury to persons or property caused by the failure of an owner or occupant to perform the duty that this ordinance imposes, the owner or occupant shall compensate the City for the amount of the damages paid. The City may maintain an action in a court of competent jurisdiction to enforce this section.*

**Applicant Response:** The City/applicant understands it's liability and for this reason is repairing the sidewalk.

### **12.04.032 - Required sidewalk repair.**

A. *When the Public Works Director determines that repair of a sidewalk is necessary, written notice shall be provided to the owner of property adjacent to the defective sidewalk.*

B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the City may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.

1. All sidewalks hereafter constructed in the City on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan and OCMC 16.12. Sidewalks and curbs are to be constructed according to plans and specifications provided by the City Engineer.

2. Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the City Engineer. On unimproved streets, curbs do not have to be constructed.

C. The Public Works Director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the Public Works Director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

D. The person serving the notice shall file with the City recorder a statement stating the time, place and manner of service or notice.

**Applicant Response:** N/A. City/applicant has determined that the sidewalk repair is needed and will comply with applicable standards.

**12.04.033 - City may do work.**

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

**Applicant Response:** N/A. The City is essentially doing the sidewalk repair as the owner/applicant.

**12.04.034 - Assessment of costs.**

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

**Applicant Response:** N/A. The City is essentially doing the sidewalk repair as the owner/applicant.

**12.04.040 – Sidewalks—Enforcement.**

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

**Applicant Response:** N/A. The City is essentially doing the sidewalk repair as the owner/applicant.

**12.04.050 - Retaining walls—Required.**

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

**Applicant Response:** N/A. Retaining walls are not proposed nor required.

**12.04.060 - Retaining walls—Maintenance.**

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

**Applicant Response:** N/A. There is no existing retaining wall nor is there a proposed retaining wall. Earth is not currently or in the past falling on the sidewalk. Grass is planted on the existing slope to retain the soils.

**12.04.070 - Removal of sliding dirt.**

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

**Applicant Response:** N/A. This is a maintenance obligation of the property owner. There is no sliding dirt to remove.

**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 Response:** N/A. The proposal does not contain any excavation or disruption of public streets or alleys.

**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 Response:** N/A. The proposal does not contain any excavation or disruption of public streets or alleys.

**12.04.100 - Excavations—Restoration of pavement.**

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

**Applicant Response:** N/A. The proposal does not contain any excavation or disruption of public streets or alleys.

**12.04.110 - Excavations—Nuisance—Penalty.**

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

**Applicant Response:** N/A. The proposal does not contain any excavation or disruption of public streets or alleys.

**12.04.120 - Obstructions—Permit required.**

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

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

B. *Temporary Obstructions.*

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

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

**Applicant Response:** N/A. No obstructions of the right-of-way are proposed.

#### **12.04.130 - Obstructions—Sidewalk sales.**

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

**Applicant Response:** N/A. No obstructions of the right-of-way are proposed.

**12.04.140 - Obstructions—Nuisance—Penalty.**

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

**Applicant Response:** N/A. No obstructions of the right-of-way are proposed.

**12.04.150 - Street and alley vacations—Cost.**

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

**Applicant Response:** N/A. No vacations of streets or alleys are proposed.

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

*All development shall be in conformance with the city's public facility master plans, public works policies, standard drawings and engineering specifications. All streets shall be reviewed and approved by the city engineer prior to construction. All streets and driveway connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat or site planning and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.*

**Applicant Response:** N/A. No new streets or driveways are proposed.

**12.04.194 - Traffic sight obstructions.**

*All streets shall comply with the Traffic Sight Obstructions in OCMC 10.32.*

**Applicant Response:** N/A. No changes are proposed that affect sight distance. Sight distance is compliant with OCMC 10.32. Installation of new street trees will remain compliant.

**12.04.270 - Standard construction specifications.**

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

**Applicant Response:** All work is anticipated to comply with Public Work's standards.

**12.04.280 - Violation—Penalty.**

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

**Applicant Response:** N/A. Applicant intends to comply with applicable standards.

**CHAPTER 12.08 - PUBLIC AND STREET TREES**

**12.08.015 - Street tree selection, planting and maintenance requirements.**

*All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the metropolitan region, or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the Public Works Department determines that the forthcoming street design shall include a setback sidewalk, then*

all street trees shall be installed with a planting strip or within tree wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection (B) below. The Community Development Director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.

**Applicant Response:** Currently, there are no street trees existing on 13<sup>th</sup> Street. New plantings will comply with this section per plans.

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

1. Fifteen feet from streetlights;
2. Five feet from fire hydrants;
3. Twenty feet from intersections;
4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.);

C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.

D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.

E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.

G. Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted Stormwater and Grading Design Standards and be approved by the City Engineer.

H. Any public or street trees planted within the Natural Resource Overlay District shall conform to the applicable requirements of OCMC 17.49 - Natural Resources Overlay District (NROD).

**Applicant Response:** Per plans, clearance distances will comply.

**12.08.035 - Tree removal and replacement.**

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

A. A diseased or hazardous street tree, as determined by a registered arborist and approved by the City, may be removed, if replaced with one new tree for each diseased or hazardous tree. Hazardous trees which have raised the adjacent sidewalk in a manner which does not comply with the Americans with Disabilities Act may be removed and replaced without approval of an arborist.

B. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035. All replaced street trees shall have a minimum 1.5-inch caliper trunk measured six inches above the root crown.

Table 12.08.035

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted

Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees
		13" to 18"	3 Trees
		19" to 24"	4 Trees
		25" to 30"	5 Trees
		31" and over	8 Trees

C. For the purposes of this chapter, removed trees shall be replaced by trees within the right-of-way abutting the frontage subject to the clearance distances required under OCMC 12.08.015(B). If a sufficient location to replant tree(s) is not available, the Community Development Director may allow:

1. Off-site installation of replacement trees within the right-of-way or on public property;
2. Planting of replacement trees or designation of existing trees on the abutting property within ten feet of the right-of-way as street trees. Designated street trees shall be a minimum of two inches in caliper and shall comply with the requirements in section B. In order to assure protection and replacement of the trees on private property, a covenant shall be recorded identifying the tree(s) as subject to the protections and replacement requirements in this chapter; or
3. If sufficient space to replant tree(s) is not available, the Community Development Director may allow a fee in-lieu of planting the tree(s) to be placed into a City fund dedicated to obtaining trees, planting trees and/or tree education in Oregon City.

D. Trees that are listed as invasive or nuisance species as defined in OCMC 17.04.605 may be removed without replacement.

**Applicant Response:** The proposed tree species have been approved and are selected from the Oregon City Street Tree approved list. Trees are proposed to exceed the minimum caliper size.

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

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

**Applicant Response:** N/A. Applicant will be providing replacement trees.

**CHAPTER 17.39 I INSTITUTIONAL DISTRICT**

**17.39.010 - Designated.**

The purpose of this district is designed to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The I—Institutional zone is consistent with the public/quasi public and park designations on the comprehensive plan map.

**The Swimming Pool is a permitted use in the Institutional Zone 17.39.020 - Permitted uses.**

Permitted uses in the institutional district are:

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

- F. Government offices;
- G. Transportation facilities;
- H. Mobile food carts.

Applicant Response: The Swimming Pool is a permitted use in the Institutional Zone under (B) above.

**17.39.030 - Accessory uses.**

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

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

Applicant Response: N/A. The Swimming Pool is a permitted use in the Institutional Zone.

**17.39.040 - Conditional uses.**

Uses requiring conditional use permit are:

- A. Any uses listed under OCMC 17.39.030 that are not accessory to the primary institutional use;
- B. Boarding and lodging houses, bed and breakfast inns;
- C. Cemeteries, crematories, mausoleums, and columbariums;
- D. Correctional facilities;
- E. Helipad in conjunction with a permitted use;
- F. Parking lots not in conjunction with a primary use;
- G. Public utilities, including sub-stations (such as buildings, plants and other structures);
- H. Fire stations;
- I. Police Station.

Applicant Response: N/A. The Swimming Pool is a permitted use in the Institutional Zone.

**17.39.045 - Prohibited uses.**

Prohibited uses in the I district are:

- A. Any use not expressly listed in OCMC 17.39.020, 17.39.030 or 17.39.040;
- B. Marijuana businesses;

Applicant Response: N/A. The Swimming Pool is a permitted use in the Institutional Zone.

**17.39.050 - Dimensional standards.**

Dimensional standards in the I district are:

- A. Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.
- B. Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.

Applicant Response: N/A. No changes are proposed to existing structures on site.

**17.39.060 - Relationship to master plan.**

A. A master plan is required for any development within the I District on a site over ten acres in size that:

- 1. Is for a new development on a vacant property;
  - 2. Is for the redevelopment of a property previously used as a non-institutional use; or
  - 3. Increases the floor area of the existing development by ten thousand square feet over existing conditions
- B. Master plan dimensional standards that are less restrictive than those of the Institutional District require adjustments. Adjustments will address the criteria of OCMC 17.65.70 and will be processed concurrently with the master plan application.

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

**Applicant Response:** N/A. No Master Plan is required as no new development is proposed on the property.

**CHAPTER 17.50 ADMINISTRATION AND PROCEDURES**

*17.50.010 - Purpose.*

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

*17.50.030 - Summary of the City's decision-making processes.*

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

Table 17.50.030: PERMIT APPROVAL PROCESS

PERMIT TYPE	I	II	III	IV	Expedited Land Division
Annexation				X	
Compatibility Review for Communication Facilities	X				
Compatibility Review for the Willamette River Greenway Overlay District			X		
Code Interpretation			X		
Master Plan/Planned Unit Development - General Development Plan			X		
Master Plan/Planned Unit Development - General Development Plan Amendment	X	X	X		
Conditional Use			X		
Detailed Development Plan <sup>1</sup>	X	X	X		
Extension	X				
Final Plat	X				
Geologic Hazards		X			
Historic Review	X		X		
Lot Line Adjustment and Abandonment	X				
Manufactured Home Park Review (New or Modification)		X			
Placement of a Single Manufactured Home on Existing Space or Lot within a Park	X				
Minor Partition		X			

Nonconforming Use, Structure and Lots Review	X	X		
Plan or Code Amendment			X	
Revocation			X	
Site Plan and Design Review	X	X		
Subdivision		X		X
Variance		X	X	
Zone Change			X	
Natural Resource Overlay District Exemption	X			
Natural Resource Overlay District Review		X	X	
Live/Work Dwelling Review		X		
Cluster Housing Development Review		X		
Residential Design Standards Review for Single Family Attached, Single Family Detached, Duplexes, 3-4 Plexes, Internal Conversions and Accessory Dwelling Units	X			
Modification of Residential Design Standards		X		

1 If any provision or element of the Master Plan/Planned Unit Development requires a deferred Type III procedure, the Detailed Development Plan shall be processed through a Type III procedure.

A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The Community Development Director's decision is final and not appealable by any party through the normal City land use process.

**Applicant Response:** N/A. This application is subject to a Type II decision process as required per OCMC 16.12.013.

B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The Community Development Director accepts comments for a minimum of fourteen days and renders a decision. The Community Development Director's decision is appealable to the City Commission, by any party who submitted comments in writing before the expiration of the comment period. Review by the City Commission shall be on the record pursuant to OCMC 17.50.190 under ORS 197.195(5). The City Commission decision is the City's final decision and is subject to review by the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

**Applicant Response:** Applicant understands that this application is subject to a Type II decision process as required per OCMC 16.12.013.

C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or the Historic Review Board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission or the Historic Review Board, all

issues are addressed. The decision of the Planning Commission or Historic Review Board is appealable to the City Commission, on the record pursuant to OCMC 17.50.190. The City Commission decision on appeal from is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.

**Applicant Response:** N/A. This application is subject to a Type II decision process as required per OCMC 16.12.013.

*D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and shall be heard by the City Commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and Planning Commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission, all issues are addressed. If the Planning Commission denies the application, any party with standing (i.e., anyone who appeared before the Planning Commission either in person or in writing within the comment period) may appeal the Planning Commission denial to the City Commission. If the Planning Commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision, then the action of the Planning Commission becomes the final decision of the City. If the Planning Commission votes to approve the application, that decision is forwarded as a recommendation to the City Commission for final consideration. In either case, any review by the City Commission is on the record and only issues raised before the Planning Commission may be raised before the City Commission. The City Commission decision is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.*

**Applicant Response:** N/A. This application is subject to a Type II decision process as required per OCMC 16.12.013.

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

**Applicant Response:** N/A. This application is subject to a Type II decision process as required per OCMC 16.12.013.

*F. Decisions, completeness reviews, appeals, and notices in this Chapter shall be calculated according to OCMC 1.04.070 and shall be based on calendar days, not business days.*

**Applicant Response:** Understood.

### **17.50.040 - Development review in overlay districts and for erosion control.**

*For any development subject to regulation of Geologic Hazards Overlay District under OCMC 17.44; Natural Resource Overlay District under OCMC 17.49; Willamette River Greenway Overlay District under OCMC 17.48;*

Historic Overlay District under OCMC 17.40, and Erosion and Sediment Control under OCMC 17.47, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site.

**Applicant Response:** N/A. The project is not within any overlay districts. Applicant anticipates that erosion control is not required per Public Works – Engineering.

**17.50.050 – Pre-application conference.**

*A Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.*

*To schedule a pre-application 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 Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*

*B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*

*C. Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

**Applicant Response:** N/A. No pre-application is required for this form of permit. The applicant met with both the Planning and Public Works staff prior to submittal to discuss and understand the application requirements and standards.

**17.50.055 - Neighborhood association meeting.**

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

*A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*

*B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.*

*C. A meeting shall be scheduled within thirty days of the date that the notice is sent. 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 host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.*

D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.

E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

**Applicant Response:** N/A. No Neighborhood Association meeting required for this type of application.

**17.50.070 - Completeness review and one hundred twenty-day rule.**

C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:

1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.
2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.
3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.
4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.

D. A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:

1. The project includes five or more residential units, including assisted living facilities or group homes;
2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and
3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.

E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.

F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

**Applicant Response:** Applicant understand the timelines as established.

**17.50.080 - Complete application—Required information.**

Unless stated elsewhere in OCMC 16 or 17, a complete application includes all the materials listed in this subsection. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the City will not deem the application complete until all information required by the Community Development Director is submitted. At a minimum, the applicant shall submit the following:

- A. One copy of a completed application form that includes the following information:

1. An accurate address and tax map and location of all properties that are the subject of the application;
  2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);
  - B. A complete list of the permit approvals sought by the applicant;
  - C. A complete and detailed narrative description of the proposed development;
  - D. A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;
  - E. One copy of all architectural drawings and site plans shall be submitted for Type II-IV applications. One paper copy of all application materials shall be submitted for Type I applications;
  - F. For all Type II – IV applications, the following is required:
    1. An electronic copy of all materials.
    2. Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls;
    3. Documentation indicating there are no liens favoring the City on the subject site.
    4. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.
    5. A current preliminary title report or trio for the subject property(ies);
  - G. All required application fees;
  - H. Annexation agreements, traffic or technical studies (if applicable);
  - I. Additional documentation, as needed and identified by the Community Development Director.
- Applicant Response:** Applicant has submitted all required materials.

#### **17.50.090 - Public notices.**

All public notices issued by the City announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

A. *Notice of Type II Applications.* Once the Community Development Director has deemed a Type II application complete, the City shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the City shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. The City's Type II notice shall include the following information:

1. Street address or other easily understood location of the subject property and city-assigned planning file number;
  2. A description of the applicant's proposal, along with citations of the approval criteria that the City will use to evaluate the proposal;
  3. A statement that any interested party may submit to the City written comments on the application during a fourteen-day comment period prior to the City's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;
  4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the City to respond to the issue;
  5. A statement that the application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;
  6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application.
  7. The notice shall state that a City-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.
- B. *Notice of Public Hearing on a Type III or IV Quasi-Judicial Application.* Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property

within three hundred feet of the subject property and to any City-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080H., the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:

1. The time, date and location of the public hearing;
2. Street address or other easily understood location of the subject property and city-assigned planning file number;
3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
5. A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;
6. The notice shall state that a City-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290C. must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.
7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the Planning Division offices during normal business hours; and
8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.

C. *Notice of Public Hearing on a Legislative Proposal.* At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the City's land use regulations or Comprehensive Plan is to be considered, the Community Development Director shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published on the City website. Notice issued under this subsection shall include the following information:

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

**Applicant Response:** The applicant understands that the Planning Division will provide public notice in accordance with this section.

### **17.50.100 - Notice posting requirements.**

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

A. *City Guidance and the Applicant's Responsibility.* The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.

*B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.*

**Applicant Response:** See 17.50.090.

**17.50.120 - Quasi-judicial hearing process.**

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

*A. Once the Community Development Director determines that an application for a Type III or IV decision is complete, the Planning Division shall schedule a hearing before the Planning Commission or Historic Review Board, as applicable. Once the Community Development Director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under OCMC 17.50.190, the Planning Division shall schedule a hearing pursuant to OCMC 17.50.190.*

*B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with OCMC 17.50.090B.*

*C. Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.*

*D. The Community Development Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.*

*E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:*

*1. That the hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;*

*2. That all testimony and evidence submitted, orally or in writing, shall be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria shall be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;*

*3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue, will preclude appeal on that issue to the Land Use Board of Appeals;*

*4. Any party wishing a continuance or to keep open the record shall make that request while the record is still open; and*

*5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item.*

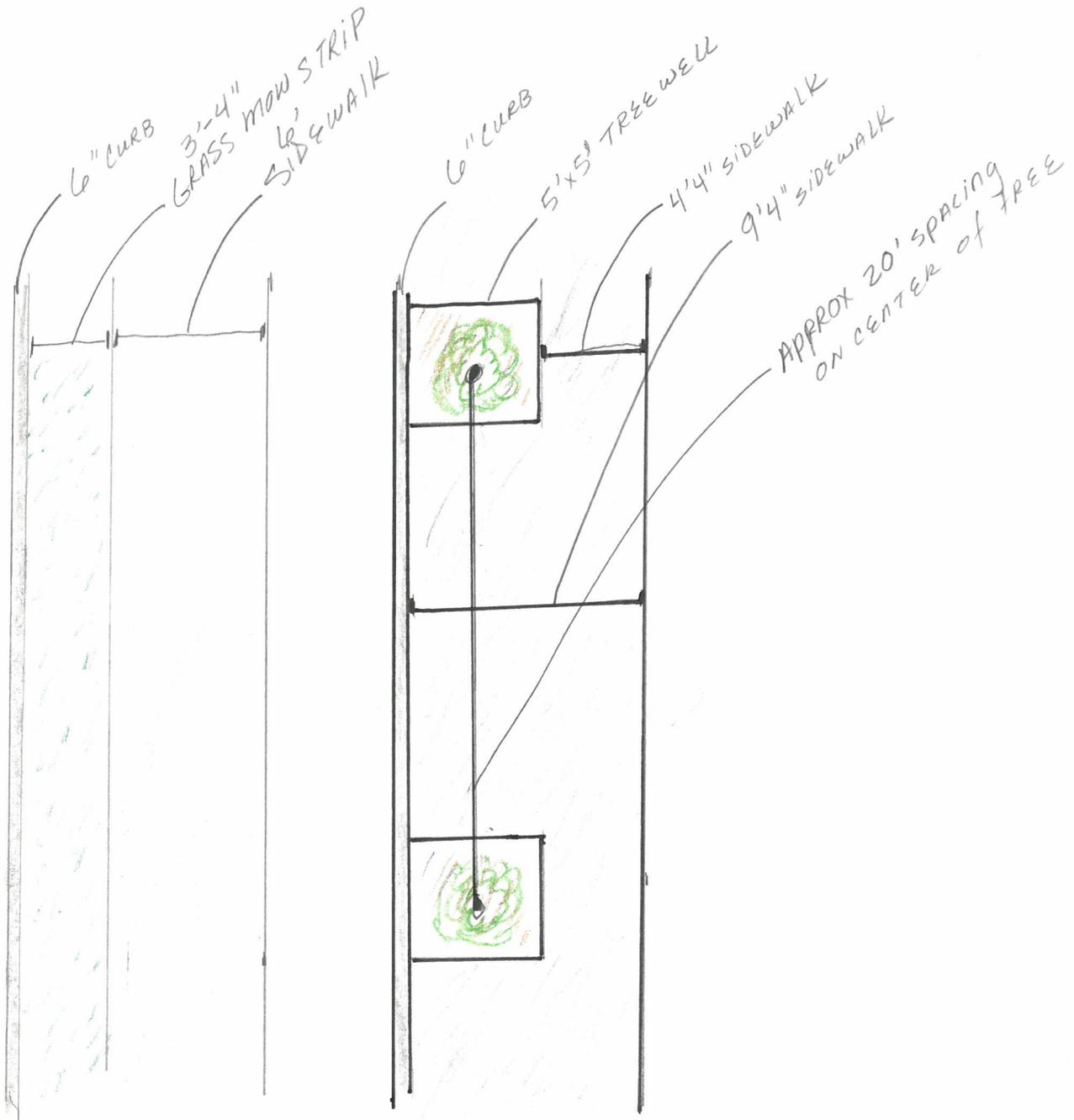
*6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.*

*F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and*

*exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.*

**Applicant Response:** N/A. Not required as this is a Type II application.

# 13TH STREET SIDEWALK MODIFICATION PROPOSAL



EXISTING CONDITION

PROPOSED MODIFICATION



4

3

STANLEY<sup>®</sup> 3

2

35ft

in

1











35ft

ft

2

STANLEY

3

4

5





35ft

in

2

STANLEY®

3

4





35ft

ft

in

2

STANLEY®

3

4



35ft

in

ft

2

STANLEY®



35ft

ft  
in

2

STANLEY®

3

4



35ft

ft  
in

2

STANLEY®

3

4



















**LANDSCAPE TREES**

(3) 3.5" Quercus Rubra - Red Oak

**PLANTING STRIP TREES**

(5) 3.5" Acer Campestre 'Metro Gold'

**OREGON CITY POOL TREE MITIGATION PLAN**

Oregon City Parks & Recreation

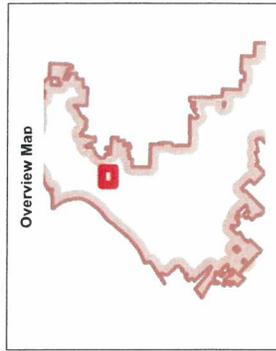
# Oregon City GIS Map



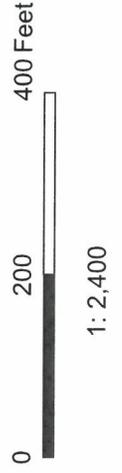
**Legend**

- Street Names
- Taxlots
- Taxlots Outside UGB
- Functional Class (2013 TSP)
  - Freeway
  - Expressway
  - Major Arterial
  - Minor Arterial
  - Collector
  - Local
  - Unimproved ROW
- City Limits
- UGB
- Basemap

**Notes**




City of Oregon City  
 PO Box 3040  
 625 Center St  
 Oregon City  
 OR 97045  
 (503) 657-0891  
[www.orcity.org](http://www.orcity.org)



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

Map created 10/17/2019

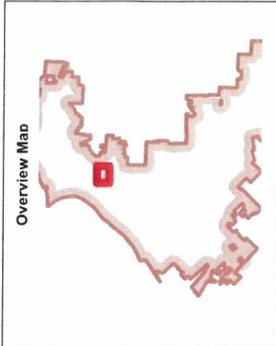
# Oregon City GIS Map



**Legend**

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes



City of Oregon City  
 PO Box 3040  
 625 Center St  
 Oregon City  
 OR 97045  
 (503) 657-0891  
 www.oregocity.org



1 : 2,400



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

Map created 10/17/2019



13<sup>th</sup> Street view toward JQ Adams  
Pool property on the left of the page



Jackson St.

13<sup>th</sup> ST

JQ Adams St.

© 2018 Google

EXISTING CONDITIONS



13<sup>th</sup> St.





**City of Oregon City**  
 PO Box 3040 | 625 Center Street  
 Oregon City, Oregon 97045

Permit NO. **PST-19-00041**

Permit Type: **Public Street**

Work Classification: **Sidewalk**

Permit Status: **Issued**

---

Permit

Issue Date: **10/21/2019**      Expiration: **02/26/2020**

**Location Address**

**1211 JACKSON ST, OREGON CITY, OR 97045**

**Parcel Number**

**2-2E-32BB-06100**

**Contacts**

Denise Conrad

**Applicant**

**Description:** This permit is only applicable once a land use decision has been issued.

Applicant proposes to replace sidewalk panel(s) and add tree wells (around the OC pool building) at Jackson and on 13th as shown on permit application and described below.

- 1 Panel to be replaced on Jackson as is.
  - Sidewalk on 13th Street to be replaced as needed in similar style as 12th Street with addition of 7 tree wells.
- Please contact Public Works inspector Jake Ashenberner at 971-276-1751 or [jashenberner@orc.org](mailto:jashenberner@orc.org) 72 hours prior to start of work. Inspections must be scheduled 24 hours prior to start of work. Inspection of forms is required prior to concrete pour. Sidewalk must adhere to City Sidewalk Detail 508 found at the link below. Final inspection is required after concrete forms have been removed and all site disturbance has been mitigated. Work shall adhere to City Design and Construction Standards found at <https://www.orcity.org/publicworks/design-and-construction-standardsdrawings>

**Valuation:**                          \$0.00    

**Total Sq Feet:**                      0.00      

**Inspection Requests:**

[https://online.orcity.org/EnerGov\\_Prod/SelfService](https://online.orcity.org/EnerGov_Prod/SelfService)

Fees	Amount
ROW Application and Plan Review	\$52.00
Sidewalk	
ROW Inspection PST Sidewalk	\$111.00
<b>Total:</b>	<b>\$163.00</b>

Payments	Amt Paid
<b>Total Fees</b>	<b>\$163.00</b>
Interdepartmental	\$163.00
<b>Amount Due:</b>	<b>\$0.00</b>

Available Inspections:	
Inspection Type	IVR
Forms	755
Sidewalk	758

By signing the permit, the permittee agrees to comply with the permit conditions, provisions, and standards as provided on the following page(s).

**Additional Information**

- Pavement Cut Involved:** No
- Tree Involved:** Yes
- Number of Panels:** 26
- Sidewalk Work Type:** New and/or Replacement Panel(s)
- Homeowner Doing Own Work:** No
- Code Enforcement Involved:** No
- ADA Ramp Involved:** No
- Sidewalk Standard Drawings:** Reference Standard Drawing Nos. 508 and 509

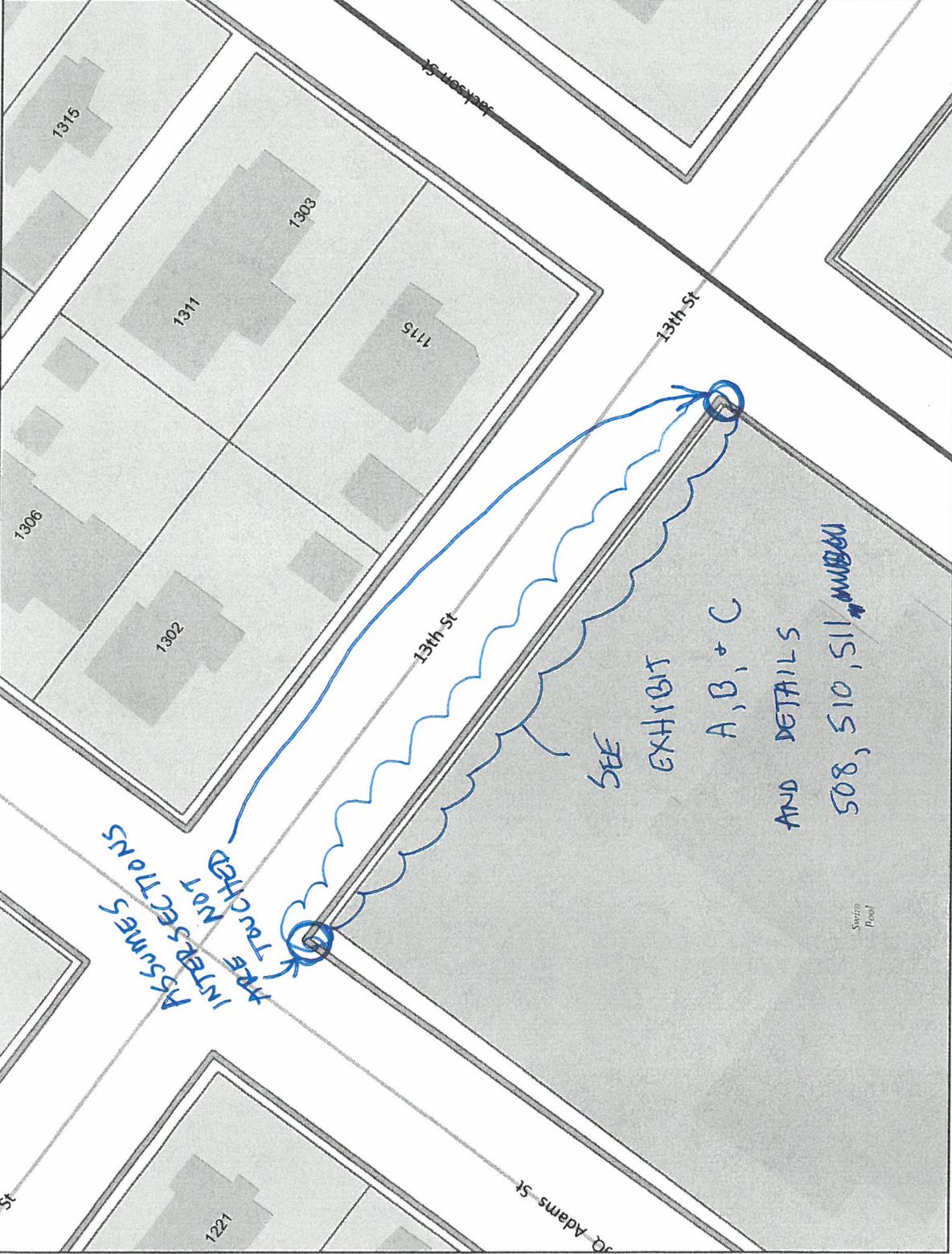
[Signature]

Issued By: Josh Wheeler

October 21, 2019

Date

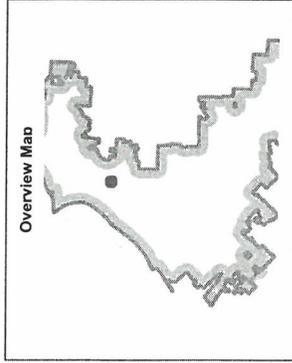
# Oregon City GIS Map



**Legend**

- Street Names
- Taxlots
- Taxlots Outside UGB
- Sidewalks
- Functional Class (2013 TSP)
  - Freeway
  - Expressway
  - Major Arterial
  - Minor Arterial
  - Collector
  - Local
- Unimproved ROW
- City Limits
- UGB
- Basemap

**Notes**



City of Oregon City  
 PO Box 3040  
 625 Center St  
 Oregon City  
 OR 97045  
 (503) 657-0891  
 www.oregocity.org



1:600



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

Map created 10/21/2019

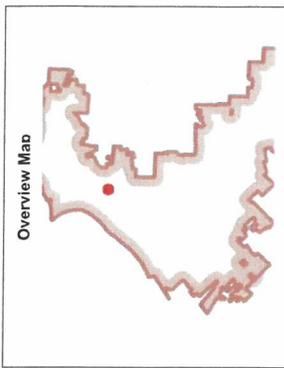
# OREGON CITY SIDEWALK REPLACEMENT/TREE WELL PLAN



**Legend**

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- Water Hydrants
  - (Other owner)
  - OC
  - CRWD
  - Private
- Water Service Meters
  - (Other owner or Type not defined)
  - OC
  - CRWD
- Water Master Meters
  - (Other owner)
  - OC
- Water Irrigation Meters
  - (Other owner)

**Notes**



City of Oregon City  
 PO Box 3040  
 625 Center St  
 Oregon City  
 OR 97045  
 (503) 657-0891  
 www.ocity.org



1:360

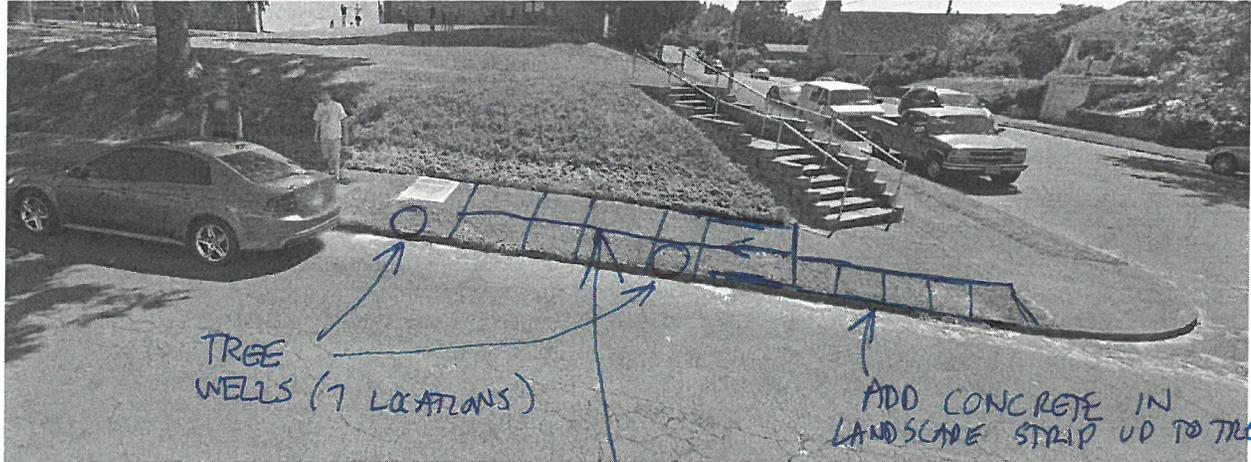


The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

Map created 10/17/2019

EXHIBIT A

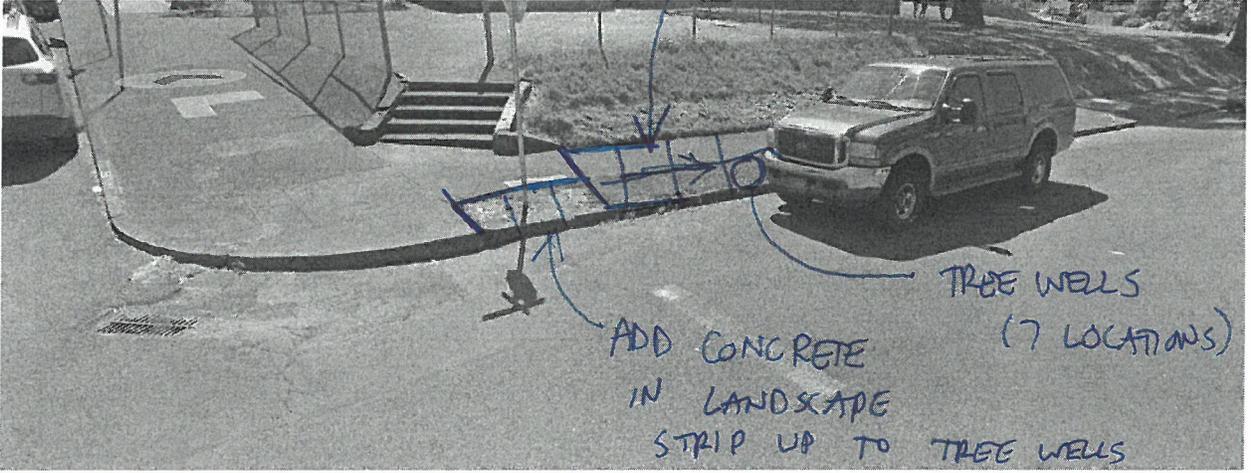
13<sup>th</sup> Street :



TREE WELLS (7 LOCATIONS)

ADD CONCRETE IN LANDSCAPE STRIP UP TO TREE WELL

THROUGHOUT 13<sup>th</sup> ST = SIDEWALK TO BE REPLACED/REPAIRED AS NEEDED

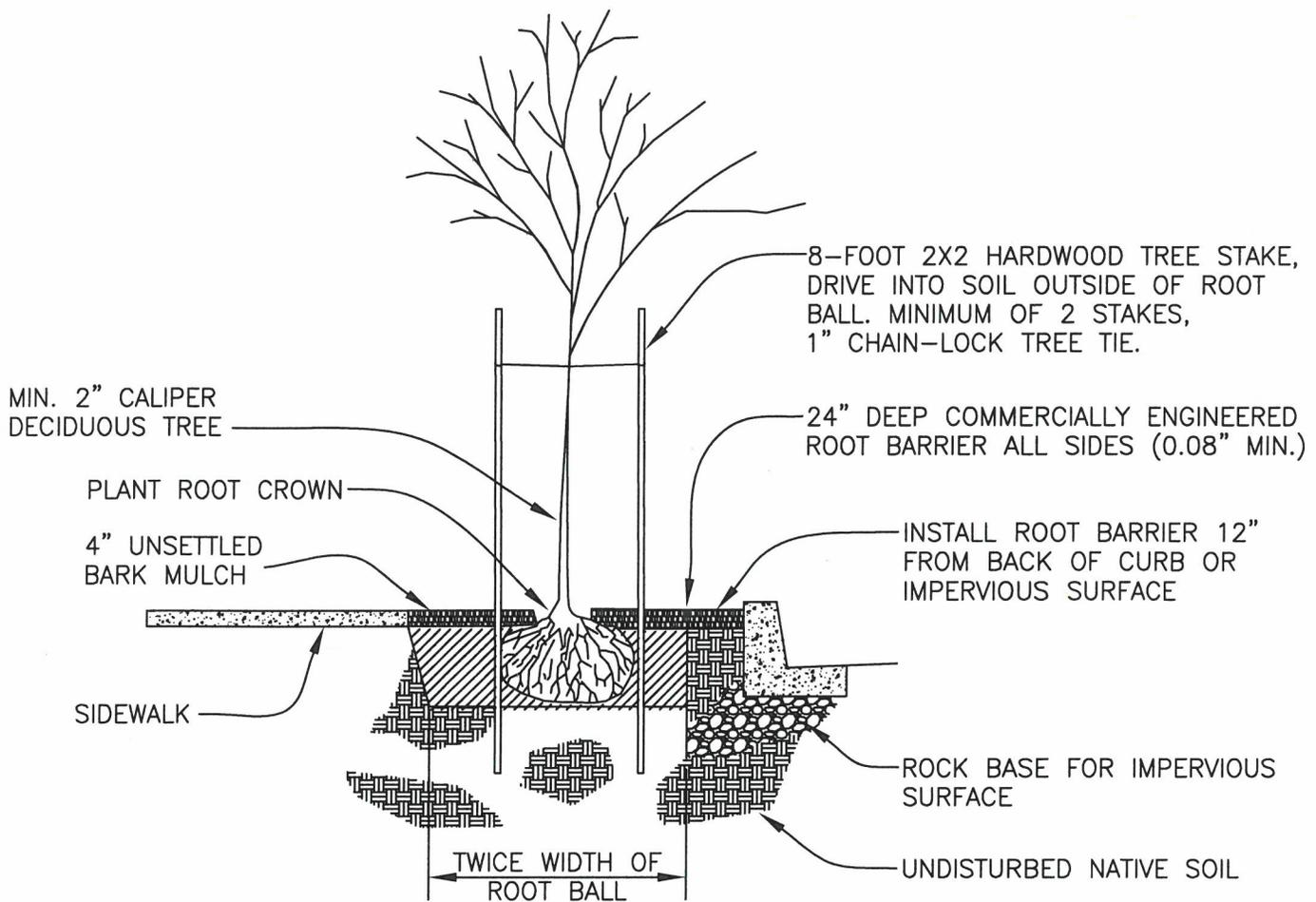


TREE WELLS (7 LOCATIONS)

ADD CONCRETE IN LANDSCAPE STRIP UP TO TREE WELLS

SIDEWALK ALONG 13<sup>th</sup> TO  
MATCH SIMILAR ON 12<sup>th</sup>

EXHIBIT B



## NOTES

1. REMOVE EXCESS SOIL TO EXPOSE ROOT FLARE AND TO ENSURE TOP MOST ROOT IS NO MORE THAN 1-INCH BELOW ROOT BALL SURFACE. SEVER CIRCLING ROOTS WHERE APPROPRIATE. SET TOPMOST ROOT 2 INCHES ABOVE ADJACENT FINISHED GRADE. TRUNK FLARE SHALL BE VISIBLE.
2. CUT AND REMOVE WIRE BASKETS FROM SIDES OF ROOT BALL WITHOUT DEFORMING BALL. CUT OFF AND REMOVE BURLAP AND ROPE FROM TOP HALF OF ROOT BALL. COMPLETELY REMOVE SYNTHETIC ROPE AND NON-BIODEGRADABLE BURLAP.

EXHIBIT C

DRAWN JRF

ENGR. NJK

REV. DATE APPR.

**City of Oregon City**  
Public Works Standard Drawings

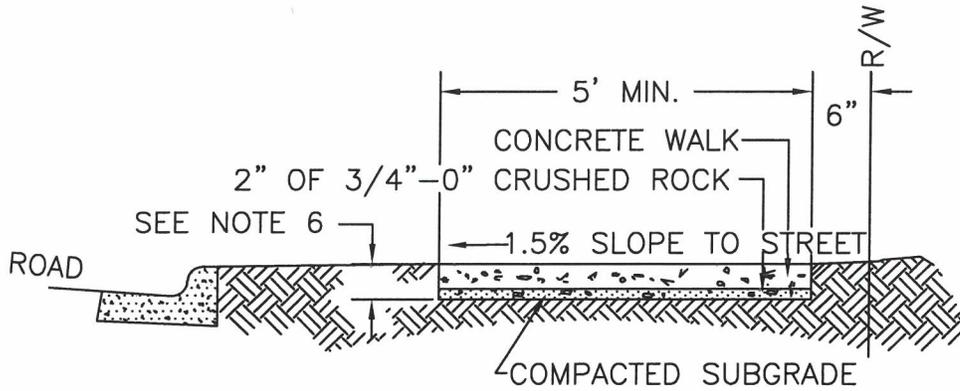
**STREET TREE PLANTING  
IN PLANTER STRIP**

SCALE N.T.S.

DATE APRIL 2012

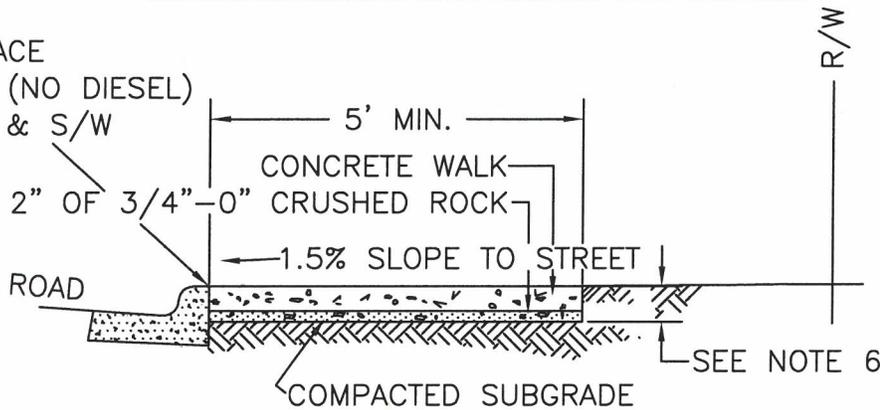
APPR. NJK

DWG. NO. 530



### SIDEWALK AWAY FROM CURB

CURB JOINT PLACE  
BOND BREAKER (NO DIESEL)  
BETWEEN CURB & S/W



### SIDEWALK ADJACENT TO CURB

**NOTES:**

1. CONCRETE SHALL BE AIR ENTRAINED MINIMUM 4.5% AND HAVE A MINIMUM BREAKING STRENGTH OF 4000 PSI AT 28 DAYS.
2. PANELS TO BE 5 FEET LONG, ALL SURFACES SHALL BE TROWELED AND BROOMED IN A WORKMAN LIKE MANNER. WORKMANSHIP DESCRIBED AS: LIGHT BROOM FINISH WITH NO RIDGES AT TROWELED BORDERS. ALL EDGES SHALL BE TOOL ROUNDED AND SHINED 3" AFTER BROOMING. NO HUMPS OR SAGS, AND FINISH TO BE PROTECTED FROM WEATHER DAMAGE AND GRAFFITI.
3. EXPANSION JOINTS SHALL BE PLACED AT SIDES OF DRIVEWAY APPROACHES, UTILITY VAULTS, RAMPS, & AT SPACING NOT TO EXCEED 45 FT.
4. CONTRACTION JOINTS SHALL BE PLACED AT ALL CHANGES IN DIRECTION, POINTS OF CURVATURE AND AT 15' MAXIMUM INTERVALS WITH A MAXIMUM 1/2-INCH RADIUS TROWEL JOINT.
5. SIDEWALK SHALL HAVE A MINIMUM THICKNESS OF 4 INCHES, SEE DRAWINGS 504 & 505 FOR DRIVEWAY CROSSINGS.
6. DRAIN WEEPHOLES IN CURBS SHALL BE EXTENDED TO BACK OF SIDEWALK WITH 3-INCH DIAMETER PVC SCHEDULE 40 ASTM 1785 PIPE AT 2% SLOPE. CONTRACTION JOINT TO BE PLACED OVER PIPE.
7. LOCATION & WIDTH OF SIDEWALK WILL VARY DEPENDING OF STREET CLASSIFICATION. SEE STREET SECTIONS.
8. MAX. 1.5% DESIGN SLOPE (MAX. 2.0% FINISHED SLOPE)

DRAWN S.L.W.

ENGR. J.W.H.

REV.	DATE	APPR.
2	5/12	NJK
3	12/18	AFG
4	10/19	DW

City of Oregon City  
Public Works Standard Drawings

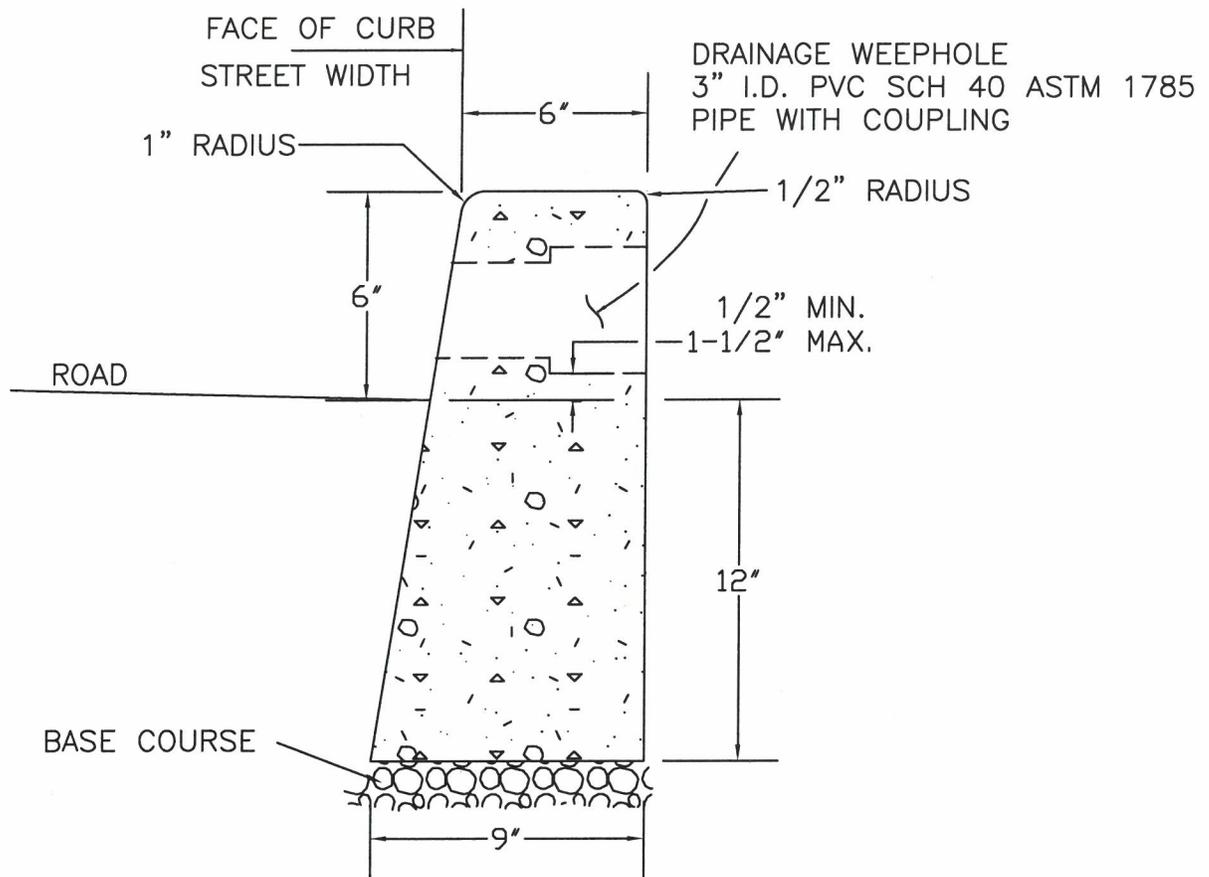
### SIDEWALK DETAIL

SCALE N.T.S.

DATE JULY 1993

APPR.

DRAWING NO. 508



1. CONCRETE SHALL BE AIR-ENTRAINED MINIMUM 4.5% AND HAVE A MINIMUM BREAKING STRENGTH OF 4000 PSI AFTER 28 DAYS.
2. EXPANSION JOINTS.
  - A. TO BE PROVIDED:
    - 1) AT EACH COLD JOINT.
    - 2) AT EACH END OF DRIVEWAYS.
    - 3) AT EACH SIDE OF INLET STRUCTURES.
    - 4) AT EACH POINT OF TANGENCY OF THE CURB.
    - 5) AT LOCATIONS NECESSARY TO LIMIT SPACING TO 45 FEET.
  - B. MATERIAL TO BE USED IS "REFLEX RUBBER JOINT EXPANSION" JOINT MATERIAL, OR CITY APPROVED EQUAL, WITH A THICKNESS OF 1/2-INCH.
3. CONTRACTION JOINTS.
  - A. SPACING TO BE NOT MORE THAN 15 FEET.
  - B. THE DEPTH OF THE JOINT SHALL BE AT LEAST 1-1/2 INCHES WITH 1/2-INCH MAXIMUM RADIUS TROWEL JOINT.
4. BASE ROCK TO BE 1"-0" OR 3/4"-0", 95% COMPACTION. BASE ROCK SHALL BE TO SUBGRADE OF STREET STRUCTURE OR 4-INCH IN DEPTH, WHICHEVER IS GREATER.
5. DRAINAGE WEEPHOLE
  - A. 3-INCH I.D. PVC SCH 40 ASTM 1785 PIPE WITH COUPLING.
  - B. DRAINAGE ACCESS THRU EXISTING CURBS SHALL BE CORE DRILLED OR CURB SAW CUT VERTICALLY 18-INCH EACH SIDE OF DRAIN AND REPOURED TO FULL DEPTH OF CURB.
6. CURB EXPOSURE SHALL BE 7-1/2 INCHES AT CATCH INLETS/BASINS.

DRAWN S.L.W.

ENGR. J.W.H.

REV. DATE APPR.

1	12/09	NJK
2	5/12	NJK

**City of Oregon City**  
Public Works Standard Drawings

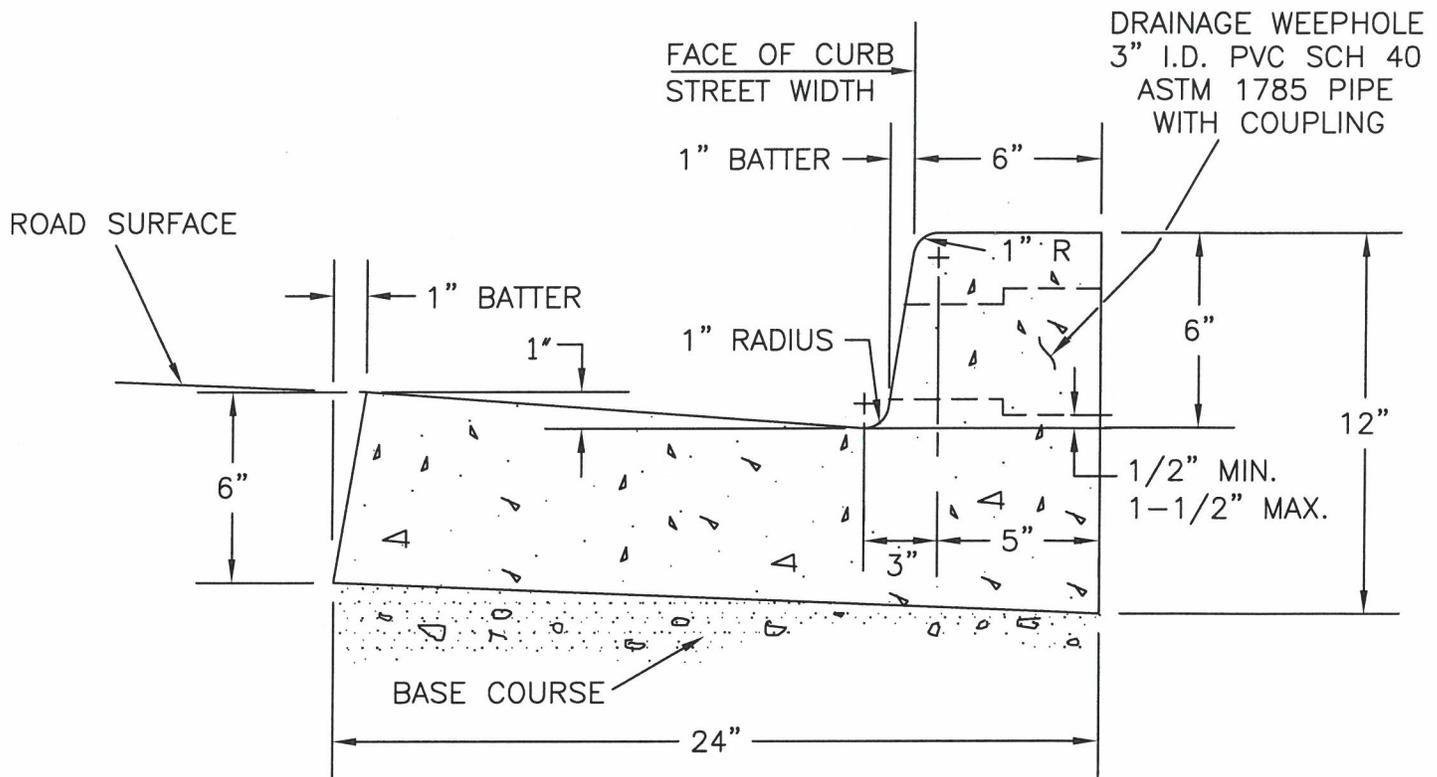
**STANDARD  
CURB**

SCALE N.T.S.

DATE APRIL 1993

APPR.

DWG. NO. 510



1. CONCRETE SHALL BE AIR-ENTRAINED MINIMUM 4.5% AND HAVE A BREAKING STRENGTH OF 4000 PSI AFTER 28 DAYS.
2. EXPANSION JOINTS.
  - A. TO BE PROVIDED:
    - 1) AT EACH COLD JOINT.
    - 2) AT EACH END OF DRIVEWAYS.
    - 3) AT EACH SIDE OF INLET STRUCTURES.
    - 4) AT EACH POINT OF TANGENCY OF THE CURB.
    - 5) AT LOCATIONS NECESSARY TO LIMIT SPACING TO 45 FEET.
  - B. MATERIAL TO BE USED IS "REFLEX RUBBER JOINT EXPANSION" JOINT MATERIAL, OR CITY APPROVED EQUAL, WITH A THICKNESS OF 1/2 INCH.
3. CONTRACTION JOINTS.
  - A. SPACING TO BE NOT MORE THAN 15 FEET.
  - B. THE DEPTH OF THE JOINT SHALL BE AT LEAST 1-1/2 INCHES WITH 1/2-INCH MAXIMUM RADIUS TROWEL JOINT.
  - C. PLACE JOINT OVER DRAINAGE BLOCKOUT.
4. BASE ROCK TO BE 1"-0" OR 3/4"-0", 95% COMPACTION. BASE ROCK SHALL BE TO SUBGRADE OF STREET STRUCTURE OR 4" IN DEPTH, WHICHEVER IS GREATER.
5. DRAINAGE WEEPHOLE
  - A. 3-INCH I.D. PVC SCH 40 ASTM 1785 PIPE WITH COUPLING.
  - B. DRAINAGE ACCESS THRU EXISTING CURBS SHALL BE CORE DRILLED OR CURB SAW CUT VERTICALLY 18" EACH SIDE OF DRAIN AND REPOURED TO FULL DEPTH OF CURB.
6. CURB EXPOSURE SHALL BE 7.5 INCHES AT CATCHBASINS/INLETS

DRAWN S.L.W.		
ENGR. J.W.H.		
REV.	DATE	APPR.
1	12/09	NJK
2	05/12	NJK

**City of Oregon City**  
 Public Works Standard Drawings  
  
**MONOLITHIC CURB  
 AND GUTTER**

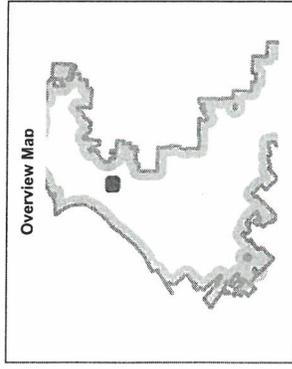
SCALE	N.T.S.
DATE	JULY 1993
APPR.	
DWG. NO.	511

# Oregon City GIS Map

**Legend**

- Street Names
- Taxlots
- Taxlots Outside UGB
- Sidewalks
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes



City of Oregon City  
 PO Box 3040  
 625 Center St  
 Oregon City  
 OR 97045  
 (503) 657-0891  
 www.oregocity.org



1:1,200



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

Map created 10/21/2019

Across from 1202 Jackson :





100-312-6190



# OREGON CITY

Community Development

698 Warner Parrott Road | Oregon City OR 97045  
Ph (503) 722-3789 | Fax (503) 722-3880

## Type I Site Plan and Design Review Office/Mixed Use/Commercial/Multi-Family/Industrial Uses

Staff use:

Revoked and Reissued 9.10.19

File Number: SP 19-00098 Reviewed By: [Signature] Date: 8.30.19

Decision:  Approved  Approved with Conditions  Denied

Conditions of Approval: Prior to tree installation applicant shall submit a tree mitigation plan including a minimum of four (2" caliper) trees. The mitigation trees shall comply with the species requirements in OCMC 17.41 and comply with the spacing requirements in OCMC 12.08. Mitigation plan shall be prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture.

Site Address or Clackamas County Map and Tax Lot: 1211 JACKSON ST. | 2-2E-32BB-06100

Project Description: oak & WALNUT TREE REMOVALS - HAZARD

replacing sidewalks - DAMAGED

Applicant Name/Company: CITY of OREGON City Phone Number: 503.496.1565

Email Address: dconrad@orcity.org

### Use of Property:

Zoning District: I

What is the current or proposed use of the property? Type 1 Site Plan is only available for permitted uses.

RECREATION

Over the Counter: \$81 for Up to Two Items, \$162 for Three or More Items  
Extended Review: \$270 for Each Item

#### Over the Counter Review

- Addition to a Legal Non-Conforming Single or Two-Family Dwelling
- Replacement of Exterior Building Materials
- Modifications of Windows/Doors
- Modifications to Parapets or Rooflines
- Building Entrance Alterations
- Reroof Only
- Temporary Structures
- Modifications to Awnings or Projections

#### Over the Counter Review

- Installation of Mechanical Equipment
- Parking Lot Repaving
- Shared Parking Agreement
- Changes to Bicycle Parking
- Changes to Landscaping
- ADA Upgrades
- Modifications to Fence or Wall
- Outdoor Lighting Alterations
- Refuse Enclosure Alterations
- Changes to Pedestrian Circulation
- Demolition of structure
- Tree Removal
- Mobile Food Cart - 5 Hours or Less

#### Extended Review

- Addition of up to 200 Square Feet
- Addition to an Industrial Use up to 1,000 SF
- Change in Parking Lot Circulation or Layout
- Removal/Relocation of Parking Stalls

Geologic Hazards Review is not applicable. Tree removal not on slopes greater than 25%. JCT 9/10/19

In addition to this application, addendums are required based on the scope of the project. For submittal requirements determine which addendums are required, please refer to the Site Plan and Design Review Addendum Guide.

**Applicable Overlay Zones**

Please identify all overlay districts identified on your Property Zoning Report. The presence of an overlay district may require review in a Type II Minor Site Plan and Design Review process.

- Individually Designated Historic Structure
- Historic Overlay District
- Barlow Trail Corridor
- Willamette River Greenway Overlay District
- High Water Table
- Geologic Hazards Overlay District

**Applicable Overlay Zones (Continued)**

Please identify all overlay districts identified on your Property Zoning Report. The presence of an overlay district may require review in a Type II Minor Site Plan and Design Review process.

- Flood Management Overlay District
- Sewer Moratorium Area
- Natural Resources Overlay District
- Not Applicable

Historic Review not applicable - property is not designated. KR 9/10/19

**General Standards**

Demonstrate compliance with previous proposals and associated conditions.

Removal of 2 hazard trees accompanied with replacement trees placed in replaced sidewalk that includes new tree wells - replacement 1-1, likely to place

The proposed development shall be adequately maintained. Will the proposed development be adequately maintained?

- Yes
- No

Does the location of the proposed development include any public easement? If so, please contact the Development Services Department for all required approvals.

- Yes
- No

Permit PST-19-00041

Does the proposal include any work within or projections over the right-of-way?

- Yes
- No

If yes, please contact the Development Services Department for all required approvals.

Does the proposal include any utility work or changes to storm water facilities?

- Yes
- No

If yes, please contact the Development Services Department for all required approvals.

*Staff Only*

Is the project a permitted use in the zoning district?  Yes  No Initial CRG

Is the project eligible for Type I Site Plan and Design Review?  Yes  No Initial CRG

Note Per OCMC 12.08.035, mitigation review is subject to compliance with OCMC 17.41. Applicant proposed installation of four street trees as mitigation. Installation of street trees shall be installed per the spacing requirements in OCMC 12.08.

2-4 New trees in wells



SEE OTHER SIDE FOR CODE INFORMATION AND PLANTING REQUIREMENTS

# Public Tree Removal / Replanting Permit

This application is for street trees only (trees in the public right-of-way, between the curb and sidewalk).

Sidewalk Repair Permits may be obtained separately from the Public Works Department.

For private property tree removal, please contact the Planning Division at (503) 722-3789 or refer to the guide on the back of this form to see if you need a permit.

This is a no-fee permit. Please complete the following application & attach a tree replacement plan. Incomplete applications will not be processed. Refer to the Street Tree Removal and Replacement Guide for more information.

<b>PERMIT NUMBER:</b> ST TREE 19-00065	<b>Date:</b> 8-30-19
<b>Tree Location</b>	<b>Property Owner Information</b> <input type="checkbox"/> check if same
<i>The property owner must sign this form below.</i>	
Address: 1211 JACKSON ST. OREGON CITY OR 97045 (city) (state) (zip)	Name: City of OREGON CITY Address: 625 CENTER ST OREGON CITY OR 97045 (city) (state) (zip)
Phone: Primary (503) 496-1565	Alternate: ( ) Email: dconrad@orc.city.org
<b>Trees to be Removed</b> (attach additional sheets if needed)	
Number 1 Species/Type WHITE OAK	DBH (inches) 50"
Number 1 Species/Type WALNUT	DBH (inches) 30.2"
<i>(DBH = trunk diameter at 4½ feet above ground)</i>	
<b>Reason(s) for Removal</b> (attach certified arborist's report and photos if available. Email photos to <a href="mailto:pwalter@orc.city.org">pwalter@orc.city.org</a> )	
<input type="checkbox"/> Dead <input checked="" type="checkbox"/> Severe decay/rot <input type="checkbox"/> Pathogen (bacteria/virus) <input type="checkbox"/> Insect infestation <input type="checkbox"/> Disease (fungal)	<input type="checkbox"/> Infrastructure damage <input checked="" type="checkbox"/> Sidewalk Mobility Hazard (lip > ¼ inch or other damage) <input type="checkbox"/> Structural damage to tree <input type="checkbox"/> Utilities conflict <input checked="" type="checkbox"/> Other (specify) <u>planting 4 new trees</u>
<b>Trees to be Replaced</b> (Select from <a href="#">Approved Street Tree List</a> or provide Certified Arborist recommendation)	
Number 4 Species/Type TBD	(min. caliper size = 1 ½ inches)
Number _____ Species/Type _____	(min. caliper size = 1 ½ inches)
<b>Planting Plan</b> (Please attach a basic site plan indicating the location(s) where the replacement trees will be planted). Refer to <a href="#">OCMC 12.08.015 - Street tree planting and maintenance requirements</a> . See Attached Example on next Page	

I agree to comply with City of Oregon City Code [Chapter 12.08 - PUBLIC AND STREET TREES](#), regarding street tree removal and replacement. I agree to hold harmless the City of Oregon City, its agents, officers, and employees for any damage or injury caused by reason of planting, placement, maintenance, or removal of street trees. I understand that as the abutting property owner, I shall be responsible for the maintenance of street trees and planting strips and that I shall be solely liable for any damages. I understand that replanting is a condition of removing street trees and that the City of Oregon City may require greater than 1:1 replacement pursuant to the adopted code. I understand that I am responsible for the successful establishment of the replanted trees.

Genese Conrad 8/30/19  
Property Owner's Signature Date

Submit this Application and a Planting Plan to:  
Oregon City Planning Division, 698 Warner Parrott Rd, Oregon City, OR 97045.  
Phone: (503) 722-3789 / Fax (503) 722-3880

STAFF USE ONLY BELOW THIS LINE

PERMIT APPROVAL BLOCK

PLANTING DEADLINE: Feb 28, 2020  
EXTENSIONS: \_\_\_\_\_  
INSTALLED: \_\_\_\_\_  
INSPECTION DATE: \_\_\_\_\_  
COMPLETION DATE: \_\_\_\_\_

# The Process of Street Tree Removal

If the tree is located on public property, approval from the City is required.

Determine the number, species and location of replacement tree(s):

	For Trees <b>Not</b> Determined to be Dead, Diseased or Hazardous by a Certified Arborist	For Trees Determined to be Dead, Diseased, or Hazardous by a Certified Arborist, or Sidewalk Mobility Hazard Exists
<i>Diameter of tree to be Removed (Inches of diameter at 4-ft height)</i>	Number of Replacement Trees to be Planted	Number of Replacement Trees to be Planted
Less than 6"	1 Tree	1 Tree
6" to 12"	2 Trees	1 Tree
13" to 18"	3 Trees	1 Tree
19" to 24"	4 Trees	1 Tree
25" to 30"	5 Trees	1 Tree
31" and over	8 Trees	1 Tree

Submit your Permit Application to the Planning Division for review.

Permit Application is Free. Permit Approval Typically takes 1 week.

Remove / replace the tree(s) / Contact the City when the project is complete.

You will receive a letter of completion from the Planning Division.

## Tree Planting Guidelines

- Right Tree / Right Place! Select from the recommended Street Tree List.
- Sidewalk Repair requires a separate permit from the Public Works Department. Call (503)657-0891 for more information.
- Please assure that the hazardous tree is completely removed to ground level.
- New trees are required to be a minimum of 1.5 inches in caliper, measured 6-inches from the ground, at the time of planting.
- We recommend the installation of a root barrier at the time of planting.
- Please observe the following clearances when replanting:
  - Fifteen feet from streetlights;
  - Five feet from fire hydrants;
  - Twenty feet from intersections;
  - A minimum of five feet (at mature height) below power lines.
- You are required to install the replacement trees within 1 month of removing the hazardous tree.



## Type I Site Plan and Design Review Addendum 4b: Landscaping – Tree Removal

Changes to landscaping must be in compliance with Oregon City Municipal Code Section 17.62.050.A.1, 17.62.050.A.9 and 17.52.060.

**USE THIS ADDENDUM ONLY IF TREE REMOVAL IS PROPOSED, FOR ALL OTHER LANDSCAPING CHANGES PLEASE USE ADDENDUM 4a.**

### On-Site Tree Removal

Tree removal must be in compliance with Oregon City Municipal Code Section 17.41.060.

Does the proposal include removal of on-site trees? If so, please complete this section. If not, please proceed to the next section.  Yes  No

Please note, onsite trees do not include required parking lot trees. If required parking lot trees are proposed to be removed, please complete Addendum 4a.

Describe the proposed tree removal, including size, species, and reason for removal.

OREGON WHITE OAK - 50" DBH - decay - high risk rating

Black Walnut - 30.2" DBH - ROOT LOSS w/ concrete sidewalk

Is mitigation (replanting) required?

Yes See note below. Black Walnut (30" DBH within the construction area) requires the planting of 4 mitigation trees.

No, the tree is an invasive species: \_\_\_\_\_

No, the tree is dead, diseased, dying, or hazardous and I have an arborist letter

→  No, the tree is dead, diseased, dying, or hazardous and the condition of the tree can be verified by staff (attach photos)

See note below. Oregon White Oak does not require mitigation because the arborist determined the tree was hazardous. Report attached.

If mitigation is required, please identify the option for tree mitigation:

Replacement - All No easement or covenant required because 17.41 applies to site under Site Plan and Design Review and 12.08 applies to trees within the right-of-way. or easement approved

Size of tree removed (DBH*)	Number of Trees Proposed to be Removed	# of Trees Replanted for Each Tree Removed	# of Trees Replanted for Each Tree Removed	Number of Mitigation Trees Required
		<i>If removed tree is within construction area</i>	<i>If removed tree is outside of construction area</i>	
6 to 12"		1	3	
13 to 18"		2	6	

*replacement - potential HAZARD OVER TIME w/ 40% + ROOT LOSS (ground is part of side walk repair alternative option not available)*

Size of tree removed (DBH*)	Number of Trees Proposed to be Removed	# of Trees Replanted for Each Tree Removed <i>If removed tree is <b>within</b> construction area</i>	# of Trees Replanted for Each Tree Removed <i>If removed tree is <b>outside of</b> construction area</i>	Number of Mitigation Trees Required
19 to 24"		3	9	
25 to 30"	1, within setback area	4	12	4
31 and over"		5	15	

Total Mitigation Trees Required 4

\*DBH means inches of trunk diameter, measured at 4 ½ feet above ground level.

Size. The mitigation trees shall be a minimum of 2" in caliper or a 6' conifer.

Size Proposed: \_\_\_\_\_ Condition of approval: 2" caliper tree required.

Species. The species shall be listed on the City's Native Tree List, Street Tree List or approved by a certified arborist.

- OC Native Tree List    
 OC Street Tree List    
 Approved by a certified arborist

Species Proposed\*: Condition species to be approved in accordance with 17.41.

\*Removal of white oak species requires replacement with the same species.

Cash in Lieu.

Number of Trees Proposed to Use the Cash in Lieu: \_\_\_\_\_

\_\_\_\_\_ x fee-in-lieu: \_\_\_\_\_ = \_\_\_\_\_ Total Amount Due

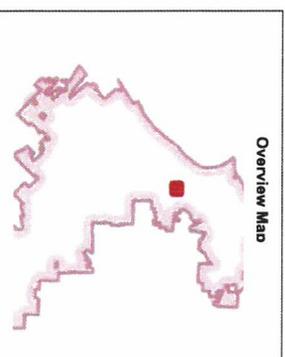
<i>Staff Only</i>			
Standards met?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Initial	<span style="border: 1px solid red; padding: 2px;">CRG</span>		

# Oregon City GIS Map



- Legend**
- Street Names
  - Taxlots
  - Taxlots Outside UGB
  - Unimproved ROW
  - City Limits
  - UGB
  - Basemap

Notes



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

Map created 8/30/2019

City of Oregon City  
 PO Box 3040  
 625 Center St  
 Oregon City  
 OR 97045  
 (503) 657-0891  
 www.oregcity.org



# Arborist Report

July 18, 2019



**Prepared for:**

City of Oregon City  
Oregon City Swimming Pool  
1211 Jackson St.

**Prepared By:**

Ruth Williams  
ISA WE-7317-BM  
ISA Qualified Tree Risk Assessor

**Company Headquarters**

1500 N Mantua Street  
Kent, OH 44240

[www.daveyresourcegroup.com](http://www.daveyresourcegroup.com)



**Notice of Disclaimer**

*Data provided by Davey Resource Group is based on visual recording at the time of inspection. Visual records do not include testing or analysis and do not include aerial or subterranean inspection unless indicated. Davey Resource Group is not responsible for discovery or identification of hidden or otherwise non-observable risks. Records may not remain accurate after inspection due to variable deterioration of surveyed material. Risk ratings, if provided, are based on observable defects and mitigation/pruning recommendations do not reduce potential liability to the tree owner or do they transfer liability to Davey Resource Group. Davey Resource Group provides no warranty with respect to the fitness or future outcomes of the surveyed trees for any use or purpose whatsoever.*

# Contents

<b>Introduction</b>	<b>2</b>
<b>Methods</b>	<b>2</b>
<b>Limits and Assumptions</b>	<b>2</b>
<b>Site Observations</b>	<b>3</b>
<b>Tree Observations</b>	<b>4</b>
<b>Tree Preservation Potential</b>	<b>4</b>
<b>Tree Preservation Methods</b>	<b>4</b>
<b>Summary and Recommendations</b>	<b>4</b>
<b>Appendix B – Photo Documentation</b>	<b>5</b>
Photo 1. Good root flare, no evidence of decay	5
Photo 2. Surface root in lawn	6
Photo 3. Minor wounds sealing after prior pruning, foliage in very good condition	7

# Introduction

A tree assessment was performed for Black walnut (*Juglans hindsii*) in front of 1211 Jackson St, near the sidewalk. Concerns were raised about the potential for the tree to be preserved during sidewalk reconstruction. Oregon City urban forest managers requested a qualified arborist perform a tree risk assessment to determine the preservation potential based on the current health and the potential site impacts. The assessment was conducted by an International Society of Arboriculture (ISA) Board Certified Master Arborist (#WE-7317-BM) and Qualified Tree Risk Assessor on June 29, 2019. The evaluation is summarized in the following report, which provides recommendations.

# Methods

A visual inspection of the tree was used to develop the findings, conclusions, and recommendations found in this report. Data collection included estimating the diameter of the tree at approximately 54 inches above grade (DBH), height estimation, canopy radius estimation, a visual assessment of tree condition, structure and health, and a photographic record. No physical inspection of the upper canopy, sounding, root crown excavation, resistance drilling, or other technologies were used in the evaluation of the tree.

The sidewalk upheaval was evaluated along with the limits of disturbance described by personnel on site. Typical sidewalk reconstruction methods are assumed, including excavation, but site design drawings or technical specifications were not provided or reviewed.

# Limits and Assumptions

Many factors can limit specific and accurate data when performing evaluations of trees and their potential for failure. No soil or tissue testing was performed. All observations were made from the ground and no soil excavation to expose roots was performed. The determinations and recommendations presented here are based on current data and conditions that existed at the time of the evaluation and cannot be a predictor of the ultimate outcome for the evaluated tree in the future. Arborist assessments should be used as guidelines and the tree owner assumes all liability and risks.

# Site Observations

The tree is located the pool facility at 1211 Jackson St., near the intersection of John Quincy Adams St. and 13th St., in Oregon City, Oregon. The tree is on a slope down toward 13th St. The area is not irrigated but has maintained turf. The adjacent public sidewalk, parking lane and road are within the dripline of the tree. The sidewalk has multiple 1" disruptions likely caused by tree roots. The tree trunk is within 4' of the adjacent sidewalk.



**Aerial overview illustration of the site and the tree (circled red)**



**Adjacent sidewalk**

# Tree Observations

The mature Black walnut (*Juglans hindsii*) tree was inspected and assessed for health and structure on June 29, 2018. The trunk measures 30.2 inches DBH (diameter at breast height), and the tree is approximately 65 feet tall with an average canopy radius of 33 feet (diameter 66 feet). The live crown ratio is 80%. The tree appears to have been well maintained over many years.

The tree has one trunk wound that is sealing, and one surface root in the lawn that has had mower damage. The health and structure of the roots, trunk, scaffold branches, and foliage is good.

# Tree Preservation Potential

The tree is a good candidate for preservation. If necessary, some root pruning is acceptable to install new sidewalk. If root pruning is conducted, it should be scheduled by a Certified Arborist and photo documented. The following design options should be considered to increase preservation potential:

1. Sidewalk re-routing closer to the road in the vicinity of the tree
2. Ramping the sidewalk slightly to allow reconstruction with minimal root pruning
3. Installation of a 2" construction-grade styrofoam layer between the gravel pad and concrete pour
4. Trip-stop sidewalk hinges that allow sidewalk to bend horizontally but not become displaced vertically or at an angle

# Tree Preservation Methods

1. Throughout construction, protect trunk with straw waddle to root flare and trunk up to 6' above sidewalk grade.
2. Install tree protection fencing one foot back from the sidewalk and do not allow construction equipment on the soil area to avoid soil compaction. For this case, orange plastic mesh attached at 10' intervals to t-stakes is acceptable.
3. Carefully remove 15' of pavement with pri-bars and hand tools, rather than jackhammers. Heavy equipment is not recommended as it can crack, compact, and break roots, and resulting injury can be sites of infection and promote decay.
4. Root pruning (if necessary) should be conducted by an arborist or with arborist supervision with a sharp saw and at an angle that minimizes wound size.

# Summary and Recommendations

The inspection revealed the walnut tree to be in good condition with high preservation potential. The tree has minor visible defects in the trunk and branches. The species is relatively tolerant of construction impacts. The construction may impact 10-40% of the critical root zone, but are unlikely to destabilize the tree unless significant root pruning occurs. Supervision of construction is recommended and the tree may be recommended for removal if roots are found to be decayed, or significant root pruning occurs. The species is a locally adapted tree that can live for hundreds of years.

# Appendix B – Photo Documentation

*Photo 1. Good root flare, no evidence of decay*



*Photo 2. Surface root in lawn*



*Photo 3. Minor wounds sealing after prior pruning, foliage in very good condition*



## Site Observations

The tree is located in front of 1211 Jackson St., near the intersection of 13th Ave., in Oregon City, Oregon. The tree is on level ground near a slope down toward 13th St. The area is not irrigated but has maintained turf. The adjacent building, access sidewalk, and public sidewalk are within the dripline of the tree. An adjacent classroom hosts a children's play area, and the kids are sometimes out on the lawn area for activities. The target areas are occupied occasionally (lawn) to frequently (building).



**Aerial overview illustration of the site and the tree (circled red)**

## Tree Observations

The mature Oregon white oak (*Quercus garryana*) tree was inspected and assessed for health and structure on October 8, 2018. The trunk measures 50 inches DBH (diameter at breast height), and the tree is approximately 69 feet tall with an oblong canopy with an average diameter of 80 feet. The live crown ratio is 80%. The tree appears to have been well maintained over many years.

The tree has one major limb with dead foliage and the trunk shows evidence of a column of decay. There is an area of decay at the union of the limb. Minor epicormic shoots have sprouted near decayed areas and old pruning wounds. The foliage is sparse throughout the canopy, and appears more sparse than what is to be expected from a healthy tree with normal seasonal leaf drop. At breast height, it is estimated the dead and decayed trunk area spans approximately 46" of the 157" circumference, representing 29% of the circumference.

## Tree Risk Assessment

Species: Oregon white oak (*Quercus garryana*)

dbh: 50"

Height: 69'

Condition: Fair

### **Tree Defect Observations**

Crown and Branches: The canopy foliage is sparse. Dead leaves persist on one limb that is likely dead or nearly dead due to decay at the branch union.

Trunk: A large column of decay up to 46" wide and likely 30' tall is shown in Appendix photos.

Roots and Root Collar: Root collar is partly buried in soil.

### **Risk Categorization**

The tree has a probable failure risk with a high likelihood of impacting a target (lawn area). This is a somewhat likely event with possible significant consequences. The risk rating for this tree is High.

Overall tree risk rating: High

## Risk Mitigation Options

**Target Management:** The lawn below could be fenced off.

**Risk Management Pruning (RMP):** 1. The dead limb can be removed. 2. Major retrenchment pruning could be conducted, the area below fenced, and interpretive signage could be posted describing the benefits of wildlife trees in urban areas.

**Installation of Structural Supports:** Cabling of tree would reduce the load on limbs, thus reducing risk. This method only works on sound limbs, and an aerial inspection would be required to assess the likelihood of success.

**Improving Site/Cultural Conditions:** Air spading to remove soil from trunk flare and root crown could slightly slow basal decay, but would not eliminate already existing substantial decay.

**Implementing Integrated Pest Management:** N/A

Overall residual risk with RMP: Low

Overall residual risk with tree removal: none

## Summary and Recommendations

The inspection revealed the oak tree to be in Fair condition with a High level of risk. The tree has significant visible defects in the trunk and branches. The targets are high profile, and occupied occasionally (lawn) to frequently (building). There is little that can be done to improve the health of this tree, but if preservation is desired, major retrenchment pruning, fencing the lawn below, and posting of signage to explain the benefits of wildlife trees to site users would reduce the risk to low. Even though these measures would reduce risk, the tree would still require routine monitoring as it will most likely continue to decline. The species is a native tree that can live for hundreds of years.

## Appendix B – Photo Documentation

*Photo 1. Decay in Trunk*



*Photo 2. Decay at branch union*



*Photo 3. Dead leaves persist on dying branch*



*Photo 4. Canopy is relatively sparse and trunk has some epicormic sprouts*



## Appendix B - Risk Rating & Likelihood

The technique used to define the risk of failure and likelihood of failure involves a determination within two matrices. These matrices are reproduced here from the International Society of Arboriculture data sheets for Tree Risk Assessment, 2017.

([https://www.isa-arbor.com/education/resources/BasicTreeRiskAssessmentForm\\_Print\\_2017.pdf](https://www.isa-arbor.com/education/resources/BasicTreeRiskAssessmentForm_Print_2017.pdf))

*Matrix I. Likelihood Matrix*

Likelihood Of Failure	Likelihood of Impacting Target			
	Very Low	Low	Medium	High
<b>Imminent</b>	Unlikely	Somewhat likely	Likely	Very likely
<b>Probable</b>	Unlikely	Unlikely	Somewhat likely	Likely
<b>Possible</b>	Unlikely	Unlikely	Unlikely	Somewhat likely
<b>Improbable</b>	Unlikely	Unlikely	Unlikely	Unlikely

*Matrix II. Risk Rating Matrix*

Likelihood Of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
<b>Very likely</b>	Low	Moderate	High	Extreme
<b>Likely</b>	Low	Moderate	High	High
<b>Somewhat likely</b>	Low	Low	Moderate	Moderate
<b>Unlikely</b>	Low	Low	Low	Low



# Arborist Report

October 17, 2018



**Prepared for:**

City of Oregon City  
Oregon City Swimming Pool  
1211 Jackson St.

**Prepared By:**

Ruth Williams  
ISA WE-7317-BM  
ISA Qualified Tree Risk Assessor



**Company Headquarters**

1500 N Mantua Street  
Kent, OH 44240

[www.daveyresourcegroup.com](http://www.daveyresourcegroup.com)

**Notice of Disclaimer**

*Data provided by Davey Resource Group is based on visual recording at the time of inspection. Visual records do not include testing or analysis and do not include aerial or subterranean inspection unless indicated. Davey Resource Group is not responsible for discovery or identification of hidden or otherwise non-observable risks. Records may not remain accurate after inspection due to variable deterioration of surveyed material. Risk ratings, if provided, are based on observable defects and mitigation/pruning recommendations do not reduce potential liability to the tree owner or do they transfer liability to Davey Resource Group. Davey Resource Group provides no warranty with respect to the fitness or future outcomes of the surveyed trees for any use or purpose whatsoever.*

# Contents

<b>Contents</b>	<b>1</b>
<b>Introduction</b>	<b>2</b>
<b>Methods</b>	<b>2</b>
<b>Risk Assessment Methodology</b>	<b>2</b>
<b>Limits and Assumptions</b>	<b>3</b>
<b>Site Observations</b>	<b>4</b>
<b>Tree Observations</b>	<b>5</b>
<b>Tree Risk Assessment</b>	<b>5</b>
Tree Defect Observations	5
Risk Categorization	5
Risk Mitigation Options	6
<b>Summary and Recommendations</b>	<b>6</b>
<b>Appendix B – Photo Documentation</b>	<b>7</b>
Photo 1. Decay in Trunk	7
Photo 2. Decay at branch union	8
Photo 3. Dead leaves persist on dying branch	8
Photo 4. Canopy is relatively sparse and trunk has some epicormic sprouts	9
<b>Appendix B - Risk Rating &amp; Likelihood</b>	<b>10</b>

# Introduction

A tree assessment was performed for an Oregon white oak (*Quercus garryana*) in front of 1211 Jackson St, at the corner of 13th Ave. Concerns were raised about the health and safety of the tree due to declining foliage health. Oregon City urban forest managers requested a qualified arborist perform a tree risk assessment to determine the level of risk posed by the tree. The assessment was conducted by an International Society of Arboriculture (ISA) Board Certified Master Arborist (#WE-7317-BM) and Qualified Tree Risk Assessor on October 8, 2018. The evaluation is summarized in the following report, which provides recommendations.

## Methods

A visual inspection of the tree was used to develop the findings, conclusions, and recommendations found in this report. Data collection included estimating the diameter of the tree at approximately 54 inches above grade (DBH), height estimation, canopy radius estimation, a visual assessment of tree condition, structure and health, and a photographic record. No physical inspection of the upper canopy, sounding, root crown excavation, resistance drilling, or other technologies were used in the evaluation of the trees.

## Risk Assessment Methodology

This evaluation follows the tree risk assessment methods developed by the International Society of Arboriculture. It consists of an inspection of the visible tree parts including surface roots, trunk, scaffold limbs, and canopy. The hazard and risk assessment results in a risk rating for the tree to help quantify the level of risk accepted by the tree's owner. To summarize the information about the trees that received a hazard evaluation, an overall hazard rating is obtained by assessing and assigning a value to the failure potential, identifying the size of the tree part most likely to fail (e.g., branch, one stem, or whole tree) and determining site use around the affected tree. Each of these three characteristics is assessed as follows:

**Condition of Concern** – Describes the part most likely to fail. The larger the tree part, the greater the potential for damage; therefore, the size of the failure part affects the overall hazard potential, and is described according to:

- Part Size - Typically the diameter of the limb or tree part
- Fall Distance - The distance of the part from the ground
- Target - The presence of any target(s) that could be impacted by failure

**Likelihood of Failure** – Identifies the most likely point of failure and rates the likelihood that the observed defect(s) will result in part failure. Failure potential is rated as:

- Improbable (defects are minor and unlikely to result in failure)
- Possible (defects are present and of concern)
- Probable (compounding and/or significant defects present)
- Imminent (defects are serious and imminent failure is likely)

**Likelihood of Impact** – Identifies the most likely point of failure and rates the likelihood that the structural defect(s) will impact the potential targets. Likelihood of impact is rated as:

- Very Low (Occasional use, as in a forest landscape)
- Low (e.g., tree lawn, sidewalk, park path)
- Medium (buildings or people within striking range more than 50% of the time)
- High (Constant and frequent use of the area within striking distance)

**Consequences of Failure** – Rates the level of damage caused by the defective part in the event of failure. The consequences of failure are rated as:

- Negligible (typically small branches <1" diameter, unlikely to cause damage)
- Minor (branches 1-2" diameter, may cause damage)
- Significant (damage would occur)
- Severe (failure would result in major damage)

**Overall Risk Rating** - The values assigned to condition, likelihood and consequences are summarized into an overall risk rating of Low to Extreme for each tree:

- Low (risk is present, mitigation measures may not be required)
- Moderate (mitigation advised within normal maintenance cycle)
- High (mitigation advised within the year)
- Extreme (mitigation necessary as soon as practical)

## Limits and Assumptions

Many factors can limit specific and accurate data when performing evaluations of trees and their potential for failure. No soil or tissue testing was performed. All observations were made from the ground and no soil excavation to expose roots was performed. The determinations and recommendations presented here are based on current data and conditions that existed at the time of the evaluation and cannot be a predictor of the ultimate outcome for the evaluated tree in the future. Arborist assessments should be used as guidelines and the tree owner assumes all liability and risks.





Overview Map



Taxlot highlighted in blue

**Taxlot Information**

APN: 2-2E-32BB-06100 In City? Y  
 Alt ID: 00585959 In UGB? Y  
 Site Address: 1211 JACKSON ST  
 OREGON CITY, OR 97045  
 Year Built: Unknown or not recorded

**Taxpayer Information**

Taxpayer: PUBLIC  
 Address: 320 WARNER MILNE RD  
 OREGON CITY, OR 97045

**Reference Information**

Parcel Area (GIS - acres): 1.34  
 Parcel Area (GIS - sq. ft): 58,362  
 Twn/Rng/Sec: 2S 2E 32  
 Tax Map Reference: 22E32BB (03\_2s2e32bb)

**Values**

Import Date: 09/26/2019  
 Land Value (Mkt): \$366,742  
 Building Value (Mkt): \$3,103,180  
 Total Value (Mkt): \$3,469,922  
 Note: The values above are Market, NOT Assessed values.  
 Assessed Value: \$2,262,389  
 Exempt Amount: \$2,262,389

**Planning Designations**

Zoning: I  
 Comprehensive Plan: P  
 Subdivision: (2) OREGON CITY  
 PUD (if known):  
 Partition Plat: N/A  
 Neighborhood Assn: M'CLOUGHLIN  
 Urban Renewal District: N/A  
 Concept Plan: N/A  
 Historic District: MCD  
 Historic Designated Structure: N/A

In Willamette Greenway?	N	In Enterprise Zone?	N
In Geologic Hazard?	Y	In Vert. House Dev. Zone?	N
In High Water Table Area?	N	In Opportunity Zone?	Y
In Nat. Res. Ovl. Dist. (NROD)?	N		
In 1996/FEMA 100 Yr Floodplain?	N		
In FEMA Floodway?	N		
In SDC Discount Area?	N		
In Thayer Pond Fee Area?	N		
In Bvrck. Rd Access Plan Area?	N		
In Barlow Trail Corridor?	N		

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

