

TYPE II LIMITED LAND USE APPLICATION
Applicant's Submittal
December 6, 2019

APPLICANT: Brian Lee, PE
PACE Engineers, INC
4500 Kruse Way, Suite 250
Lake Oswego, OR 97035

OWNER: Gene Edwards
16850 Hunter Avenue
Oregon City, OR 97045

REQUEST: The project consists of a proposed 10-lot subdivision with Laurel Ridge Avenue running through the site.

LOCATION: 16276 Hiram Avenue
Oregon City, OR 97045
2-2E-28B Tax Lot 300

I. BACKGROUND:

1. Existing Conditions.

The property at the address consists of a 2.39 acre lot with an existing home and associated structures (barn, garage, etc.) located on the northwest portion of the site.

2. Project Description

A proposed 10-lot subdivision with ROW Laurel Ridge Avenue running through the site from the north, turns east, then towards the south as the property's boundaries. An 8.5 and 10.5-foot dedication is required on Hiram and Hunter Avenues. Disturbed land and new impervious areas shall consist of 19,259 SF.

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:

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The City Code Book is available on-line at 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.

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.

PACE Response:

The property has approximately 172 feet of frontage along Hiram Avenue which yields to 5 (actual is 4.91) trees required. The plans currently show 5 proposed trees along Hiram Avenue.

The property has approximately 165 feet of frontage along Hunter Avenue which yields to 5 (actual is 4.71) trees required. The plans currently show 4 proposed trees along Hunter Avenue.

The property has approximately 335 feet of frontage along Laurel Ridge Avenue which yields to 10 (actual is 9.57) trees required. The plans currently show 10 proposed trees along Laurel Ridge Avenue.

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).

PACE Response:

The clearance distances listed above have been met based on the locations of the proposed trees. New trees to be planted shall meet minimum size requirements. Proper pruning shall be maintained during the life of the tree to provide required clearances for street cleaning equipment and ADA compliance. Trees shall be properly planted in regards to their root barriers at the given depth. No overhead powerlines shall be located within the site because the City of Oregon City is proposing that the owner bury any existing overhead utilities; therefore there is no concern about trees being planted beneath powerlines. This site is not located within a Natural Resource Overlay District (NROD).

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.

PACE Response:

One tree is being proposed to be removed along Hiram Avenue because the existing tree is located on the proposed asphalt-pavement. The center of the tree is measured as 1.22 feet away from the edge of asphalt. The tree has not been measured on site, but it appears to be approximately 15-inches in diameter at breast height. Tree replacement based on the table above will not be performed, instead a fee-in-lieu of planting shall be paid.

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.

PACE Response:

A fee-in-lieu of planting will not be required.

CHAPTER 13.12 STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

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

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

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

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

PACE Response:

Stormwater conveyance facilities shall be proposed at a later time for privately owned parcels when each lot undergoes construction. The stormwater conveyance facilities that are proposed for this 10-lot subdivision is the stormwater planter (filtration) for treatment and detention (over-detention) for the street improvements for Hiram, Hunter, and Laurel Ridge Avenues.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:

- 1. Activities located wholly or partially within water quality resource areas pursuant to OCMC 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the NROD or will disturb more than one thousand square feet of existing impervious surface within the NROD as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or*
- 2. Activities that create or replace more than five thousand square feet of impervious surface, cumulated over any given five-year period.*

PACE Response:

There are no NROD areas located within the site. The street improvements for Hiram, Hunter, and Laurel Ridge Avenues account for more than 5,000 SF of impervious surface, therefore water quality and flow control requirements of this chapter shall be adhered.

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

- 1. An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in OCMC 17.42, provided that the following conditions are met:*
 - a. The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and*
 - b. The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.*
 - 2. Projects in the following categories are generally exempt from the water quality and flow control requirements:*
 - a. Stream enhancement or restoration projects approved by the City.*
 - b. Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.*
 - c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.*
 - d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.*
 - e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.*
 - f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.*
 - g. Maintenance or repair of existing utilities.*
- D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:*
- 1. Bulk petroleum storage facilities;*
 - 2. Above ground storage of liquid materials;*
 - 3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;*
 - 4. Exterior storage of bulk construction materials;*
 - 5. Material transfer areas and loading docks;*
 - 6. Equipment and/or vehicle washing facilities;*
 - 7. Development on land with suspected or known contamination;*
 - 8. Covered vehicle parking for commercial or industrial uses;*

- 9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and
- 10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.

PACE Response:

The site is not exempt from any of the items listed in this section.

13.12.060 - Abrogation and greater restrictions.

Where the provisions of this chapter are less restrictive or conflict with comparable provisions of other portions of this code, regional, state or federal law, the provisions that are more restrictive shall govern. Where this chapter imposes restrictions that are more stringent than regional, state or federal law, the provisions of this chapter shall govern. However, nothing in this chapter shall relieve any party from the obligation to comply with any applicable federal, state or local regulations or permit requirements.

Compliance with this chapter and the minimum requirements, minimum standards, and design procedures as set forth in the City adopted Public Works Stormwater and Grading Design Standards does not relieve the designer, owner, or developer of the responsibility to apply conservative and sound professional judgment to protect the health, safety and welfare of the public. It is not the intent of this chapter to make the City a guarantor or protector of public or private property in regard to land development activity.

PACE Response:

Should there be a stricter provision that is provided by regional, state or federal law, the more restrictive provision shall govern. Currently, only the provisions of the City of Oregon City are being required.

13.12.080 - Submittal requirements.

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

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

PACE Response:

A preliminary hydrology report has been provided with this submittal and stormwater conveyance, water quality, and flow control requirements are in compliance with the Public Works Stormwater and Grading Design Standards.

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

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

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

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

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

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

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

PACE Response:

The provided Preliminary Hydrology Report has followed the standards stated in this section and the Public Works Stormwater and Grading Design Standards.

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

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

PACE Response:

An alternate design for the stormwater planter has not deviated from the design in the Public Works Stormwater and Grading Design Standards, the requirements of this section has been met.

13.12.110 - Transfer of engineering responsibility.

Project drainage plans shall always have a project engineer. If the project engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the City within seventy-two hours of accepting the position as project engineer.

PACE Response:

A project engineer for the stormwater drainage plans shall always be employed and responsible during the course of the related work.

13.12.120 - Standard construction specifications.

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

PACE Response:

Accordance to the current edition of the Standard Specifications for Public Works Construction shall be required throughout the course of this construction.

13.12.140 - Maintenance of public stormwater facilities.

A. A stormwater facility that receives stormwater runoff from a public right-of-way shall be a public facility. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those public stormwater facilities. Access for maintenance of the stormwater facilities shall be provided to the City through the granting of a stormwater easement or other means acceptable to the City.

PACE Response:

The proposed stormwater facility is located within the public right-of-way and thus, is the responsibility of the City.

B. Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the City a separate two-year landscaping maintenance surety bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of stormwater conveyance systems shall occur when the City accepts the stormwater conveyance system.

PACE Response:

The owner shall provide the City a separate 2-year landscaping maintenance surety bond for 100% of the landscaping cost.

C. The City will perform an inspection of the development's entire publicly maintained stormwater system approximately forty-five days before the two-year warranty period expires. The stormwater system shall be found to be in a clean, functional condition by the City engineer before acceptance of maintenance responsibility by the City.

PACE Response:

The owner and applicant understands that the City is required to perform an inspection of the development's entire publicly maintained stormwater system approximately 45 days before the 2-year warranty period expires. The facility shall be found clean and in functional condition by the City engineer before acceptance of maintenance responsibility by the City.

13.12.145 - Maintenance of private stormwater facilities.

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

PACE Response:

Currently, there are no private stormwater facilities being proposed, this section has been met. The text to the following subsections regarding private stormwater facilities have been crossed out.

~~B. Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. A maintenance log is required to document facility inspections and specific maintenance activities. The log shall be available to City inspection staff upon request.~~

~~C. Failure to operate or maintain a stormwater facility according to the operation and maintenance plan may result in an enforcement action under Section 13.12.150.~~

13.12.150 - Penalties and enforcement.

A. The City is authorized to make inspections and take such actions as required to enforce the provisions of this chapter. The City has the authority to enter onto land for the purpose of inspecting site development activities or resulting improvements. City staff will make an effort to contact the property owner before entering onto that property.

B. If the City Engineer determines a site has any unpermitted or illegal facilities placed, constructed or installed on the site, then the City Engineer shall notify the owner in writing directing the owner to submit a written plan (with construction drawings completed by a professional engineer, if otherwise required by this chapter) within ten calendar days. This plan (and drawings, if required) shall depict the restoration or stabilization of the site or correct the work that has adversely impacted adjacent or downstream property owners. The City Engineer shall review the plan (and drawings, if required) for compliance with City standards and issue comments for correction, if necessary, or issue an approval to the owner. The City shall establish a fee by resolution for such review, with all costs borne by the owner. If the required corrective work constitutes a grading permit, then the City shall collect the appropriate grading permit fee.

C. Any person, firm, corporation or entity violating any of the provisions of this chapter, whether they be the property owner, the applicant, the contractor or any other person acting with or without the authorization of the property owner or applicant, shall be subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

PACE Response:

The owner and applicant understands that the City is authorized to make inspection and take such actions as required to enforce the provisions of this chapter.

13.12.160 - Hazardous conditions.

A. Determination and Notification. If the City Engineer determines that any excavation, embankment, erosion/sedimentation control or drainage facility is a safety hazard; endangers property; or adversely affects the safety, use or stability of a public way, water quality resource areas (pursuant to OCMC 17.49) or drainage course, the owner(s) of the subject property and/or the person or agent in control of the property shall be required to repair or eliminate the hazard in conformance with the requirements of this chapter and the Public Works Stormwater and Grading Design Standards. At the time that the City Engineer makes the determination that a hazardous condition exists, the property owner and/or person or agent in control of the property will be notified in writing that the hazard exists.

B. Order to Correct. The City Engineer will order the specific work to be undertaken or will order that an engineering design be submitted for review and approval by the City Engineer, and will specify the time periods within which the hazardous conditions be repaired or eliminated. In the event that the owner and/or the person or agent in control of the property fails to comply with this order, that person shall be subject to the code enforcement procedures of OCMC 1.16, 1.20, and 1.24.

PACE Response:

If the City deems that a hazardous condition is determined in any excavation, embankment, erosion/sedimentation control or drainage facility, the owner and applicant understands that the unsafe conditions shall be corrected.

13.12.170 - Permits from other jurisdictions.

A. The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES 1200-C permits for projects that cover areas of one acre or greater. No permit shall be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DEQ representatives.

PACE Response:

An Oregon State Department of Environmental Quality NPDES 1200-C permit is not required because the disturbed land is not greater than an acre. The total new impervious area for Hiram, Hunter, and Laurel Ridge Avenue is only 19,259 SF, less than an acre.

B. Projects may require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits. If such permits are required, no permission to construct will be granted until such a time as a copy of such permit is on file with the City or notice is received from those agencies that a permit is not required. DSL/USACE is responsible for enforcing aits own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DSL/USACE representatives.

PACE Response:

Currently, the site does not require any permits from the Oregon State Division of State Lands or United States Army Corps of Engineers.

C. Projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. When ODFW permits are required, no work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate ODFW representatives.

PACE Response:

Currently, the site does not require any permits from the Oregon Department of Fish and Wildlife.

13.12.180 - Violation—Penalty.

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

PACE Response:

The owner and applicant understand that a violation of any provision of this chapter is subject to code enforcement procedure and may result in some type of penalty.

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:

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

PACE Response:

This subdivision is proposing grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area. The proposed grading for shall comply by the regulations and requirements stated in this section, unless otherwise stated.

15.48.090 Submittal requirements.

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

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

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

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

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

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

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

PACE Response:

An engineered grading plan shall be provided at the time of land use application submittal and shall comply with the Public Works Stormwater and Grading Design Standards requirements.

“Report of Geotechnical Investigation – Hunter Avenue -11 Lot Subdivision” by Carlson Geotechnical will be provided to the City at the time of application submittal.

An engineered grading plan shall be submitted for all land divisions that propose new residential building lots.

CHAPTER 16.04 - GENERAL PROVISIONS AND ADMINISTRATION OF LAND DIVISIONS

16.04.010 - Purpose.

This title is enacted in compliance with ORS 92.010 through 92.160 to establish procedures and standards for partitioning and subdividing land within the city. These regulations, along with requirements of the city's underlying zoning, provide the dimensional requirements for building lots, street locations, street design, rights-of-way, location requirements for houses on residential lots, the provision of adequate open space for recreation and community facilities, and the basic requirements for the installation of public utilities, all with the aim of achieving:

- A. A sufficient supply of needed housing with satisfactory living conditions in new subdivisions that comply with Statewide Planning Goal 10 and implementing administrative rules, guidelines and statutes;*
- B. The protection, conservation and proper use of the land;*
- C. The timely and efficient extension of public facilities and services without excessive expenditure of public funds in accordance with Statewide Planning Goals 11 and 14 and their implementing administrative rules and guidelines;*
- D. The simplification and greater accuracy of land descriptions;*
- E. The protection of property owners from excessive assessment for future utility installations and to provide a means of ensuring that property owners pay only their fair share of the cost of providing public facilities and services;*
- F. The protection of the health, safety and general welfare of the public;*
- G. Increased consumer protection by assuring that only those lots which have met city requirements and have been lawfully created through subdivision or partition approval are allowed to be advertised for sale;*
- H. Increased urban density and a livable design that achieves Metro-mandated requirements, while providing an enjoyable living and working environment; and*
- I. Safe, direct and convenient pedestrian and bicycle access, where reasonably possible within, from and between residential, commercial, industrial and institutional developments and neighborhood activity centers in accordance with Statewide Planning Goal 12 and the implementing administrative rule.*

PACE Response:

The development's proposal helps achieve the items listed above in this section by providing new potential property for residential units that are in the correct zoning. The development also provides the dedication of land to provide for public facilities (street and utilities) for the future.

16.04.015 - Fees.

- A. *Filing Fees. The city commission shall establish by resolution a schedule of fees for all land division and engineering plan reviews, inspections, applications and appeals provided for under this title. Fees shall be structured to reflect the city's actual cost of providing the required services and must be paid in full at the time of application, along with all other required information and documents before the application to be deemed complete. Filing fees shall not be refundable or reimbursable except as provided in Section 17.50.290 of this Code.*
- B. *Technical Plan Check and Inspection Fees. The city commission shall establish by resolution a plan check and inspection fee. This fee shall be paid to cover the city's costs of reviewing plans and inspecting public improvements.*
- C. *Other Fees. The fees required by this chapter are in addition to any fees charged by any other department of the city and any other governmental entity with regulatory jurisdiction.*

PACE Response:

All required fees for the development shall be paid to the relevant jurisdiction.

16.04.020 - Conditions of land division approval.

The decision-maker may impose reasonable conditions of approval on any approval granted under this title to ensure that the application meets, or will meet, any application approval standard.

PACE Response:

The applicant understands that conditions of approval for the development will be issued after submittal of the land use application.

16.04.025 - Restrictions on sale of lots until process is complete.

- A. *No person shall negotiate to sell any lot in a subdivision until a preliminary plat has been approved pursuant to this title.*
- B. *No person shall complete the sale of any lot in any subdivision until the final subdivision plat for the development has been approved under this title and properly recorded with the county.*
- C. *Parcels subject to the partition process under this title may be advertised, and sales negotiated, prior to preliminary partition plat approval; however, no sale of any such lot may be completed until the city has granted final partition approval under this title and the plat is properly recorded with the county.*

PACE Response:

The applicant and the owner understand that the selling of the individual lots for the development is prohibited until the land use process has been completed.

16.04.030 - Severability.

If any part of this title is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that part shall be deemed separate from the balance of the title and the invalidation of any part of this title shall not affect the validity or enforceability of any of the title's remaining portions.

PACE Response:

The applicant understands that the requirements of this title shall be upheld.

16.04.035 - Nuisance—Violations and penalties.

Any act, omission or use of property in violation of the requirements of this chapter shall constitute a nuisance, a civil infraction and a code violation subject to the code enforcement provisions of Chapters 1.16, 1.20 and 1.24.

PACE Response:

The applicant understands that any nuisance or civil infraction of a code violation is subject the code enforcement provisions listed above.

CHAPTER 16.08 LAND DIVISIONS - PROCESS AND STANDARDS

16.08.010 - Purpose and general provisions.

A. Applicability. This chapter controls the process and approval standards applicable to land divisions including:

- 1. Partitions, defined as a single division of land into two or three lots, and/or*
- 2. Subdivisions, defined as a single division of land into four or more lots and/or*
- 3. Master plans and planned unit developments and/or*
- 4. Expedited land divisions.*

B. Approval of a land division shall be granted only upon determination by the City that all applicable requirements of this title, ORS Chapter 92, the applicable zoning designation, applicable overlay districts, and OCMC 12.08, 13.12, 15.48, 16.12, 17.41, and 17.50 of the Oregon City Municipal Code are met or can be met with conditions of approval.

C. Minor partitions and subdivisions shall generally follow a Type II process and master plans/planned unit developments shall be processed as a Type III process pursuant to OCMC 17.50. However, if an applicant opts to process a subdivision as an expedited land division, the City shall follow the decision-making process provided by state law and apply the applicable approval standards set forth in this code and elsewhere.

D. Purpose. The purpose of this chapter is to provide a speedy review and decision-making process with relatively clear and objective criteria indicating little discretion, with little opportunity to deviate from the City's dimensional standards. If an applicant wishes greater flexibility in lot pattern or layout, phasing of development, or relief from dimensional or public improvement standards, the appropriate procedure would be a Master Plan / Planned Unit Development pursuant to OCMC 17.65 or an additional application for a variance(s) pursuant to OCMC 17.60.

E. Process Overview. Land division review process requires a two-step process: preliminary and final plats. The preliminary plat, reviewed through a Type II process, provides all of the essential information about the proposal, including layout, number and pattern of lots, location of all existing structures and improvements, significant natural features, development schedule and any other required information. The final plat shall be processed as identified in OCMC 16.08.100.

PACE Response:

The section is applicable to the development because it is a proposed 10-lot subdivision, which shall go through the Type II process.

16.08.025 - Preliminary plat—Required information.

The preliminary plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. The preliminary plat layout may be prepared by a civil engineer, architect, land use planner or similarly qualified professional. All maps and site drawings shall be at a minimum scale of one inch to fifty feet.

A. Site Plan. A detailed site development plan drawn to scale by a licensed professional based on an existing conditions plan drawn by a licensed surveyor. The site plan shall include the location and dimensions of lots, streets, existing and proposed street names, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.), all areas designated as being within an overlay district and an indication of existing and proposed land uses for the site. If required by staff at the pre-application conference, a connectivity analysis shall be prepared by a transportation engineer licensed by the State of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed land division will extend to and/or from such adjacent properties and can be developed meeting the existing OCMC design standards and adopted Transportation System Plan, street design standards, and adopted concept plans, corridor and access management studies, engineering standards and infrastructure analyses.

PACE Response:

The preliminary plat/site plan provided for the land use application has a minimum scale of 1:50. The site plan provided has a scale of 1" = 30' and includes all of the items listed in "A. Site Plan".

B. Traffic/Transportation Plan. The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the State of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. In the preparation of the Traffic/Transportation Plan, the applicant shall reference the adopted Transportation System Plan. The Community Development Director may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.

PACE Response:

A traffic analysis letter, dated July 27, 2019, from Greenlight Engineering will be provided with the land use application submittal.

C. Natural Features Plan and Topography, Preliminary Grading and Drainage Plan. The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within 250 feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features shall include all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all stormwater management features. This plan shall identify the location of drainage patterns and courses on the site and within 250 feet of the property boundaries where practicable. Features that shall be illustrated shall include the following:

1. Proposed and existing street rights-of-way and all other transportation facilities;
2. All proposed lots and tracts;
3. All trees proposed to be removed prior to final plat with a diameter six inches or greater diameter at breast height (d.b.h.);

4. All natural resource areas pursuant to OCMC 17.49, 17.48, 17.44, and 17.42;
 5. The location of any known state or federal threatened or endangered species or wildlife habitat or other natural features listed on any of the City's official inventories;
 6. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;
- D. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,
1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
 2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or other written demonstration that the applicant notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.
- If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the City will not require any responsive letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.
- The Community Development Director may waive any of the foregoing requirements if the Community Development Director determines that the requirement is unnecessary in the particular case and that the intent of this chapter has been met.

PACE Response:

A natural features plan and topography, preliminary grading and drainage plans will be provided in the land use application submittal. Archeological monitoring is not required for the proposed development.

16.08.030 - Preliminary plat—Narrative statement.

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

A. *Description.* A detailed description of the proposed development, including a description of proposed uses, number and type of residential units, allocation and ownership of all lots, tracts, streets, and public improvements, the structure of any homeowner's association, and each instance where the proposed subdivision will vary from some dimensional or other requirement of the underlying zoning district.

B. *Timely Provision of Public Services and Facilities.* The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:

1. Water,
2. Sanitary sewer,
3. Storm sewer and stormwater drainage,
- 4 Parks, trails and recreation facilities, if determined to be necessary pursuant to the Oregon City adopted Trail Master Plan and / or Parks and Recreation Master Plan
5. Traffic and transportation, and
6. Fire and police services

Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before recording of the plat;

C. *Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, homeowner association agreements, dedications, deeds easements, or reservations of public open spaces not dedicated to the City, and related documents for the land division;*

D. Overall density of the land division and the density by dwelling type for each.

PACE Response:

The development is for a proposed 10-lot residential subdivision zoned for an R-8 zoning for single family units. Laurel Ridge Avenue is a public street that enters the site from the north, it continues south and turns towards the east, and turns towards the south as it exits the site and enters the neighboring subdivision. Half street improvements are being proposed on Hiram and Hunter Avenue and Laurel Ridge Avenue is a standard sidewalk section throughout its entire length on the site. Dedications on Hiram and Hunter Avenues are 10.5 feet. Water, sanitary sewer, storm sewer will be provided to all 10 lots of the subdivision.

16.08.045 - Frontage width requirement.

Each lot shall abut upon a street other than an alley for a width of at least twenty feet unless flag lots are provided pursuant to OCMC 16.08.050, except for Cluster Housing development pursuant to OCMC 17.20.020.

PACE Response:

All of the lots abutting a street (Hiram, Hunter, and Laurel Ridge Avenue) meet the minimum frontage width requirement of 20 feet. The shortest frontage width is for lot 8 with a width of 22 feet.

16.08.050 - Flag lots.

A. Flag lots shall not be permitted except where the applicant can show that the existing parcel configuration, topographic constraints or the location of a pre-existing dwelling unit precludes a land division that meets the minimum density, dimensional standards of the underlying zone, and except where street connectivity is not practicable as determined by the City Engineer.

B. A shared joint accessway shall be provided unless the existing topography of the site or the pre-existing dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a form acceptable to the City Attorney.

C. Accessways shall have a pavement width of at least sixteen feet to service one or two units or twenty feet to service three or more units. A fire access corridor of at least twenty feet shall be provided to all parcels with a minimum pavement width of sixteen feet to service two units or twenty feet to service three or more units. At least six inches of shoulder on each side of the fire access corridor shall be provided in order that construction work does not infringe on adjacent properties. A narrower pavement width may be approved by the Fire District and City Engineer. The City Engineer and/or Fire District may require that additional fire suppression devices be provided to assure an adequate level of fire and life safety. The City Engineer and/or Fire District may prohibit vehicular obstruction, including trees, fences, landscaping and structures within the fire access corridor.

If the proposed accessway exceeds 150 feet in length the accessway shall conform to Fire District standards and shall be paved to a minimum width of twenty feet unless an alternative is approved by the Planning Division and Fire District. If more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the City Engineer and Fire District.

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

E. The pole shall be at least ten feet wide for the entire length.

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

PACE Response:

The development does not propose any flag lots.

16.08.053 Tracts

Tracts which cannot be developed with a home or office, commercial, residential, institutional, industrial, parking or other uses as determined by the City Engineer or Community Development Director are not subject to compliance with the dimensional standards of the zoning designation, frontage requirements, or flag lot standards.

PACE Response:

The development does not propose any tracts.

16.08.060 - Building sites.

A. The size, width, shape and orientation of building sites shall be rectangular or square to the maximum extent practicable.

B. Sites abutting an alley shall gain vehicular access from the alley unless deemed impracticable by the decision maker. Adequate access for emergency services (fire and police) shall be provided.

PACE Response:

The proposed building areas per lot are indicated on the site plan and have a rectangular or square shape, with the exception of lot 4 which has an irregular square-like shape.

16.08.063 - Minimum density.

All layouts shall achieve at least the minimum density of the base zone for the net developable area as defined in OCMC 17.04. Alternatively, a site may be partitioned into two lots, though one of the lots shall not contain sufficient lot area to allow further division.

PACE Response:

The development meets the minimum density, please see the following paragraphs in this section.

16.08.065 – Lot size reduction.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may utilize lot size reduction for up to twenty-five percent of the lots proposed for single-family detached residential use. The reduced-size lots may be up to ten percent less than the required minimum lot area of the applicable zoning designation provided the average lot size of all proposed single-family detached residential lots meet the minimum requirement of the underlying zone. Any area within a powerline easement on a lot shall not count towards the lot area for that lot. Lot size reduction is only permitted through a subdivision or, master plan and planned unit developments processes and may not be used for minor partitions or any other residential uses.

The average lot area is determined by first calculating the total net developable area devoted to single-family detached dwelling units, subtracting the powerline easement areas, open space, tracts, stormwater facilities, roads, right-of-way, or accessways and dividing that figure by the proposed number of single-family detached dwelling lots.

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

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

PACE Response:

The property is zoned as R-8, which requires a minimum lot size of 8,000 SF. Up to 25% of the lots may be reduced, that is, 2 lots of the 11 lots can apply for a lot reduction. A 10% reduction from the minimum required

8,000 SF is permitted, that is, a reduced lot size of 7,200 SF can be the reduced lot minimum. Currently, all the lot areas are above 8,000 SF (ranging between 8,000 to 11,181 SF)

16.08.070 - Through lots.

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

PACE Response:

A “through lot” is defined as a lot having frontage on two streets that are not alleys. No through lots are being proposed for this subdivision.

16.08.075 - Building site—Lot and parcel side lines.

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve. Lot and parcel side lines for cluster housing projects proposed consistent with the standards in OCMC 17.20.020 are not subject to this standard.

PACE Response:

The lot lines and parcels run at right angles to the street, except on the curved street of Laurel Ridge Avenue; the lot line is radial to the curve.

16.08.080 - Setbacks and building location.

This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. Houses oriented in this manner assure a sense of openness by avoiding the “bowling alley” effect caused by uninterrupted, continuous privacy fences along higher volume streets. The objective is for lots located on a neighborhood collector, collector or minor arterial street to locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street,

- A. The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.*
- B. The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.*
- C. On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.*
- D. The decision maker may approve an alternative design, consistent with the intent of this section, where the applicant can show that existing development patterns preclude the ability to practically meet this standard.*

PACE Response:

Hiram, Hunter, and Laurel Ridge Avenues are local streets that adhere to the list of setbacks and building location.

16.08.085 - Division of large lots.

Where land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the Community Development Director shall require an arrangement of lots, parcels, buildings on lots, utilities and streets which facilitates future redivision. In such a case, development limitations including building locations and

setback lines may be required and made a matter of record in order to preserve future right-of-way or building sites.

PACE Response:

The proposed lots/parcels of this subdivision are being subdivided by lots with 8,000 SF or greater. Currently, there is no plan of the proposed lots being re-divided in the future.

16.08.095 - Prohibition on Additional Private Restrictions on Housing Types.

Private restrictions on the provision of accessory dwelling units, corner duplexes, or internal conversions executed after July 1, 2019 shall be prohibited. Conditions, Covenants, and Restrictions (CC&Rs) or similar legal instrument submitted with residential plats submitted for final plat approval after July 1, 2019 shall not prohibit or impose additional restrictions on accessory dwelling units, corner duplexes, and/or internal conversions to the extent permitted in the OCMC in place at the time of final plat submittal, and shall not impose additional restrictions on Accessory Dwelling Units and internal conversions through any future amendment.

PACE Response:

Accessory dwelling units, corner duplexes, or internal conversions are not being proposed at this time.

16.08.100 - Final plat—Application requirements and approval standards.

A. The final plat shall contain, or be accompanied by, the following information:

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

PACE Response:

The final plat application requirements and approval standards shall be met when the future final plat is to be completed.

B. The final plat shall be reviewed through a Type I process unless the final plat deviates significantly from the approved preliminary plat. A significant deviation is defined as a modification to the preliminary plat that exceeds the threshold situations discussed in subsection (C) below, in which case the deviation shall cause the land division to be reviewed again and processed in the same manner as was the preliminary plat. The applicant shall apply for final plat approval to the City and shall pay the applicable fees as set forth on the City's adopted fee schedule. The final plat is processed as a Type I decision by the City so long as the final plat is consistent with the approved preliminary plat including any conditions attached thereto and required permits for access to facilities owned by another jurisdiction.

PACE Response:

The final plat shall not deviate from the approved preliminary plat, otherwise the final plat will require a review process beyond the Type I process.

C. A Type II review is required in order to modify a preliminary plan approval in the following respects: any increases in the number of lots as part of a previously approved partition; (2) increasing the number of lots in a subdivision by no more than one additional lot; and/or (3) a significant change in the location of a street. However, the City is entitled to rely upon the prior decision and findings for those portions of the subdivision that the applicant does not propose to modify. If such a review is necessary, the review shall be limited only to those aspects of the final subdivision plat that deviate from the approved preliminary subdivision plat.

PACE Response:

Currently, a Type II review (as discussed in the above paragraph) will not be required as there are no plans of modifying the proposed preliminary plat.

16.08.105 - Filing and recording of final plat.

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

PACE Response:

The plat shall be filed and recorded after final plat approval.

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.

PACE Response:

All public improvements (street, water, sanitary sewer, storm drainage and utility plans) shall undergo review and approval by the city engineer.

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.

PACE Response:

The development has met this standard. Street pavement, curb and gutter, planter strip and sidewalk are proposed improvements along Hiram, Hunter, and Laurel Ridge Avenue.

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.

PACE Response:

Hiram and Hunter Avenues are existing public rights-of-way and Laurel Ridge Avenue is a new public right-of-way; the City of Oregon city has jurisdiction over these rights-of-way.

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:

PACE Response:

No modifications are currently being requested by the applicant in regards to the dedications on Hiram, Hunter, and Laurel Ridge Avenues.

A. The modification meets the intent of the standard;

PACE Response:

This section does not apply since the applicant is not requesting any modifications about the required dedications.

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

PACE Response:

This section does not apply since the applicant is not requesting any modifications about the required dedications.

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

PACE Response:

This section does not apply since the applicant is not requesting any modifications about the required dedications.

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

PACE Response:

This section does not apply since the applicant is not requesting any modifications about the required dedications.

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.

PACE Response:

This section does not apply since the applicant is not requesting any modifications about the required dedications.

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.*

PACE Response:

The applicant and owner (Gene Edwards) and the applicant's representative (PACE Engineers, INC.) shall complete the submittals/tasks listed above prior to proceeding with construction of proposed development plans.

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;

PACE Response:

The applicant and owner (Gene Edwards) and the applicant's representative (PACE Engineers, INC.) shall submit the items listed above prior to completion of construction of the proposed development plans.

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).

PACE Response:

The engineer's cost estimate, plan check and inspection fee, and other pertinent items on the list above will be submitted in conjunction with documentation for improvements that are done with the development.

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.

PACE Response:

The development proposes Laurel Ridge Avenue, a public right-of-way that provides a future connection through the property located southeast and to Hunter Avenue. This new right-of-way will provide access for vehicular and pedestrian access. Street design of the new and existing (Hiram and Hunter Avenues) rights-of-way shall comply with the City’s regulations. A posting on the southern stub street end of Laurel Ridge Avenue shall state the street is planned for future extension. Right-of-way improvements will be provided to be consistent with the City’s Transportation System Plan.

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.

PACE Response:

Hiram, Hunter, and Laurel Ridge Avenues are all classified as local roads in a residential area. Hiram and Hunter Avenues will only have half-street improvements and Laurel Ridge Avenue will be a full street improvement within the property limits.

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 ft. Lanes	6 ft.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.

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

PACE Response:

The following improvements have been required by the City per Pre-Application meeting notes dated October 15, 2019.

Half-street improvements for Hiram Avenue requires a half-street width of 25 feet which consists of the following: 16-foot wide pavement, ½-foot curb, 5-foot planter strip, 5-foot sidewalk, and ½-foot building zone.

Half-street improvements for Hunter Avenue requires a half-street width of 27 feet which consists of the following: 16-foot wide pavement, ½-foot curb, 5-foot planter strip, 5-foot sidewalk, and a ½-foot building zone.

Full street improvements for Laurel Ridge Avenue requires a full street width of 54 feet which consists of the following on each side of the full street: 16-foot pavement, ½-foot curb, 5-foot sidewalk, 5-foot planter strip, and a ½-foot building zone.

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.

PACE Response:

Sidewalk improvements (5-foot wide) are being proposed on the half-street improvements along Hiram and Hunter Avenues and on both sides of the full street improvement of Laurel Ridge Avenue.

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.

PACE Response:

Only sidewalk improvements (5-foot wide) are being proposed as a pedestrian access way route.

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.

PACE Response:

Unless otherwise specified by the City, a street name sign will only be required for Laurel Ridge Avenue at the junction of Laurel Ridge Avenue and Hunter Avenue. This sign shall be installed by the applicant/owner of the

property located southeast of the development when the future extension of Laurel Ridge Avenue is completed. No traffic control devices are required.

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.

PACE Response:

All new street lights shall be served from an underground source of supply and shall comply with all City regulations.

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.

PACE Response:

The proposed Laurel Ridge Avenue is a new street with a total pavement width of 32 feet as required by the City per Pre-Application meeting notes dated on October 15, 2019.

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.

PACE Response:

A 5-foot wide planter strip is being proposed for the half-street improvements on Hunter Avenue. A 5-foot wide planter strip is being proposed for the half-street improvements on Hiram Avenue. 5' planter strips are also being proposed on Laurel Ridge Avenue.

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.

PACE Response:

No vehicle and pedestrian access easements are being proposed along Hiram and Hunter Avenues. A temporary vehicle easement is being proposed at the southern end (within property limits) of Laurel Ridge Avenue for a fire truck turn-around.

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

PACE Response:

The vehicular access easement at the southern end (within property limits) of Laurel Ridge Avenue allows for public access and fire truck turn around. The access has a 20-foot width with lengths of 70 and 60 feet, as required in the hammerhead turn around.

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.

PACE Response:

Access control restriction will not be required at the southern end of the proposed Laurel Ridge Avenue because the adjacent property has not been developed yet and ingress and egress for that property is not required.

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

PACE Response:

An access control permit may be granted by the city if the adjoining owner should request this access.

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)."

PACE Response:

This access control language shall be placed where necessary if an access control will be required.

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."

PACE Response:

This access control language shall be placed where necessary if an access control will be required.

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.

PACE Response:

The centerline of all existing and proposed streets shall align as a continuations with the existing centerlines of existing streets.

16.12.019 - Traffic sight obstructions.

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

PACE Response:

Chapter 10.32 Traffic Sight Obstructions require a corner sight distance of

- 200 feet for a speed limit of 20 mph
- 250 feet for a speed limit of 25 mph
- 300 feet for a speed limit of 30 mph
- 350 feet for a speed limit of 35 mph
- 400 feet for a speed limit of 40 mph
- 450 feet for a speed limit of 45 mph

This chapter also required a clear vision area (defined as a triangular area at the intersection of two streets) not to contain vegetation, fences, or other artificial obstruction exceeding three feet in height (measured from the top of the curb).

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.

PACE Response:

The development does not proposed any new intersections within the property limits.

16.12.021 - Street design—Grades and curves.

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

PACE Response:

Grades and centerline radii shall conform to the 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.

PACE Response:

The development does not abut or contain an existing or proposed arterial or collector street. This code has been met.

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.

PACE Response:

The proposed street improvements are deemed safe. The design of the street improvements are similar to the existing nearby street design of the local streets of the surrounding neighborhood areas.

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.

PACE Response:

A half-street is currently being proposed on the southern end of Laurel Ridge Avenue. The half street proposed at least 20 feet or pavement. A sign shall be placed in this area prohibiting street parking due to unsafe conditions.

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.

PACE Response:

Cul-de-sacs and permanent dead-end streets are not being proposed for the development.

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.

PACE Response:

Cul-de-sacs and permanent dead-end streets are not being proposed for the development.

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.

PACE Response:

Cul-de-sacs are not being proposed for the development.

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.

PACE Response:

Cul-de-sac and/or permanent dead-end streets are not being proposed within this development.

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).

PACE Response:

The street signage and End-of-Roadway marker (barrier) described in this section shall be placed at the southern end of the proposed Laurel Ridge Avenue.

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.

PACE Response:

The alley/access easement for emergency vehicle turn-around areas near the southern portion of Laurel Ridge Avenue is a proposed 20-foot wide access easement.

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.

PACE Response:

The off-site street improvements in the drawing plans submitted to the City were proposed by the City in the Pre-Application meeting notes dated October 15, 2019.

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.

PACE Response:

The proposed street design promotes pedestrian circulation as this design was recommended in the Pre-Application meeting notes dated October 15, 2019.

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.

PACE Response:

Any proposed pavement areas that require excavation for the placement of pavements shall be constructed in accordance with the City of Oregon City Public Works Pavement Cut Standards. This requirement has been noted in the drawings and Standard Drawing No. 532 (Pavement Cut Standard, Typical Layout) has been added to the details sheet.

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.

PACE Response:

No new blocks are being proposed in this development.

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.

PACE Response:

All streets abutting or within the proposed development are extensions of existing streets.

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.

PACE Response:

A 5-foot wide sidewalk is being proposed on all public off-site improvements for pedestrian circulation. This development proposed half-street improvements on Hiram and Hunter Avenues and a full street improvement (within property limits, except towards the southern end) on Laurel Ridge Avenue.

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

PACE Response:

The pedestrian crossing points proposed in this development have the potential to align with future pedestrian crossing points. Currently there are no pedestrian ramps across any street because there are no sidewalks on adjacent properties.

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.*

PACE Response:

Accessway is defined as any public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land. The proposed accessways (Hiram, Hunter, and Laurel Ridge Avenues) have the dimensions that have been provided by the City per the Pre-Application meeting notes dated October 15, 2019. Accessways (along the same streets) shall be free of horizontal obstructions with vertical clearance for bicyclists. The access easement located on the southern end of Laurel Ridge Avenue has a right-of-way width of at least 20 feet wide.

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.

PACE Response:

Driveway accessways shall be free of horizontal obstructions within the clear zone sight triangle in order to promote safety for ingress and egress.

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.

PACE Response:

Street lights have been proposed along the streets abutting and within the property. A final street lighting plan shall be provided.

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

PACE Response:

ADA ramp and sidewalk accessways ADA compliant. All cross slopes shall have a design value not to exceed 1.5%.

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.*

PACE Response:

Planter strips are proposed on Hiram, Hunter, and Laurel Ridge Avenues and shall comply with all of the above stated items in regards to shrubs, trees, and groundcover.

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

PACE Response:

A ½-foot curb is proposed in the half-street improvements of Hiram and Hunter Avenues and for both sides of the full street improvements for Laurel Ridge Avenue.

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.

PACE Response:

A minimum cross slope of 2% shall be maintained for accessway surfaces and shall drain stormwater to the gutter/flowline. Paving with approved all-weather materials shall be used in construction of the accessway.

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.

PACE Response:

There are no parks, greenways, or other natural resource areas that are located within the property development.

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.

PACE Response:

Should an alternative accessway design be approved, the applicant and owner shall consider the new design.

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.*

PACE Response:

Dedications of 10.5 feet are being proposed on Hiram and Hunter Avenues in order for the City to maintain the accessways as public rights-of-way.

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 Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

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

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

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

1. For signalized intersections:

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

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

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

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

D. 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 references intersections:

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

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

2. Development which does not comply with the mobility standards for the intersections identified in 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.

PACE Response:

The standards discussed in this section have been met.

16.12.035 - Driveways.

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

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

Collector Streets	Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings	100 ft.
Local Streets	Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings	25 ft.

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (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.

PACE Response:

Hiram, Hunter, and Laurel Ridge Avenues are categorized as local streets. There are no proposed driveways (other than detached single and two-family dwellings) that are less than 25 feet to the nearest intersection.

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.

PACE Response:

There are currently no non-residential and/or multi-family residential driveways being proposed for this development.

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.

PACE Response:

All of the proposed 10 lots have only one driveway. This standard is met.

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.*

PACE Response:

There are no roads that are categorized as arterials or collectors within or abutting the proposed development. Hiram, Hunter, and Laurel Ridge Avenues are all categorized as local streets.

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

Table 16.12.035.D Driveway Approach Size Standards

<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 & R-3.5</i>	<i>10 feet</i>		<i>12 feet</i>
<i>Single-Family Detached in R-10, R-8, & 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>
<i>Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential</i>	<i>One-Way 12 feet</i>	<i>Two-Way 20 feet</i>	<i>40 feet</i>

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.

PACE Response:

The proposed development is a subdivision zoned as R-8 and all single-family residential driveway widths are greater than 12 feet and not more than 24 feet. Lot number 8 has the smallest driveway width, measuring approximately 14 feet wide along the shortest distance (along the flowline). All other driveways have been designed not to be greater than 24 feet.

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.*

PACE Response:

The applicant/representative is aware that the City Engineer may choose to reduce the proposed driveway widths of 24 feet based on the items listed above.

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.

PACE Response:

Driveway approaches shall have a minimum hard surface of 10 feet behind the property line to reduce gravel tracking on the right-of-way. All driveways shall be constructed per City requirements and Standard Drawing no. 504, Standard Residential Driveway, shall be referenced in the drawing plans to comply with this requirement. No proposed driveways have a slope greater than 15%.

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.

PACE Response:

The applicant/representative is aware that the City Engineer reserves the right to waive these standards.

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.

PACE Response:

The development is for a proposed 10-lot subdivision and residential lot grading plan shall comply with OCMC 13.12 (Stormwater Management), 15.48 (Grading, Filling and Excavating), 16.12 (Minimum Improvements and Design Standards for Land Divisions), Public Works Stormwater and Grading Design Standards, and the erosion control requirements of OCMC 17.47.

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.

PACE Response:

No new utility easements are being proposed. An existing 20-foot wide sanitary sewer easement (running in the east-west direction) is located on the southern portion of the property.

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.

PACE Response:

The development is proposing a stormwater planter for detention and water quality located southwest of Laurel Ridge Avenue, right at the bend.

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.

PACE Response:

No existing watercourses are located within the property limits and easements for watercourses are not required.

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.

PACE Response:

An access easement is proposed on the southern portion of Laurel Ridge Avenue to comply with a firetruck turn-around area. The proposed access easement complies with the minimum 20-foot width.

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.

PACE Response:

No resource protection is proposed for this development and thus no easement for this type is required.

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.

PACE Response:

Construction of all improvements shall not commence without review and approval by the City Engineer. Inspection and approval by the City Engineer shall be performed during construction. Strict compliance to erosion control shall be required. Underground utilities shall be installed prior to street paving. As-built plans shall be filed with the City Engineer. The applicant/representative is aware that construction hours may be regulated by the City Engineer.

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.

PACE Response:

A dedication of 10.5 feet is being provided to the City on Hiram and Hunter Avenues. Half-street improvements along this roadways and full street, and a standard section improvement along Laurel Ridge Avenue are being proposed.

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.

PACE Response:

A stormwater planter for detention and water quality facility is being proposed for the development. Detained and treated stormwater shall be released to public stormwater utilities. All stormwater utility design shall comply with the Public Works Stormwater and Grading Design Standards.

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.

PACE Response:

The proposed sanitary sewer conveyance falls within the jurisdiction of the City; City design standards shall be complied. All lots of the proposed subdivision shall have sanitary sewer service.

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.

PACE Response:

All lots of the proposed subdivision shall have water service and water conveyance design shall adhere to the City public works water system design standards.

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

PACE Response:

Below is the response for OCMC 12.08, Street Trees:

The property has approximately 172 feet of frontage along Hiram Avenue which yields to 5 (actual is 4.91) trees required. The plans currently show 5 proposed trees along Hiram Avenue.

The property has approximately 165 feet of frontage along Hunter Avenue which yields to 5 (actual is 4.71) trees required. The plans currently show 4 proposed trees along Hunter Avenue.

The property has approximately 335 feet of frontage along Laurel Ridge Avenue which yields to 10 (actual is 9.57) trees required. The plans currently show 10 proposed trees along Laurel Ridge Avenue.

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

PACE Response:

A bench mark shall be added within the property limits of the subdivision as required by the City Engineer.

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.

PACE Response:

The applicant/representative is aware of making the necessary arrangement with utility companies for the installation of underground and overhead utilities and facilities.

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.

PACE Response:

The applicant/representative is aware that oversizing of facilities shall be performed if required by the City and a reimbursement to the owner can be obtained.

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.

PACE Response:

An erosion control plan that complies with OCMC 17.47 has been proposed.

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.*

PACE Response:

The development proposed a 10-lot subdivision with a creation of a new public street, Laurel Ridge Avenue, which crosses the site.

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.

PACE Response:

The applicant/representative is aware that a copy of a preliminary plan and the proposed deed shall be submitted to the Community Development Director and City Engineer for the proposed new street, Laurel Ridge Avenue.

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.

PACE Response:

The applicant/representative is aware that completion of all public improvement construction is required as part of the preliminary plat approval, and shall be constructed according to approved final engineering drawing plans.

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.

PACE Response:

The applicant shall provide the City with a performance guarantee in accordance with OCMC 17.50.140.

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.

PACE Response:

The owner shall sign a waiver of remonstrance, if required by the City.

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.

PACE Response:

The applicant/representative is aware that a violation of this chapter is subject to the code enforcement procedures of OCMC 1.16 (General Penalty), 1.20 (Civil Infractions), and 1.24 (Code Enforcement).

CHAPTER 16.20 PROPERTY LINE ADJUSTMENTS AND ABANDONMENT PROCESS AND STANDARDS

16.20.010 - Purpose and general provisions.

The Community Development Director under the applicable provisions in Chapter 17.50 shall process applications for property line adjustments and abandonments as a Type I decision. Approval shall be granted only upon determination by the Community Development Director that all applicable requirements of this title and ORS Chapter 92 have been met.

16.20.020 - Adjustment/abandonment submission requirements.

An application for a property line adjustment or abandonment shall include two copies of the following documents submitted to the Community Development Director:

- A. Application requirements as identified in OCMC 17.50.080;
- B. A boundary survey prepared by an Oregon professional land surveyor in accordance with ORS 92.060(7) except where the application proposes the relocation of a currently monumented common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary. The survey shall include in its title the following: "Proposed Property Line Adjustment Survey," shall identify the city planning file number and approval date immediately below the title block with space for signature and date by the community development director;
- C. Legal descriptions of the parent parcels to be adjusted and the resulting parcels to be created;
- D. A current preliminary title report or trio for the subject property(ies);
- E. 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; and
- F. Documentation indicating there are not any liens favoring the City on the subject site.

PACE Response:

A property line adjustment or abandonment is not being proposed for this development.

16.20.040 - Adjustment/abandonment approval standards.

All parcels resulting from a lot line adjustment or abandonment shall conform to the applicable requirements of Title OCMC 16 and 17 including the standards within the zoning designation such as, but not limited to, lot width, depth, lot coverage, subdivision density requirements, setbacks, as well as access and frontage requirements, ORS 92.010 to ORS 92.160, and any other City regulation deemed applicable by the Community Development Director or state law. In no case shall a lot line adjustment result in a parcel that is unbuildable due to the presence of an overlay district or other physical constraint unless the parcel is recorded as a "tract" as defined by OCMC 17.04.1303.

The Community Development Director shall determine if the applicant's submission complies with these standards, and issue to the applicant a notice of decision consistent with OCMC 17.50.120. The Community Development Director decision is final and not appealable to any other decision-maker within the City.

PACE Response:

A property line adjustment or abandonment is not being proposed for this development.

CHAPTER 17.08 LOW DENSITY RESIDENTIAL DISTRICTS

17.08.020 - Permitted uses.

Permitted uses in the R-10, R-8 and R-6 districts are:

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;
- C. Internal conversions;
- D. Corner duplexes;
- E. Cluster housing;
- F. Residential homes;
- G. Parks, playgrounds, playfields and community or neighborhood centers;
- H. Home occupations;
- I. Family day care providers;
- J. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- K. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- L. Transportation facilities.

PACE Response:

The development is for a proposed 10-lot subdivision. Single-family detached residential units are permitted uses in this zoned area.

17.08.025 - Conditional uses.

The following uses are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facilities;
- G. Private and/or public educational or training facilities;
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients;

PACE Response:

The development is currently not proposing any other use but for a single-family detached residential units.

17.08.030 - Master plans.

The following are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.65.

A. Single-family attached residential units.

PACE Response:

Currently, the development is only proposing a single-family detached residential unit.

17.08.035 - Prohibited uses.

Prohibited uses in the R-10, R-8 and R-6 districts are:

- A. Any use not expressly listed in OCMC 17.08.020, 17.08.025 or 17.08.030;
- B. Marijuana businesses.

PACE Response:

The development is not being proposed to be of any other use but single-family detached residential units, this standard has been met.

17.08.040 - Dimensional standards.

Dimensional standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.040

Standard	R-10	R-8	R-6
Minimum lot size ¹	10,000 sq. ft.	8,000 sq. ft.	6,000 sq. ft.
Maximum height	35 ft.	35 ft.	35 ft.
Maximum building lot coverage With ADU	40%, except 45%	40%, except 45%	40%, except 45%
Minimum lot width	65 ft.	60 ft.	50 ft.
Minimum lot depth	80 ft.	75 ft.	70 ft.
Minimum front yard setback	20 ft., except 15 ft. - Porch	15 ft., except 10 ft. - Porch	10 ft., except 5 ft. - Porch
Minimum interior side yard setback	8 ft.	7 ft.	5 ft.
Minimum corner side yard setback	10 ft.	10 ft.	10 ft.
Minimum rear yard setback	20 ft, except 15 ft - Porch 10 ft - ADU	20 ft, except 15 ft - Porch 10 ft - ADU	20 ft, except 15 ft - Porch 10 ft - ADU
Garage setback	20 ft. from ROW, except 5 ft. Alley	20 ft. from ROW, except 5 ft. Alley	20 ft. from ROW, except 5 ft. Alley

Notes:

For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.

Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.

PACE Response:

All lots have a minimum lot size of 8,000 SF and all lots meet the minimum lot width and depth provided in the previous table. Minimum setbacks have also been met and the limits of construction are delineated by a dashed line in the site plan provided to the City.

17.08.045 - Exceptions to setbacks.

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

B. *Through lot setbacks.* Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.

PACE Response:

Currently, there are no proposed exceptions to the setbacks provided in the previous table, therefore this standard is met.

17.08.050 - Density standards.

A. *Density standards in the R-10, R-8 and R-6 districts are as follows:*

Table 17.08.050

Standard	R-10	R-8	R-6
Minimum net density	3.5 du/acre	4.4 du/acre	5.8 du/acre
Maximum net density	4.4 du/acre	5.4 du/acre	7.3 du/acre

B. *Exceptions.*

1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.08.050.
2. Corner duplexes shall count as a single dwelling unit for the purposes of calculating density.
3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.08.050; see OCMC 17.20.020.

PACE Response:

The density calculation is as follows:

$$density = \frac{10 \text{ dwelling units}}{[2.39 - 0.041 - 0.39 - 0.040] \text{ acres}} = 5.2 \text{ du/acre}$$

The calculated density is within the minimum and maximum net density range provided in Table 17.08.050 for an R-8 zone. The original total parcel size of 2.39 acres is reduced by 0.034 acres (Hiram dedication), 0.040 acres (Hunter dedication), and 0.28 acres (new Laurel Ridge Avenue ROW) to obtain 4.9 dwelling units per acre. This density calculation meets the low density requirements.

CHAPTER 17.41 TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS

17.41.010 - Protection of trees—Intent.

The intent of this chapter is to ensure that new development is designed in a manner that preserves trees to the maximum extent practicable. As a requirement of any Type II land use application, the siting of structures, roadways and utility easements, shall provide for the protection of tree resources to the maximum extent practicable. This chapter applies to all Land Division and Site Plan and Design Review applications.

PACE Response:

No trees are being proposed to be removed or protected.

17.41.020 - Tree protection—Applicability.

1. Applications for development subject to OCMC 16.08 (Land Divisions) or OCMC 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments. Compliance with this chapter is required from the date a land use application is filed until a land division is recorded or other development approval is final.
2. For public capital improvement projects, the City Engineer shall demonstrate compliance with these standards pursuant to a Type I process.
3. Tree canopy removal greater than twenty-five percent on areas with greater than twenty-five percent slope, unless exempted under OCMC 17.41.040, shall be subject to these standards.
4. A heritage tree or grove which has been designated pursuant to the procedures of OCMC 12.32 shall be subject to the standards of this section.
5. A tree that has been planted pursuant to this section shall remain or shall be replaced with a new tree if removed.

PACE Response:

Based on item 1 listed above, this land use application for a proposed 10-lot subdivision shall comply with this section.

17.41.030 - Tree protection—Conflicting code provisions.

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

PACE Response:

The applicant/representative is aware that if there are other standards that might conflict in regards to the tree protection policies, the greater protection shall govern.

17.41.040 - Exemptions.

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

PACE Response:

The exemption examples discussed above do not apply to the development.

17.41.050 - Compliance options.

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

- A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to OCMC 17.41.060.
- B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to OCMC 17.41.080; or
- C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to OCMC 17.41.110; or
- D. Option 4—Cash-in-lieu of planting pursuant to OCMC 17.41.120.

PACE Response:

Cash-in-lieu of planting pursuant to OCMC 17.41.120 is the option chosen for compliance, should it be required.

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

- A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in OCMC 17.04 to the extent practicable. Preserved trees are subject to Option 3 of this Chapter. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Tree inventories for the purposes of mitigation calculations may be prepared by a licensed surveyor. At the applicant's expense, the City may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways.
- B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six-inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:
 - 1. Trees that are removed outside of the construction area shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or
 - 2. Dying, diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definitions in OCMC 17.04, may be removed from the tree replacement calculation. Dead trees may also be removed from the calculation, with the condition of the tree verified either by the Community Development Director or by a certified arborist at the applicant's expense, when the Community Development Director cannot make a determination. To the extent that the Community Development Director determines that the dead, dying, hazardous or diseased condition of the tree is the result of intentional action, the removal of that tree shall require mitigation pursuant to Column 2 of Table 17.41.060-1.

PACE Response:

This option is not the chosen compliance option, therefore this section does not apply. The following text from the code have been crossed out. The option chosen in the cash-in-lieu of planting pursuant to OCMC 17.41.120.

**Table 17.41.060-1
Tree Replacement Requirements**

<i>Size of tree removed (DBH)</i>	<i>Column 1 Number of trees to be planted. (If removed Outside of construction area)</i>	<i>Column 2 Number of trees to be planted. (If removed Within the construction area)</i>
6 to 12"	3	1

13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
 2. Designate the size (DBH) of all trees pursuant to accepted industry standards.
 3. Document in a certified arborist report any trees that are currently dead, dying, diseased or hazardous.
 4. Subtract the number of dead, dying, diseased or hazardous trees in step 3 from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5 through 8.
 5. Identify the construction area (as defined in OCMC 17.04.230).
 6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
 7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
 8. Determine the total number of replacement trees from steps 6 and 7.
- C. Planting area priority for mitigation.*

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

1. *First Priority. Replanting on the development site.*
 2. *Second Priority. Off-site replacement tree planting locations. If the Community Development Director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and shall be approved by the Community Development Director.*
- D. Replacement tree planting standards.*
1. *All replacement trees shall be either two-inch caliper deciduous or six-foot high conifer.*
 2. *Replacement tree species shall be approved by a landscape architect or certified arborist or shall be found on the City's Native Plant or Street Tree lists.*
 3. *Due to their diminishing range in the region, Oregon white oak (Quercus garryana) trees, if removed, shall be replaced by the same species.*
- E. All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the City.*
- F. Alternative mitigation plan.*

The Community Development Director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the Natural Resource Overlay District alternative mitigation plan in OCMC 17.49.190.

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).

A. An applicant for a new subdivision and partition may delineate and show the regulated trees or groves as either a separate tract or part of a larger tract that meets the requirements of subsection D. of this section. All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the City.

B. The standards for land divisions subject to this section shall apply in addition to the requirements of the City land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and

minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to OCMC 17.41.080.F below.

C. Prior to preliminary plat approval, the regulated tree or grove area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection D. of this section, which shall not be a part of any parcel used for construction of a dwelling. The size of the tract shall be the minimum necessary as recommended by a consulting arborist to adequately encompass the dripline of the tree, protect the critical root zone and ensure long term survival of the tree or grove.

D. Prior to final plat approval, ownership of the regulated tree or grove tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:

1. Private open space held by the owner or a homeowner’s association; or
2. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
3. Public open space where the tract has been dedicated to the City or other governmental unit; or
4. Any other ownership proposed by the owner and approved by the Community Development Director.

PACE Response:

This option is not the chosen compliance option, therefore this section does not apply. The following text from the code have been crossed out. The option chosen in the cash-in-lieu of planting pursuant to OCMC 17.41.120.

~~E. Density transfers incentive for tree protection tracts.~~

~~1. The purpose of this section is to allow dimensional adjustments within a regulated tree protection tract to be transferred outside said tract to the remainder of the site. Density shall not be transferred beyond the boundaries of the development site.~~

~~2. Development applications for subdivisions and minor partitions that request a density transfer shall:~~

- ~~a. Provide a map showing the net buildable area of the tree protection tract;~~
- ~~b. Provide calculations justifying the requested dimensional adjustments;~~
- ~~c. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the tree protection tract created pursuant to this section;~~
- ~~d. Demonstrate that, with the exception of the tree protection tract, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;~~
- ~~e. Meet all other standards of the base zone except as modified in this section.~~

~~3. The area of land contained in a tree protection tract may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.~~

~~F. Permitted modifications to dimensional standards.~~

~~1. An applicant proposing to protect trees in a dedicated tract may request, and the Community Development Director, pursuant to a Type II procedure, may grant a reduction to, the lot size, width, depth, and setbacks of the underlying zone district in approving a subdivision or partition if necessary to retain a regulated tree or grove in a tract, as long as the calculation of average lot size, including tree protection tracts, meet the minimum lot size for the zone. The applicant may choose to make the adjustments over as many lots as required. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the area of the tree tract.~~

**Table 17.41.080.A
Lot Size Reduction**

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

Table 17.41.080.B

Reduced Dimensional Standards for Detached Single Family Residential Units

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

Table 17.41.080.C

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

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

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

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

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

A. Permitted adjustments.

1. The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to fifty percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduced to less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.
2. The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.

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

PACE Response:

This option is not the chosen compliance option, therefore this section does not apply. The option chosen in the cash-in-lieu of planting pursuant to OCMC 17.41.120.

17.41.120 - Cash-in-lieu of planting (Option 4).

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

The cash-in-lieu payment per required mitigation tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index. The price shall include 150% of the cost of materials, transportation and planting.

PACE Response:

The applicant/representative has chosen the cash-in-lieu of planting option for the lack of one tree along Hunter Avenue, based on the required five trees per length of frontage.

17.41.130 - Regulated tree protection procedures during construction.

A. No permit for any grading or construction of public or private improvements may be released prior to verification by the Community Development Director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the Community Development Director.

B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:

1. Except as otherwise determined by the Community Development Director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.
2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the Community Development Director.
3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Community Development Director.
4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.
5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the Community Development Director.
7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.
8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the Community Development Director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.

9. The Community Development Director may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.

10. The Community Development Director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.

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

PACE Response:

The applicant/representative is aware that no trees designated for removal shall be removed without prior written approval from the Community Development Director.

CHAPTER 17.44 - US—GEOLOGIC HAZARDS

17.44.010 - Intent and purpose.

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

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

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

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

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

PACE Response:

The property contains areas having slopes subject to these provisions based on the information provided in OC Web Maps. Review for compliance with the provisions of this chapter is required in conjunction with the review of the proposed subdivision application.

17.44.030 - Procedures.

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

- A. Where the development is part of a land use permit application, review shall occur in the manner established in Chapter 17.50 for review of land use decisions.
- B. Where the development is part of a limited land use permit application, review shall occur in the manner established in Chapter 17.50 for review of limited land use decisions.
- C. Where the development is solely part of a grading permit or building permit, the city engineer may allow review to occur in the manner established in Title 15, Chapters 15.04 and 15.48 if the application meets Section 17.44.060 development standards.
- D. For any other proposed development not otherwise subject to review as a land use or limited land use permit application, review shall occur in the manner established in Chapter 17.50 for limited land use decisions.

PACE Response:

The proposed development is a part of a subdivision application and review will be in conjunction with the review of that application.

17.44.035 - Exemptions.

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

- A. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;
- B. A fill which does not exceed two feet in depth or twenty-five cubic yards of volume;
- C. Structural alteration of any structure of less than five hundred square feet that does not involve grading as defined in this chapter;
- D. Installation, construction, reconstruction, or replacement of utility lines in city right-of-way, or public easement, not including electric substations;
- E. The removal or control of noxious vegetation;
- F. Emergency actions which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property. The person undertaking emergency action shall notify the building official on all regulated activities associated with any building permit or city engineer/public works director on all others within one working day following the commencement of the emergency activity. If the city engineer/public works director or building official determine that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken.

PACE Response:

The exemptions listed above do not apply to the proposed development. None of the criteria for an exemption is met.

17.44.050 - Development—Application requirements and review procedures and approvals.

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

- A. A geological assessment and geotechnical report that specifically includes, but is not limited to:
 1. Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:

- a. *The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area;*
- b. *Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);*
- c. *Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);*
- d. *DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);*
- e. *"Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);*
2. *Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;*
3. *Comprehensive information about site topography;*
4. *Opinion as to the adequacy of the proposed development from an engineering standpoint;*
5. *Opinion as to the extent that instability on adjacent properties may adversely affect the project;*
6. *Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;*
7. *Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;*
8. *Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;*
9. *Recommendations and types of considerations as appropriate for the type of proposed development:*
 - a. *General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill;*
 - b. *Location of residence on lot;*
 - c. *Building setbacks from slopes;*
 - d. *Erosion control techniques applicable to the site;*
 - e. *Surface drainage control to mitigate existing and potential geologic hazards;*
 - f. *Subdrainage and/or management of groundwater seepage;*
 - g. *Foundations;*
 - h. *Embedded/retaining walls;*
 - i. *Management of surface water and irrigation water; and*
 - j. *Impact of the development on the slope stability of the lot and the adjacent properties.*
10. *Scaled drawings that describe topography and proposed site work, including:*
 - a. *Natural physical features, topography at two or ten-foot contour intervals locations of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and manmade structures or features all fully dimensioned, trees six-inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities;*
 - b. *All of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.*
 - c. *A cross-section diagram, indicating depth, extent and approximate volume of all excavation and fills.*
- [11.] *For properties greater than one acre, a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.*
- B. *Review procedures and approvals require the following:*
 1. *Examination to ensure that:*
 - a. *Required application requirements are completed;*
 - b. *Geologic assessment and geotechnical report procedures and assumptions are generally accepted; and*
 - c. *All conclusions and recommendations are supported and reasonable.*
 2. *Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity.*

3. All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or geologic engineering and geotechnical engineering, respectively, as determined by the city. The city will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.

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

PACE Response:

A “Report of Geotechnical Investigation” and “Engineering Geologic Report” have been completed for the site. Please refer to the reports that were provided to the city by the applicant/representative.

17.44.060 - Development standards.

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

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

PACE Response:

The proposed development has been designed to avoid unnecessary disturbance to natural topography, vegetation, and soils, this section has been met.

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

PACE Response:

The owner and applicant are aware that all grading, drainage improvements, and other land disturbances shall only occur between May 1 to October 31.

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

PACE Response:

The proposed Laurel Ridge Avenue right-of-way design has minimized the number and size of cuts and fills.

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

PACE Response:

Currently, there are no cut and fill slopes that are greater than 7 feet in height. The design for Laurel Ridge Avenue tried to remain close in proximity with the natural topography.

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

PACE Response:

Structural fill to be used for the development shall be certified in accordance with the provisions of this chapter.

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

PACE Response:

Currently, retaining walls are not being proposed for the development.

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

PACE Response:

All street improvement roads have the minimum width necessary, as required by the pre-application meeting notes. Cut and fills were minimized as the design of the roads were close to natural topography.

H. Density shall be determined as follows:

1. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district;

PACE Response:

The owner/applicant understands that in areas with slopes less than 25% between grade breaks, the density shall be adhered to by the underlying zoning district.

2. For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection 1 of this section;

PACE Response:

The owner/applicant understands that in areas with slopes 25% between grade breaks, the density shall not exceed 2 dwelling units per acre.

3. For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection 1.4. of this section.

PACE Response:

No areas with slopes over 35% between grade breaks are being proposed for this development.

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

1. For those portions of the property with slopes of twenty-five to thirty-five percent, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;

PACE Response:

The owner/applicant understands that for areas with slopes between 25% to 35%, a maximum residential density shall be limited to 2 dwelling units per acre.

2. An individual lot or parcel with slopes between twenty-five and thirty-five percent shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.

PACE Response:

There are no individual lots or parcels with slopes between 25% and 35% in the proposed development.

3. No cut into a slope of twenty-five to thirty-five percent for the placement of a housing unit shall exceed a maximum vertical height of fifteen feet for the individual lot or parcel.

PACE Response:

There are no cuts into a slope between 25% and 35% in the proposed development.

4. For those portions of the property with slopes over thirty-five percent between grade breaks:

a. Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any

development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;

PACE Response:

No area within the proposed development has a slope greater than 35%

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

PACE Response:

No area within the proposed development has a slope greater than 35%

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

PACE Response:

Review of the final grading and drainage by the geotechnical engineer of record shall be performed. Foundation plans shall be reviewed by the geotechnical engineer when each lot becomes constructed.

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

PACE Response:

The owner/applicant understands that the City will require a peer reviewer, selected by the City, shall review the geotechnical evaluation/investigation report submitted.

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

PACE Response:

The owner/applicant understands that the review authority shall determine whether the proposed methods for construction are deemed safe. Costs for consultation shall be paid by the applicant, should they be required.

17.44.070 - Access to property.

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

PACE Response:

The owner/applicant understands that shared private driveways may be required by the City if it is deemed safe by the principal planner.

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

PACE Response:

The current design of the proposed development minimizes that amount of cuts and fills.

C. *Points of access to arterials and collectors shall be minimized.*

PACE Response:

There are no arterials and collectors located near the development.

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

PACE Response:

The owner/applicant understands the city engineer/principal planner shall verify that the site provides adequate emergency services to the site.

17.44.080 - Utilities.

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

PACE Response:

The owner/applicant understands that all new on- and off-site service utilities shall be placed underground. Currently, all proposed utilities for the proposed development is underground.

17.44.090 - Stormwater drainage.

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

PACE Response:

A Preliminary Hydrology Report has been provided with this land use application submittal. The stormwater planter facility shall be constructed per City of Oregon City drawings no. 619, 621, 622, and 623.

17.44.100 - Construction standards.

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

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

PACE Response:

Vegetation removal shall be kept to a minimum and erosion control measures have been proposed for this development.

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

PACE Response:

The owner/applicant understands that no grading, clearing or excavation of any land shall be initiation prior to approval of the grading plan.

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

PACE Response:

The erosion control plan proposed the erosion control measures that are discussed in this section.

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

PACE Response:

Minimal, if none, vegetation will be disturbed within steep slope areas.

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

PACE Response:

Vegetative cover shall be maintained to the maximum extent practicable.

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

PACE Response:

Currently, there are no known perennial and intermittent watercourses that are located in the proposed development.

G. All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the city engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the City may order work to be stopped. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1001 §2(part), 1994)

PACE Response:

Erosion and sediment control measures shall be maintained during construction and for one year after development is completed. See sheet DEMOLITION AND TEMPORARY EROSION AND SEDIMENT CONTROL PLAN.

H. All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of thirty-five percent or less.

PACE Response:

Currently, all building envelopes for the 10 lots have a slope of 35% or less.

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

PACE Response:

The owner/applicant understands that special inspections by the geotechnical engineer are required.

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

PACE Response:

The owner/applicant understands that the geotechnical engineer is required to prepare a summary letter for conformance.

17.44.110 - Approval of development.

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

PACE Response:

The owner/applicant understands that approval of the development by the city engineer is required.

17.44.120 - Liability.

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

PACE Response:

The owner/applicant understands that the City is not held liable and a waiver of damages and an indemnity agreement shall be required.

17.44.130 - Compliance.

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

PACE Response:

The owner/applicant understands that compliance of the provisions of this chapter is required.

17.44.140 - Appeal.

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

PACE Response:

The owner/applicant understands that the review authority's decision may be appealed, should it be required.

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 ¹	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.

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.

PACE Response:

The proposed development is requiring a Type II decision; this narrative is part of a land use type II application.

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.

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.~~

~~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).~~

~~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.~~

PACE Response:

The proposed 10-lot subdivision will require a Type II permit approval process and will not need to undergo an expedited land division. All other permit approval types do not apply and have the text from the code have been crossed out above.

The applicant/representative is aware that a notice of application and an invitation to comment for the public within the active neighborhood association(s) and property owners will be conducted. After 14 days of public comment, the Community Development Director will make a decision about the proposed 10-lot subdivision land use application.

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.

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.

PACE Response:

The pre-application meeting was conducted on October 15, 2019 and a short narrative and a proposed site plan for the 10-lot subdivision was provided at the meeting.

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.

PACE Response:

A neighborhood association meeting with the Park Place neighborhood association is required for the proposed 10-lot subdivision. The meeting was held on November 18, 2019 in the Oregon City View Manor Community Center at 280 S. Longview Way.

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.

PACE Response:

The applicant/representative is aware that after the 10-lot subdivision land use application is deemed complete, the City will reach a final decision within 120 calendar days.

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.

PACE Response:

The applicant/representative is aware that an application deemed complete shall require the submittal of the items listed above.

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.

PACE Response:

The applicant/representative is aware that a public notice shall be prepared and sent out by the City. The applicant/representative shall provide the City with address labels for the property owners within 300 feet of the proposed 10-lot subdivision.

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.

PACE Response:

A notice posting, provided by the City, shall be posted on Hiram and Hunter Avenues within 10 feet of the street (not in the right-of-way), so it shall be visible to pedestrians and motorists. Notice postings shall be removed within 10 days after the event of the notice posting.

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.

PACE Response:

The proposed 10-lot subdivision will not require a quasi-judicial procedure, therefore this section does not apply.

CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

17.54.100 Fences, Hedges, Walls, and Retaining Walls.

- A. A fence, hedge, wall, retaining wall, or combination thereof may be located on real property, not within the right-of-way, subject to all of the following:
1. A fence, hedge, wall, retaining wall, or combination thereof located in front of a building may be up to 3.5-feet in total height as measured from the finished grade at any point on the fence.
 2. A fence, hedge, wall, located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less may be up to:
 - a. Six feet in total height for residential properties with less than five units as measured from the finished grade at any point on the fence; or
 - b. Eight feet in total height for all other uses as measured from the finished grade at any point on the fence.
 3. A retaining wall or combination of a fence, hedge, wall located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less, may be up to (as measured from the finished grade) 8.5 feet in height from the finished grade.
 4. Fences, hedges, and/or walls located within two feet above a retaining wall, as measured on a horizontal plane, shall be measured together for the purposes of determining height.
 5. Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.

PACE Response:

The development is not proposing the construction of a fence, hedge, wall, and retaining wall. This section does not apply and the following text from the code has been crossed out.

~~B. When no other practicable alternative exists, the City Engineer may permit a fence, hedge, wall, retaining wall, or combination thereof to be located within the right of way subject to all of the following:~~

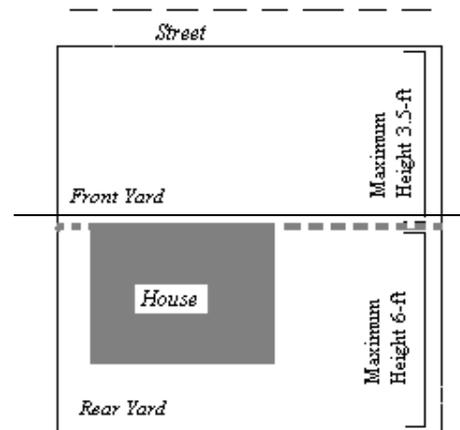
- ~~1. A Revocable Permanent Obstruction in the Right of Way permit is granted per OCMC 12.04.120;~~
- ~~2. Retaining walls, fences, or hedges comply with OCMC 17.54.100.A, unless determined to be impracticable by the City Engineer.~~
- ~~3. The abutting property owner shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.~~

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

Residential Height Requirements

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

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



17.54.115 - Mobile Food Carts

A. Applicability. The following provisions apply to mobile food carts not located within a building. The provisions do not apply to indoor mobile food carts or mobile food carts allowed pursuant to a special event permit issued by the City.

PACE Response:

The development is not proposing the use of mobile food carts. This section does not apply and the following text from the code has been crossed out.

~~B. General Requirements.~~

- ~~1. Mobile food carts may only sell food items;~~
- ~~2. Mobile food carts may not sell cannabis, in any form;~~
- ~~3. Mobile food carts shall have a valid Oregon City business license; and~~
- ~~4. Mobile food carts may not be located within the right of way, except as approved by the City Engineer.~~

~~C. Design Standards.~~

1. Transitory Mobile Food Carts. Mobile food carts that remain on a property for five hours or less in a twenty-four hour period shall:

- i. Be limited to three food carts on a property at any one time;*
- ii. Maintain the minimum number of parking stalls and minimum drive aisle widths onsite;*
- iii. Not result in the reduction of landscaping less than the minimum site and parking lot requirements;*
- iv. Maintain continuous compliance with applicable federal, state, and city standards;*
- v. Comply with the Stormwater and Grading Design Standards;*
- vi. Screen mechanical equipment per OCMC 17.62.050.G;*
- vii. Comply with materials standards in OCMC 17.62.050.H;*
- viii. Comply with OCMC 17.62.050.I for all temporary structures associated with the Mobile food cart units (except for the unit itself);*
- ix. Connect to individual wastewater holding tanks at all times;*
 - a. Mobile food unit waste water tanks shall be at least ten percent larger in capacity than the water supply tank and sloped to a drain that is one inch in inner diameter or greater, equipped with a shut-off valve. However, if a mobile food unit only sells beverages, such as coffee, espresso, or soda, where most of the potable water supply is used in the product, they may have a waste water retention tank that is at least half of the volume of the potable water storage tank.*
 - b. All connections on the mobile food unit for servicing the mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit.*
- x. Connect to a potable water tank at all times; and*
- xi. Communal discharge tanks shall be owned and serviced by an Oregon Department of Environmental Quality licensed pumper.*

2. Non-Transitory Mobile Food Carts. Mobile food carts that remain on a property for more than five hours at a time shall:

- i. Maintain the minimum number of parking stalls and minimum drive aisle widths onsite;*
- ii. Not result in the reduction of landscaping less than the minimum site and parking lot requirements;*
- iii. Maintain continuous compliance with applicable federal, state, and city standards;*
- iv. Comply with the Stormwater and Grading Design Standards;*
- v. Screen mechanical equipment per OCMC 17.62.050.G;*
- vi. Comply with materials standards in OCMC 17.62.050.H;*
- vii. Comply with OCMC 17.62.050.I for all temporary structures associated with the Mobile food cart units (except for the unit itself);*
- viii. Connect to a permanent water source, unless exempted by the City Engineer if utilities are not available;*
- ix. Connect to public sewer. This may be achieved through a communal system; and*
- x. Connect to a permanent power source.*

3. Discharge or leakage draining into the storm water system is prohibited. Wastewater shall not be dumped onto the ground, onto the streets, or into a storm drain. All liquid waste from the waste tank or from cleaning activities such as cleaning the mobile food cart shall be captured and properly disposed of in the sanitary sewer.

4. All permanent utility lines shall be placed underground. Temporary utilities, lines and tanks shall be placed underground or otherwise screened, covered, or hidden from view from the right of way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

5. Power connections may not be connected by overhead wires to the individual mobile food carts.

6. Non-transitory mobile food carts shall comply with the minimum setbacks and maximum height of the zoning designation.

7. Mobile food carts, equipment, customer service areas, or any associated item may not be located within the right of way.

8. Sites with more than ten mobile food carts at any time shall have a designated loading area.

D. Process

1. Transitory mobile food carts in compliance with OCMC 17.54.115.C.1 shall be processed as a Type I Minor Site Plan and Design Review and shall include a wastewater / water operations and maintenance plan.

~~2. Non-transitory mobile food carts and vendors which do not comply with 17.54.115.C.1 shall be processed as a Type II Minor Site Plan and Design Review and shall include a wastewater / water operations and maintenance plan.~~

17.54.120 - Home Occupations

Home occupations shall comply with all of the following:

- A. No employees reporting to work onsite who are not residents unless otherwise required by State law. The business may have off-site employees or partners provided that they do not report for work at the subject residence;
- B. All business conducted on site shall be conducted within the home or accessory structure;
- C. No outdoor storage of materials or commercial vehicles associated with the business shall occur on-site; and
- D. Not more than one-half of the square-footage of the primary dwelling is devoted to such use.

PACE Response:

The development is not proposing home occupations. This section does not apply.