



Applicant's Submittal

A preliminary analysis of the applicable approval criteria for a legislative proposal is enclosed within the following report. The applicant understands that all applicable criteria shall be met, or met with conditions, in order to be approved. The Planning Commission may choose to adopt the findings as recommended by staff or alter any finding as determined appropriate.

July 21, 2020

FILE NUMBER: LUA 20-00033 LEG-20-00001 Public Works Code Amendments

APPLICATION TYPE: Legislative (OCMC 17.50.170)

APPLICANT: Oregon City Public Works
C/O Josh Wheeler PE, Assistant City Engineer
PO Box 3040
Oregon City, OR 97045

REQUEST: Proposed code revisions to the Geologic Hazards Overlay District, and other ancillary Public Works related development code, including refinements to Public Utility Easements (PUE) and undergrounding utility requirements.

LOCATION(S): City Wide

I. BACKGROUND:

1. Existing Conditions

The City of Oregon City Public Works Department proposes changes to the following sections of the Municipal Code :

- 12.04 Streets, Sidewalks, and Public Places (Ordinance 18-1009, adopted July 3, 2019)
- 13.04 Water Service System (Ordinance 10-1003, adopted July 7, 2010)
- 13.08 Sewer Regulations (Ordinance 10-1003, adopted July 7, 2010)
- 13.24 Telecommunications Facilities (Ordinance 13-1014, adopted November 6, 2013)
- 13.34 Utility Facilities in Public Rights-of-Way (Ordinance 13-1014, adopted November 6, 2013)
- 16.12 Minimum Public Improvements and Design Standards for Development (Ordinance 18-1009, adopted July 3, 2019)
- 17.04 Definitions (Ordinance 18-1009, adopted July 3, 2019)
- 17.08 Low Density Residential Districts (Ordinance 18-1009; adopted July 3, 2019)
- 17.10 Medium Density Residential Districts (Ordinance 18-1009; adopted July 3, 2019)

- 17.12 High Density Residential Districts (Ordinance 18-1009; adopted July 3, 2019)
- 17.24 NC Neighborhood Commercial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.26 HC Historic Commercial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.29 MUC Mixed Use Corridor District (Ordinance 18-1009; adopted July 3, 2019)
- 17.31 MUE-Mixed Use Employment District (Ordinance 18-1009; adopted July 3, 2019)
- 17.32 C General Commercial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.34 MUD Mixed Use Downtown District (Ordinance 18-1009; adopted July 3, 2019)
- 17.35 Willamette Falls Downtown Design District (Ordinance 18-1009; adopted July 3, 2019)
- 17.36 GI General Industrial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.37 CI Campus Industrial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.39 I Institutional District (Ordinance 18-1009; adopted July 3, 2019)
- 17.44 US Geologic Hazards (Ordinance 10-1003 ; adopted July 7 2010)
- 17.52 Off Street Parking and Loading (Ordinance 18-1009; adopted July 3, 2019)
- 17.62 Site Plan and Design Review (Ordinance 18-1009; adopted July 3, 2019)
- 17.80 Communication Facilities (Ordinance 18-1005 ; adopted May 2, 2018)

These codes have been established and revised over the years. The most recent adopted revision is stated in parentheses.

The City of Oregon City Public Works Department proposes changes to the Sanitary Sewer Design Standards and Engineering Fee Schedule. These standards have been established and revised over the years. The most recent adopted revision was July 17, 2019, Resolution 19-25 and January 1, 2020 respectively.

2. Project Description

The City of Oregon City Public Works Department is implementing a number of projects which all require various changes to City Code. Those projects are an Inflow/Infiltration Reduction Pilot Project, a new policy on Undergrounding Existing Overhead Utilities, enhanced Geologic Hazard Code, and a policy on Sidewalk Seating and Obstructions of a Sidewalk.

Inflow/Infiltration Reduction Pilot Project

This Pilot Project implements new construction recommended from the Sanitary Sewer Master Plan. Construction recommendations include capital improvement projects. Those projects are new storm sewers to disconnect existing storm sewers from the sanitary sewer system. The Plan also recommends disconnection of private storm sewers from the sanitary sewer system as well as repair private sanitary sewer laterals. These two construction projects will reduce inflow and infiltration respectively minimizing the amount of stormwater treated at the Tri-City Wastewater Treatment Plant. The Pilot Project is a 5 year project within the McLoughlin and Rivercrest neighborhoods. By using flow monitoring pre and post construction, the City will determine the success of the Pilot Project. If successful and if budget allows, the City will continue beyond these neighborhoods into other areas of the City.

To implement this project, City Code and Sanitary Sewer Design Standards and Chapter 13.08 of the Oregon City Municipal Code need to be amended to address cross connections, right of entry, condition of service lines, sewer rates, service lateral improvement program, and reduced rates. Other sections : failure to comply with rules and unlawful substances have also been revised. Language has been proposed referencing State Administrative Rule outlining that a property on septic must connect to City sewer if the septic is

failing and if that property is physically (of proper elevation and within 300 feet) and legally available (in city limits or able to be annexed) to existing public sewer. The code also now proposes to explicitly disallow any cross connections, those connections of storm sewer connected to the sanitary sewer. New party line sewers are proposed to be prohibited. Property owners are now proposed to explicitly be required to keep their pipes in good condition to prevent infiltration. The proposed code change also gives the right of public works staff to enter the property so that a service can be televised and inspected. The proposed code changes clarify the sewer rate establishment and reduced rate program to be in line with the water rate program. The service lateral improvement program is also proposed to be codified. Lastly, these code revisions propose to add the following unlawful substances to the code : Stormwater, Surface water, groundwater, roof runoff and subsurface drainage. A section of prohibition of stormwater and groundwater has also been proposed.

In addition to these changes, staff have taken the opportunity to review the entire Code section of 13.08 to ensure it meets today's standards. Code for Sewer Connection – Exemptions, Connections to Existing Work, and Applications Outside City Limits have been revised.

Section 13.04 of the Oregon City Municipal Code has also proposed revisions to be in conformance with the Sewer Code of 13.08. Section 13.04 concerns Water Services. Various clarifications have been added to be in conformance with current practices and to be consistent with changes in 13.04.

The Sanitary Sewer Design Standards has proposed revisions to add that no stormwater should be conveyed to the sanitary sewer system. In addition, staff took advantage of the Standards being open to allow for new material types and processes to be used as well as changes to Drop Manholes to be in conformance with the current industry.

Undergrounding Existing Overhead Utilities Policy

The City of Oregon City Municipal Code currently requires all development to place the utility lines underground. This code has been interpreted to apply to all new utilities as well as existing utilities. With the rising cost of moving existing utilities underground, the City is proposing changes to existing code to reduce the requirement to only those properties which have a greater impact and where it is proportional to do so.

The proposed changes create limits of when an existing overhead line must be placed underground...if the property is at least 200 feet long, at least 1.0 acre in size, and if the subdivision is 6 lots or more, the undergrounding requirement is waived for existing overhead lines. The code changes propose to more specifically define the public utility easement, being 10 feet in most zones, and 5 feet in certain other urban zones. This addresses a conflict that has existed within practice, policy, and the code for quite some time. Definitions of Easement have been updated to be consistent throughout code.

Enhanced Geologic Hazard Code

In October 2019, the Department of Land Conservation and Development (DLCD) and the Department of Geology and Mineral Industries (DOGAMI) published a new State landslide hazards document titled "Preparing for Landslide Hazards : A Land Use Guide for Oregon Communities". Staff reviewed the guide and has made recommended revisions to Oregon City Municipal Code 17.44.

The revisions proposed in this code update provide clarification to existing standards, references the new landslide guide, and adds the waiver program the City currently follows. Specifics of construction, calendar exceptions, and retaining walls have also been added. Density, review standards, and stormwater standards have been strengthened.

Sidewalk Obstructions Policy

In December 2019, the City Commission requested a review of the current policies. In response to the Commission's direction, a written policy has been prepared outlining current practices of the department with respect to the permitting of sidewalk seating and sidewalk obstructions in the downtown area and 7th Street.

City Code 12.04 has revisions to propose flexibility for sidewalk sales and more clearly define the types of obstructions that require a permit.

The City of Oregon City Public Works Department proposes changes to the following sections of the Municipal Code :

- 12.04 Streets, Sidewalks, and Public Places
- 13.04 Water Service System
- 13.08 Sewer Regulations
- 13.24 Telecommunications Facilities
- 13.34 Utility Facilities in Public Rights-of-Way
- 16.12 Minimum Public Improvements and Design Standards for Development
- 17.04 Definitions
- 17.08 Low Density Residential Districts
- 17.10 Medium Density Residential Districts
- 17.12 High Density Residential Districts
- 17.24 NC Neighborhood Commercial District
- 17.26 HC Historic Commercial District
- 17.29 MUC Mixed Use Corridor District
- 17.31 MUE-Mixed Use Employment District
- 17.32 C General Commercial District
- 17.34 MUD Mixed Use Downtown District
- 17.35 Willamette Falls Downtown Design District
- 17.36 GI General Industrial District
- 17.37 CI Campus Industrial District
- 17.39 I Institutional District
- 17.44 US Geologic Hazards
- 17.52 Off Street Parking and Loading
- 17.62 Site Plan and Design Review
- 17.80 Communication Facilities

The City of Oregon City Public Works Department anticipates adopting these changes by Ordinance.

The City of Oregon City Public Works Department also proposes changes to the following :

- Sanitary Sewer Design Standards
- Engineering Fee Schedule

The City of Oregon City Public Works Department anticipates adopting these changes by Resolution.

The City of Oregon City Public Works Department finally proposes the following new policies :

- Inflow and Infiltration Reduction in Private Laterals and Downspouts Policy
- Sidewalk Obstructions Policy
- Undergrounding Private Utilities Policy

The City of Oregon City Public Works Department anticipates adopting new policies by Resolution.

3. Public Notice and Comments

Public Works staff presented the proposal to the public at the following public meetings:

- Citizen Involvement Committee – December 2, 2019
 - o Discussed Inflow/Infiltration Policy
 - o Discussed Undergrounding Overhead Utility Policy
- Development Stakeholders Group – November 14, 2019 and February 13, 2020 (No published meeting minutes available for the 2-12-20 meeting)
 - o Discussed Inflow/Infiltration Policy
 - o Discussed Undergrounding Overhead Utility Policy
 - o Discussed revisions to Geologic Hazards Code
- City Commission Work Session Meeting – December 10, 2019
 - o Discussed Existing unwritten sidewalk policy
- City Commission Work Session Meeting – October 8, 2019
 - o Presentation by DLCD and DOGAMI of new Landslide Guide (No published meeting minutes available)
- Planning Commission – September 23, 2019 (No published meeting minutes available)
 - o Overview of existing Geologic Hazard Code and preview during LEG 19-00003
- City Commission Work Session – June 9, 2020
 - o Presentation of Geologic Hazards Code
- Natural Resource Committee – June 10, 2020
 - o Presentation of Geologic Hazards Code
- City Commission Work Session – June 7, 2020
 - o Presentation of Sidewalk Obstructions and Chapter 16 and 17 revisions
- City Commission Work Session – May 20, 2020
 - o Presentation of Chapter 13 revisions on utilities

No written comments were received by the public at any of these meetings except for one email from AKS Engineering. The comments from AKS were addressed within the revised Sanitary Sewer Design Standards. No written comments were received by the public for any code amendments.

Public Works staff plans to complete the following public meetings:

- McLoughlin and Rivercrest Neighborhood Associations
 - o Inflow/Infiltration Policy and Pilot Program and revision to Sanitary Sewer Design Standards
 - Anticipated Summer/Fall 2020
- Geologic Hazards Community Forum
 - o Geologic Hazard Code Revisions and Geologic Hazards in general
 - September 9, 2020

II. DECISION-MAKING CRITERIA

Chapter 17.68 - Zoning Changes and Comprehensive Plan Amendments

17.68.010 - Initiation of the amendment.

A text amendment to the comprehensive plan, or an amendment to the zoning code or map or the Comprehensive Plan map, may be initiated by:

- A. A resolution request by the City Commission;*
- B. An official proposal by the Planning Commission;*
- C. An application to the Planning Division; or.*
- D. A Legislative request by the Planning Division.*

All requests for amendment or change in this title shall be referred to the Planning Commission.

Applicant Response: The proposal qualifies as initiated as a legislative request by the Public Works Director.

17.68.015 –Procedures.

Applications shall be reviewed pursuant to the procedures set forth in Chapter 17.50.

17.50.170 - Legislative hearing process.

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

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

Applicant Response: This legislative action will follow the procedures found in OCMC 17.50.170 including meetings with the Natural Resource Committee, Planning Commission, and City Commission where applicable.

17.68.020 - Criteria.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

A. The proposal shall be consistent with the applicable goals and policies of the comprehensive plan;

Applicant Response: This legislative action will be consistent with the applicable goals and policies of the comprehensive plan. Therefore, the proposed amendments are consistent with Criterion (A).

The proposed code changes implement several ancillary plans to the Oregon City Comprehensive Plan. Regular Updates to Ancillary Documents like the Sewer Master Plan assure consistency with the Oregon City Comprehensive Plan. The applicable sections of the Comprehensive Plan are addressed below as well as State Land Use Goals. No revisions to the Master Plans or Comprehensive Plan are proposed.

The 2004 Oregon City Comprehensive Plan contains criteria for approving changes to the comprehensive plan and ancillary documents. Review of the comprehensive plan should consider:

1. Plan implementation process.
2. Adequacy of the Plan to guide land use actions, including an examination of trends.
3. Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.
4. Addition of updated factual information including that made available to the City of regional, state and federal governmental agencies.

“Statements of Principle - Page 3.

Provide efficient and cost-effective services. Water, sewer, fire protection, police services, streets, storm drainage, and other public services are directly affected by land-use decisions. This plan ensures that land-development decisions are linked to master plans for specific services such as water or sewer and to capital improvement plans that affect budgets and require taxes to build. The City Commission believes that citizens are economically well-served through compact urban form, redevelopment of existing areas, and public investments (for example, street improvements) that are carefully tied to private investments when development occurs.”

“Implementing the Plan – Page 4

The Oregon City Comprehensive Plan is implemented through City Codes, ancillary plans, concept plans, and master plans.

Ancillary plans are adopted by the City Commission for such things as parks and recreation, transportation systems, water facilities, and sewer facilities. Usually prepared by City departments through a public process, ancillary plans are approved by the City Planning Commission and adopted by the City Commission to provide operational guidance to city departments in planning for and carrying out city services. These plans are updated more frequently than the comprehensive plan.”

“Ancillary Plans. – Page 15

Since 1982, several documents have been adopted as ancillary to the 1982 Comprehensive Plan: the *Public Facilities Plan* (1990), *Oregon City Transportation System Plan* (2001), *Oregon City Downtown Community Plan* (1999), *Oregon City Waterfront Master Plan* (2002), *City of Oregon City Water Master Plan* (2003), *City of **Oregon City Sanitary Sewer Master Plan (2003)**, *Drainage Master Plan* (1988, updated in 1999 as the *City of Oregon City Public Works Stormwater and Grading Design Standards*), *Caufield Basin Master Plan* (1997), *South End Basin Master Plan* (1997), *Molalla Avenue Boulevard and Bikeway Improvements Plan* (2001), the *Oregon City Park and Recreation Master Plan* (1999), and the *Oregon City Trails Master Plan* (2004).”*

Applicable Comprehensive Plan and Statewide Planning Goals and Policies

Goal 7.1 Natural Hazards

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

Policy 7.1.1

Limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.

Policy 7.1.8

Provide standards in City Codes for planning, reviewing, and approving development in areas of potential landslides that will prevent or minimize potential landslides while allowing appropriate development.

Applicant Response: This legislative update includes revisions to the Geologic Hazard Code Chapter 17.44. The goal of the code amendments is to address concerns we have heard from the public and the elected officials as well as ensure the code conforms to the document titled “Preparing for Landslide Hazards : A Land Use Guide for Oregon Communities” which was published in October 2019 by the Department of Land Conservation and Development (DLCD) and the Department of Geology and Mineral Industries (DOGAMI).

Although the revisions do not map any new or expand existing mapped landslide areas or steep slopes, the revisions provide clarity and consistency between when the geologic hazard code applies and when a development is exempt. The revisions include a reference to the new State landslide document. This reference is made in addition to other State Documents that are to be referenced when reviewing a site for geologic hazards. It is merely another reference to ensure a fully thought out review of the mapped geologic hazard. The revisions also include additional requirements to address stormwater impacts to a mapped geologic hazard and clarifies that an existing mapped geologic hazard can include steep slopes or historic landslide areas.

Other miscellaneous improvements have been made. The waiver process that the City has been using via in-house policy is now proposed to be codified. Additional criteria have been added to determine when a site work may occur outside of the codified months of the year. Retaining wall design requirements have been added. Language has been added ensuring indemnification documents are recorded and run with the property.

These revisions improve or enhance the protection of life and property by ensuring current science concerning landslide susceptibility will be addressed by the applications. By referencing the DOGAMI landslide guide and adding clarifications and these additions, the requirements have become more stringent to ensure all items about a potential landslide are addressed. The probability of the loss of life and property should be reduced by including more stringent standards. If adopted, these standards will be implemented for the review and approval of properties with mapped geologic hazards.

Goal 9.1 Improve Oregon City’s Economic Health

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

Applicant Response: This legislative code update will continue to provide a vibrant economy by ensuring downtown businesses can use sidewalks in a way that is beneficial by reducing stormwater from entering the sanitary system reducing unneeded treatment at the sewer treatment plant which in turn keeps rates low, and by exempting smaller developments from the requirement of relocating overhead utilities underground in turn reducing the cost to develop.

The Sidewalk Code in Chapter 12.04 is proposed to be amended to include standards for sidewalk seating in the right of way as a long term permanent obstruction. This will allow seating to be used for downtown businesses in a way that supplements the business while also allow for pedestrian movements. This will help in the economic vitality of those businesses. The code amendment also allows for businesses to provide sidewalk sales on a seasonal basis whereas now the code restricts those sales. This amendment should also assist in the economic vitality of those businesses.

The sewer code amendments set forth in OCMC 13.08 will be amended to require all stormwater to be redirected from the sanitary system back to the stormwater system. Currently, due to the city originally consisting of a combined sewer system, many older areas of the City remain connected improperly to the sanitary system which contributes unnecessary flows to the Tri City Wastewater Treatment Plant. As that Plant near capacity, rates and system development charges have had to be raised to add new infrastructure. This code amendment will reduce the flows and ensure that no future expansion will be needed beyond what new housing will require with stable rates and system development charges rather than a continue substantial increase to those fees.

Amendments to OCMC Chapter 16.12 will exemp the current requirement that all existing overhead utilities shall be relocated underground. This provides an undue burden on smaller developments with very little benefit to the neighborhood. While undergrounding is a requirement that reduces visual air pollution which can stagnate property values, it only makes an impact when completed in a larger manner. This code amendment has the potential to retain or improve property values while also reducing the burden on developments.

Goal 9.2 Cooperative Partnerships

Create and maintain cooperative partnerships with other public agencies and business groups interested in promoting economic development.

Policy 9.2.1

Seek input from local businesses when making decisions that will have a significant economic impact on them.

Policy 9.2.2

Carefully consider the economic impacts of proposed programs and regulations in the process of implementing the City's Comprehensive Plan.

Policy 9.2.3

Simplify, streamline, and continuously improve the permitting and development review process.

Applicant Response: This legislative code amendment has been proposed as a response to what other public agencies, local business, and citizens have conveyed to the City.

Tri-City Sewer Treatment Plant, operated by Water Environment Services(WES), is nearing capacity and WES has requested reduction of stormwater flows into the sanitary sewer system. This is completed by inflow and infiltration reduction and is implemented by policy and code changes in OCMC Chapter 13.08.

The Downtown Oregon City Association and Oregon City Chamber of Commerce are partners with respect to the vitality of downtown businesses. The Chamber of Commerce requested the City review its policies with respect to sidewalk obstructions and temporary obstructions. Proposed amendments to OCMC Chapter 12.04 are in response to this request.

The Department of Land Conservation and Development (DLCD) and The Department of Geology and Mineral Industries (DOGAMI) released their document “Preparing for Landslide Hazards : A Land Use Guide for Oregon Communities” in October 2019. In response to this document, comments from the Oregon City Planning Commission, comments from the Oregon City City Commission, and citizens, proposed amendments to OCMC Chapter 17.44 have been made to address concerns and add clarifications relating to comments received and relating to conformance to the DLCD/DOGAMI document.

The Oregon City Development Stakeholders Group (DSG) requested the City look at the requirement to underground existing overhead utilities. During this investigation, the City met with Portland General Electric(PGE) to discuss the reasons this requirement has become expensive compared to previous years. In that discussion, a conversation also occurred concerning the provision for a Public Utility Easement (PUE) commonly used for electric, gas, telephone, cable, fiberoptic franchise utilities. While OCMC Chapters 13.24 and 13.34 provide regulation on franchise utilities, the development code had only minor references to the PUE. The code amendments within OCMC Chapter 16.12 reflect the discussions with not only PGE and the DSG, but also the City of Oregon City Community Development Department. These discussions led to the proposed revisions of not only reducing the undergrounding requirement, but also more clearly regulating the provision for and use of the PUE.

All revisions relate to economic impacts and are intended to streamline the development process by providing clarity and common sense solutions recommended by these proposed revisions.

Goal 11.1 Provision of Public Facilities

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

Policy 11.1.2

Provide public facilities and services consistent with the goals, policies and implementing measures of the Comprehensive Plan, if feasible.

Policy 11.1.4

Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.

Policy 11.1.5

Design the extension or improvement of any major public facility and service to an area to complement other public facilities and services at uniform levels.

Policy 11.1.7

Develop and maintain a coordinated Capital Improvements Plan that provides a framework, schedule, prioritization, and cost estimate for the provision of public facilities and services within the City of Oregon City and its Urban Growth Boundary.

Applicant Response: This legislative code amendment relates to the provision of public facilities while also implementing Capital Improvement Plans.

Concerning proposed amendments to OCMC Chapter 12.04 on sidewalks and temporary obstructions, the purpose is to ensure the public sidewalk is maintained for use by the public while also allowing it to be used for seating for adjacent businesses.

Concerning proposed amendments to OCMC Chapter 13.08, the sewer amendments implement plans and programs set forth in the Sanitary Sewer Master Plan.

Proposed amendments to OCMC Chapter 16.12 provide a clearer definitive space for the franchise utilities to be located so that their service can be provided to all developments with ease of maintenance and reduced disruption of service.

Proposed amendments to OCMC Chapter 17.44 support safe development on underdeveloped or vacant buildable land where utilities exist and ensure that these developments are designed in a safer, effective, and more sustainable manner based on the current science available for geologic hazards.

Goal 11.2 Wastewater

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.

Policy 11.2.2

Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing Urban Growth Boundary. Plan strategically for future expansion areas.

Policy 11.2.4

Seek economical means to reduce inflow and infiltration of surface- and groundwater into the wastewater collection system. As appropriate, plant riparian vegetation to slow stormwater, and to reduce erosion and stream sedimentation.

Policy 11.2.5

Implement the City's wastewater policies through the *City of Oregon City Sanitary Sewer Master Plan*.

Applicant Response: This legislative code amendment proposes changes to OCMC Chapter 13.08 concerning sewer flows. These amendments are necessary to implement the inflow and infiltration (I&I) reduction plan. These amendments implement the City of Oregon City Sanitary Sewer Master Plan.

Goal 11.7 Private Utility Operations

Coordinate with utilities that provide electric, gas, telephone and television cable systems, and high-speed internet connection to Oregon City residents to ensure adequate service levels.

Policy 11.7.1

Require local service lines in new subdivisions be placed underground.

Policy 11.7.2

Coordinate with private utility providers to install infrastructure during street construction and maintenance to reduce the need to repeatedly cut into newly paved streets.

Policy 11.7.3

Adopt lighting practices in streets and other public facilities, and encourage them in private development, that reduce glare, light pollution, light trespass, and energy use, while maintaining even lighting ensuring good visibility and safety for the public.

Policy 11.7.4

Encourage development of broadband networks in street rights-of-way in a coordinated way to provide state-of-the-art technology to residents.

Applicant Response: This legislative code amendment provides for an appropriate Public Utility Easement (PUE) for the franchise utilities (electric, gas, telephone, cable, fiberoptic) and provides exemptions for the relocation of existing overhead utilities to underground. This exemption will not change the requirement to install all new utilities underground to be in line with Policy 11.7.1. The Pavement Cut Standards are not proposed to be amended as part of these amendments; therefore, Policy 11.7.2 is retained. No changes to the lighting requirements are proposed; therefore, Policy 11.7.3 is retained. The details and clarification of the PUE will improve the execution of Policy 11.7.4.

Goal 12.5 Safety

Develop and maintain a transportation system that is safe.

Policy 12.5.1

Identify improvements that are needed to increase the safety of the transportation system for all users.

Policy 12.5.2

Identify and implement ways to minimize conflict points between different modes of travel.

Policy 12.5.3

Improve the safety of vehicular, rail, bicycle, and pedestrian crossings.

Applicant Response: These legislative code amendments will enhance safety thru the proposed revisions to OCMC 12.04 and 17.44. By ensuring proper space for pedestrians on sidewalks by regulating the seating in the right of way through the changes to the temporary obstruction codes, safety will be improved for pedestrians. By providing more stringent standards to the geologic hazard code, developers of vacant property will have safer properties to build on and those properties that could be affected by a landslide are less likely impacted.

Goal 13.1 Energy Sources

Conserve energy in all forms through efficient land-use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities.

Applicant Response: This legislative code amendment will not affect the City's adopted public facilities master plans.

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

Applicant Response: This legislative action will have no negative effect on the provision of public facilities and services.

Inflow/Infiltration : The amendments to OCMC 13.04 and 13.08 will have no negative effect on the public water and sewer systems. In fact, the proposed amendments will improve the public systems by reducing the negative effects of inflow and infiltration currently being experienced by the system. These amendments implement improvements from the City's Sanitary Sewer and Stormwater Master Plans. Zoning is not impacted by this amendment. These amendments allow for proper implementation of the City's Stormwater and Grading Standards and Sanitary Sewer Standards.

Undergrounding overhead utilities : The amendments to OCMC 13.24, 13.34, 16.12, and chapter 17 will have no negative effect on the public transportation system. Reducing the requirement of moving existing utilities underground will retain more physical space for the transportation system and other utilities needed within the public right of way. No impact to the City's Transportation System Plan or Utility Master Plans is anticipated. These amendments will not affect the underlying zoning as it corrects conflicts within current zoning setbacks and Public Works Standards. This amendment will remove those conflicts and let zoning standards and public works standards apply in concert with one another.

Sidewalks : The amendments to OCMC 12.04 will have no negative effect on the public transportation system. The amendment and subsequent policy will provide guidelines and requirements for use of the public right of way which should reduce the negative impacts experienced in the traveled way. This amendment ensures proper space for sidewalks as described in the City's Transportation System Plan. Zoning is not affected by this amendment.

Geologic Hazards : The amendments to OCMC 17.44 will have no negative effects to the public transportation or utility systems. The amendments strengthen requirements to those properties seeking development within geologic hazards. This will enhance the safety of utilities and roadways and will further minimize negative impacts to those systems. No utility or transportation master plan is affected by this amendment. This amendment does not affect zoning. The current properties with mapped geologic hazards will remain as mapped.

Therefore, the proposed amendments are consistent with Criterion (B).

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

Applicant Response: Not applicable. None of the proposed amendments will have any impact on the existing or planned functions, capacity, and level of service of the transportation system. Therefore, the proposed amendments are consistent with Criterion (C).

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

Applicant Response: The following goals of the Statewide Planning Goals are applicable to the code amendments. No other Statewide Planning Goals are applicable.

Goal 1 : Citizen Involvement

See item I.3. Public Comment and Notice for more information.

Goal 2 : Land Use Planning

See the section under 17.68.020 on how this proposed amendment meets the land use planning goals of the City's Comprehensive Plan.

Goal 5 : Natural Resources, Scenic and Historic Areas, and Open Spaces

This application meets Goal 5 by addressing the protection of Natural Hazards in the revisions to Chapter 17.44. By clarifying and enhancing the geologic hazard code, natural resources will receive increased protection. The code revisions require stormwater evaluation which relates to groundwater as well as overland flow and requires the applications address any downstream impacts or regional impacts relating to stormwater flow, which in some cases relates to designated Natural Resources. No other code revisions relate to Goal 5. See responses under Comprehensive Plan Goal 7.1 for more information.

Goal 6 : Air, Water, and Land Resources Quality

This application meets Goal 6 by how it addresses removing stormwater from the sanitary sewer system in the Code revisions of 13.08. This will improve the function of the Tri City Wastewater Treatment Plant as regulated by the Department of Environmental Quality (DEQ). See response under Comprehensive Plan Goal 11.2 for more information.

Goal 7 : Areas Subject to Natural Hazards

This application meets Goal 5 by how it addresses the protection of Natural Hazards in the revisions to Chapter 17.44. No other code revisions relate to Goal 5. See responses under Comprehensive Plan Goal 7.1 for more information.

Goal 9 : Economic Development

See responses under Comprehensive Plan Goal 9.1 for more information.

Goal 10 : Housing

Revisions to 16.12 and 17.44 positively impact housing. By reducing the burden on smaller developments through exemptions for undergrounding existing overhead utilities, the amendments will make developments cost effective; therefore, enhancing the likely development of the City's buildable lands. By strengthening the geologic hazard code, the lands become more buildable with less risk due to the rigorous reviews necessary to ensure the site is safe. Without this code revisions, a site may have become unbuildable due to the lack of certainty.

Goal 11 : Public Facilities and Services

See responses under Comprehensive Plan Goal 11.1 for more information.

Goal 12 : Transportation

Revisions to 12.04 enhance the pedestrian areas in the downtown area by ensuring proper areas are available for pedestrians while also allowing for sidewalk seating. Revisions to 16.12 allow for a proper Public Utility Easement (PUE) to ensure the actual right of way is clear of any additional utilities that could cause disruptions to service when under maintenance or create additional obstructions due to settlement of sidewalk and roadways.

17.68.025 - Zoning for land annexed into the city.

Upon annexation into the City, the property shall be rezoned from County zoning to the corresponding City zoning designation as identified in Table 17.06.030, provided the criteria for a zone change can be met.

Applicant Response: Not applicable. No land is being rezoned as part of this legislative application.

17.68.040 - Approval by the Commission.

If the Planning Commission finds that the request or application for an amendment, or change, complies with the criteria of OCMC 17.68.020, it shall forward its findings and recommendation to the City Commission for action thereon by that body.

Applicant Response: Not applicable. No Planning Commission recommendation will relate to OCMC 17.68.020 as no rezoning or annexation is occurring with this legislative application.

17.68.050 - Conditions.

In granting a change in zoning classification to any property, the Commission may attach such conditions and requirements to the zone change as the Commission deems necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.

Applicant Response: Not applicable. No land is being rezoned as part of this legislative application.

Chapter 17.50 Administration and Procedures

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.*
- 1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
 - 2. 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.*
 - 3. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*
- B. *A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*
- C. *Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

Applicant Response: Public Works attended PA 19-69 on December 3, 2019

17.50.055 - Neighborhood association meeting.

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

- A. *Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- B. *The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.*

- C. *A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.*
- D. *If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.*
- E. *To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Applicant Response: Attendance at the Citizen Involvement Committee occurred on December 2, 2019 concerning the inflow/infiltration Policy and Code Amendments and the Undergrounding Overhead Utility Policy and Code amendments.

Meetings will occur with the Rivercrest and McLoughlin neighborhoods in early summer 2020 for the Inflow/Infiltration Policy and Code amendments.

See Item 3 under background for all public meetings and planned public meetings.

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

- C. *Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:*
 - 1. *Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
 - 2. *Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
 - 3. *The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*
 - 4. *The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.*
- D. *A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:*
 - 1. *The project includes five or more residential units, including assisted living facilities or group homes;*

2. *At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and*
 3. *Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.*
- E. *The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.*
 - F. *The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.*

Applicant Response:

Not applicable. Legislative actions are not subject to this standard.