



**TYPE III – PLANNING COMMISSION
STAFF REPORT AND RECOMMENDATION
November 16, 2018**

HEARING DATE: Monday, November 26, 2018, 7:00 pm
City Hall, Commission Chambers
625 Center Street, Oregon City, OR 97045

Submitted: 09/05/2018

Complete: 10/10/2018

120 Day Deadline: 02/07/2019

FILE NUMBER: GLUA-18-00025
VAR-18-00001
SP-18-00106
MD-18-00001 (of CU 14-01)

APPLICANT: Jeffrey Wellington, 415 SE 28th Ave, Portland, OR 97214

OWNER: PBRELF I LLC, 600 University St, Ste. 2800, Seattle, WA 98101

REPRESENTATIVE: Kelly Smith / John Lape, Architect, 520 SW 6th Ave, Ste. 520, Portland, OR 97219

REQUEST: Minor Site Plan and Design Review, Modification to Conditional Use CU 14-01,
Minor Variance for a 7-Bed Expansion to a 31-Bed Assisted Living Memory Care
Facility at the NW corner of Amanda Court and South End Road

LOCATION: 950 South End Road, Oregon City, OR 97045
Clackamas County Map 3-1E-01AD, Tax Lot 3100

REVIEWER: Pete Walter, AICP, Planner
Phone: (503) 496-1568, Email: pwalter@orc.org
Josh Wheeler, PE, Development Projects Manager

DECISION: Approval with Conditions.

PROCESS: Type III Quasi-Judicial Public Hearing. Pursuant to OCMC 17.50. C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report

must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

RECOMMENDED CONDITIONS OF APPROVAL

GLUA-18-00025

VAR-18-00001

SP-18-00106

MD-18-00001 (of CU 14-01)

(P) = Verify that condition of approval has been met with the Planning Division.

The applicant shall include the following information with submittal of a Building permit associated with the proposed Minor Site Plan and Design Review application. The information shall be approved prior to issuance.

1. Width of on-site pathways. Prior to issuance of a building permit, the applicant shall either remove the on-site paths that are less than five feet in width on plan submittals, or revise the plans to indicate 5' wide paths in accordance with OCMC 17.62.050.A.9. For buildings fronting on the street, the public sidewalk may be used to meet this standard. (P)
2. Chain link fence. Prior to issuance of a building permit, the applicant shall remove any chain link fencing and / or replace it with non-prohibited materials in accordance with OCMC 17.62.050.A.21 and OCMC 17.54.100. (P)
3. Transparency. Prior to issuance of a building permit, the applicant shall provide calculations of transparency on all plan elevations. Transparency shall be at least 37% on the facade facing Amanda Court and 53% on the facade facing South End Road in accordance with OCMC 17.62.055.I. (P)
4. Outdoor lighting. Prior to issuance of a building permit, the applicant shall prepare an updated lighting and photometric plan that conforms to the applicable standards of OCMC 17.62.065 and OCMC 17.622.080.C.2. (P)
5. Screening for mechanical equipment. Prior to issuance of a building permit, the applicant shall provide ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view of the mechanical units from the street in accordance with OCMC 17.62.050.A.20. (P)

I. BACKGROUND:

1. Existing Conditions

Description

The existing project is an occupied memory care building with 31 beds. The facility received approval by the Planning Commission for a Conditional Use (CU 14-01), Site Plan and Design Review (SP 14-09), Variance (VR 14-01) and Lot Line Abandonment (LL 14-05) on September 22, 2014. The current facility was issued a Certificate of Occupancy on June 22, 2016. The facility has changed ownership and the current owner desires to expand and improve the facility to accommodate additional capacity. The current structure has a footprint of 40% of the site and has 10 on-site parking spaces, eight in the rear and two at the front.

The site is located at the northwest corner of Amanda Court and South End Road. The current zoning and land uses abutting the property are as follows:

North	R-10	Single Family Residences
East	R-10	South End Road ROW / United Pentecostal Church of Oregon City
South	R-10	Amanda Court / Single Family Residences
West	R-10	Single Family Residences

The current parcel size is approximately 0.91 acres.



Figure 1a. Google Street View from corner of Amanda Court and South End Road – September 2017

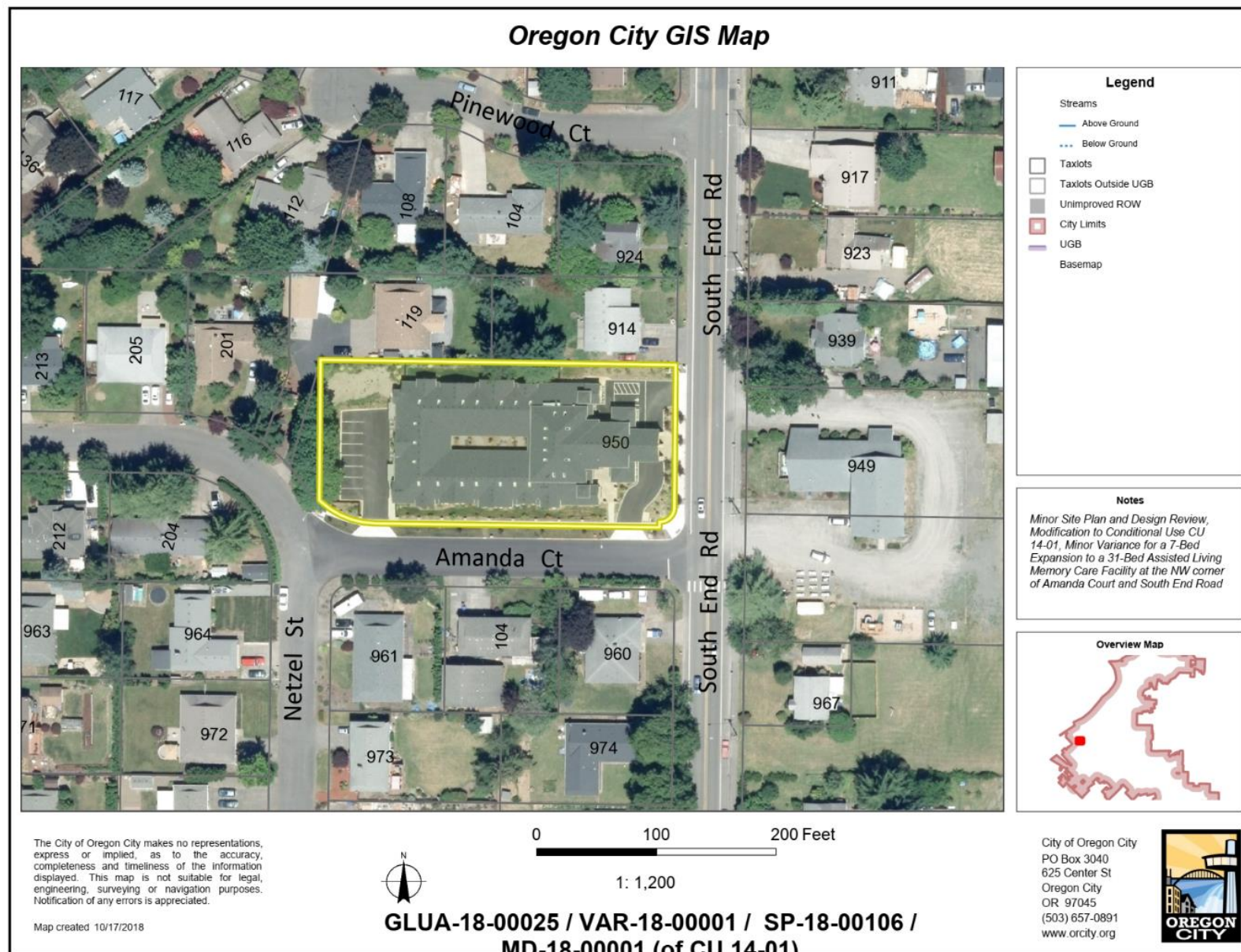


Figure 1b. Vicinity Map and Aerial Image

2. Project Description

The proposed project consists of making an addition of approximately 529 square feet to the northern side of the facility and converting a portion of the existing building to add an additional seven (7) beds to the facility, along with the addition of a wheelchair ramp and landing at the rear (west) side of the building and other site modifications in order to comply with Americans with Disabilities Act (ADA) requirements.

The addition would result in the building slightly exceeding the maximum 40% lot coverage for the R-10 Single Family Residential zone district, and for this reason the applicant is seeking approval of a minor variance.

Typically a proposal of this type would be reviewed as a Type II Minor Site Plan pursuant to OCMC 17.56.025 - *Minor modifications to legal conditional uses., which allows that*

Minor modifications to an approved conditional use permit may be permitted. If permitted, the modification shall be reviewed as a minor site plan and design review. A minor modification to an approved conditional use permit is considered one of the following:

- A. Modification to a structure for the purpose of enhancing the aesthetics of the building and there is no increase in the interior usable space;*
- B. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage; or*
- C. Revisions to parking alignment and/or related vehicle circulation patterns.*

However, as part of the prior approval for the facility, a Condition of Approval #28 was added which states: *“The applicant’s revised site plans as presented at the September 8 Planning Commission public hearing for the basis for the Planning Commission’s conditional approval. No modifications to the approved revised site plans may be approved without Planning Commission approval.”*

The applicant’s proposal is being processed as a Type III, Modification to the prior Conditional Use application by the Planning Commission.

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

- 12.04 - Streets, Sidewalks, and Public Places
- 12.08 - Public and Street Trees
- 13.12 - Stormwater Management
- 15.48 - Grading, Filling and Excavating
- 17.08 – R-10 Single Family Residential
- 17.41 – Tree Protection
- 17.47 - Erosion and Sediment Control
- 17.50 - Administration and Procedures
- 17.62 - Site Plan and Design Review
- 17.52 - Off Street Parking and Loading
- 17.54.100 – Fences
- 17.58 - Nonconforming Uses, Structures, and Lots
- 17.56 – Conditional Uses

The City Code Book is available on-line at www.oregoncity.org.

Figure 2: Proposed Site Plan – Not to Scale

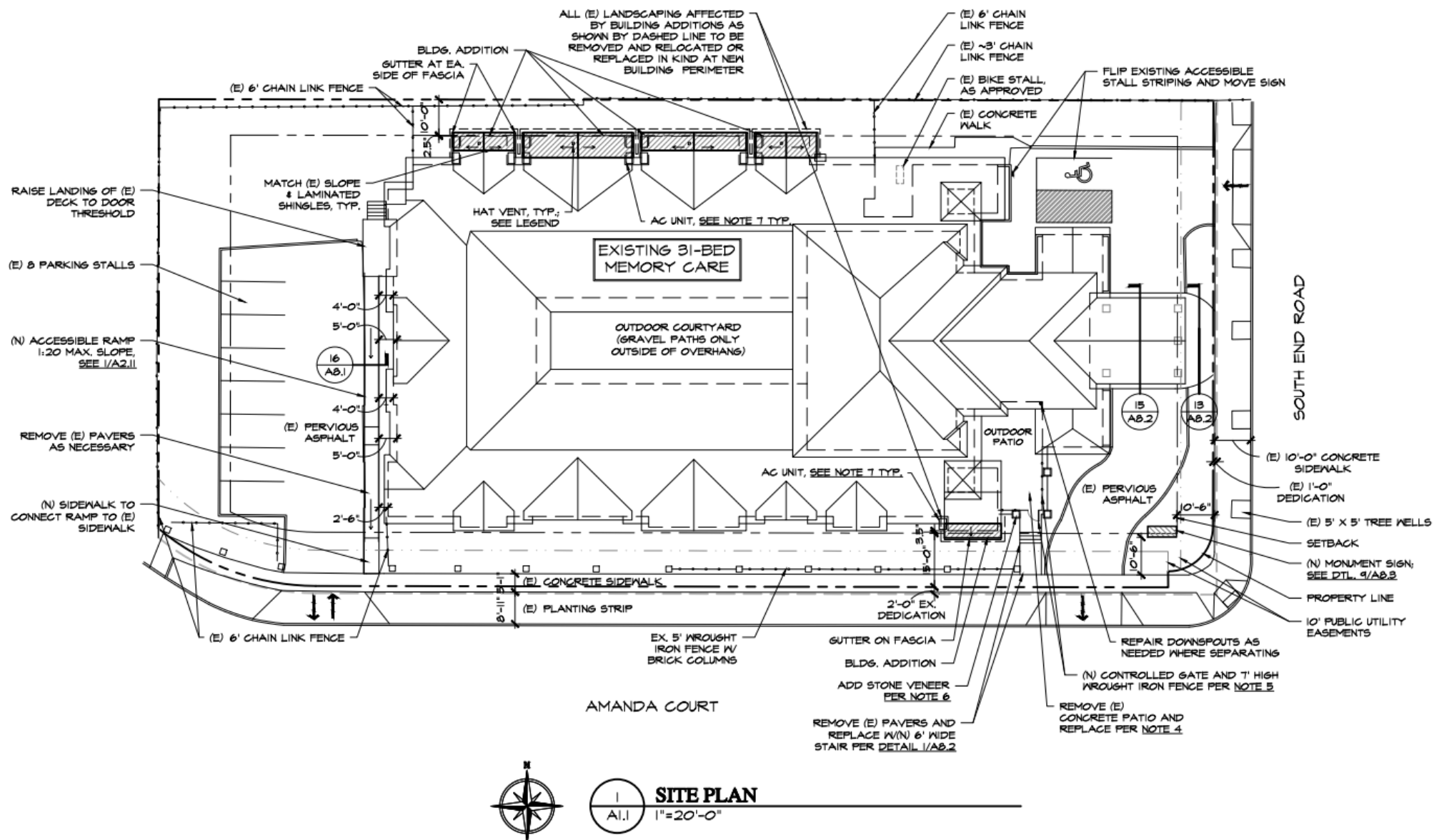
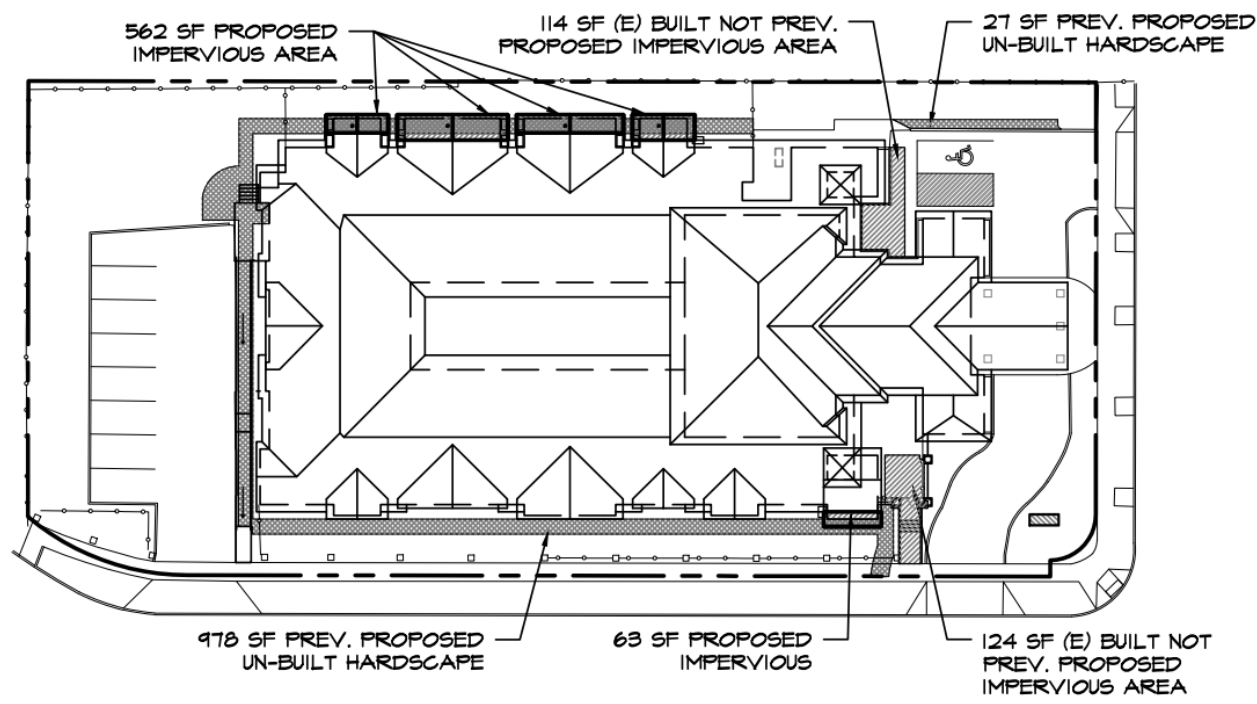


Figure 3: Impervious Area – Not to Scale



IMPERVIOUS AREA CHANGES

1,005 SF	PREV. PROPOSED AND UN-BUILT IMPERVIOUS AREA
-238 SF	NOT PROPOSED AND BUILT IMPERVIOUS AREA
767 SF	PREV. PROPOSED AND UN-BUILT IMPERVIOUS AREA
767 SF	PREV. PROPOSED AND UN-BUILT IMPERVIOUS AREA
-625 SF	PROPOSED (N) BLDG. AND SITE ADDITION
142 SF	NET AREA LEFT FROM PROPOSED IMPERVIOUS AREA

2

AI.1

IMPERVIOUS AREA

1"=40'-0"

Figure 4a: Proposed Floor Plan – Demolition – Not to Scale

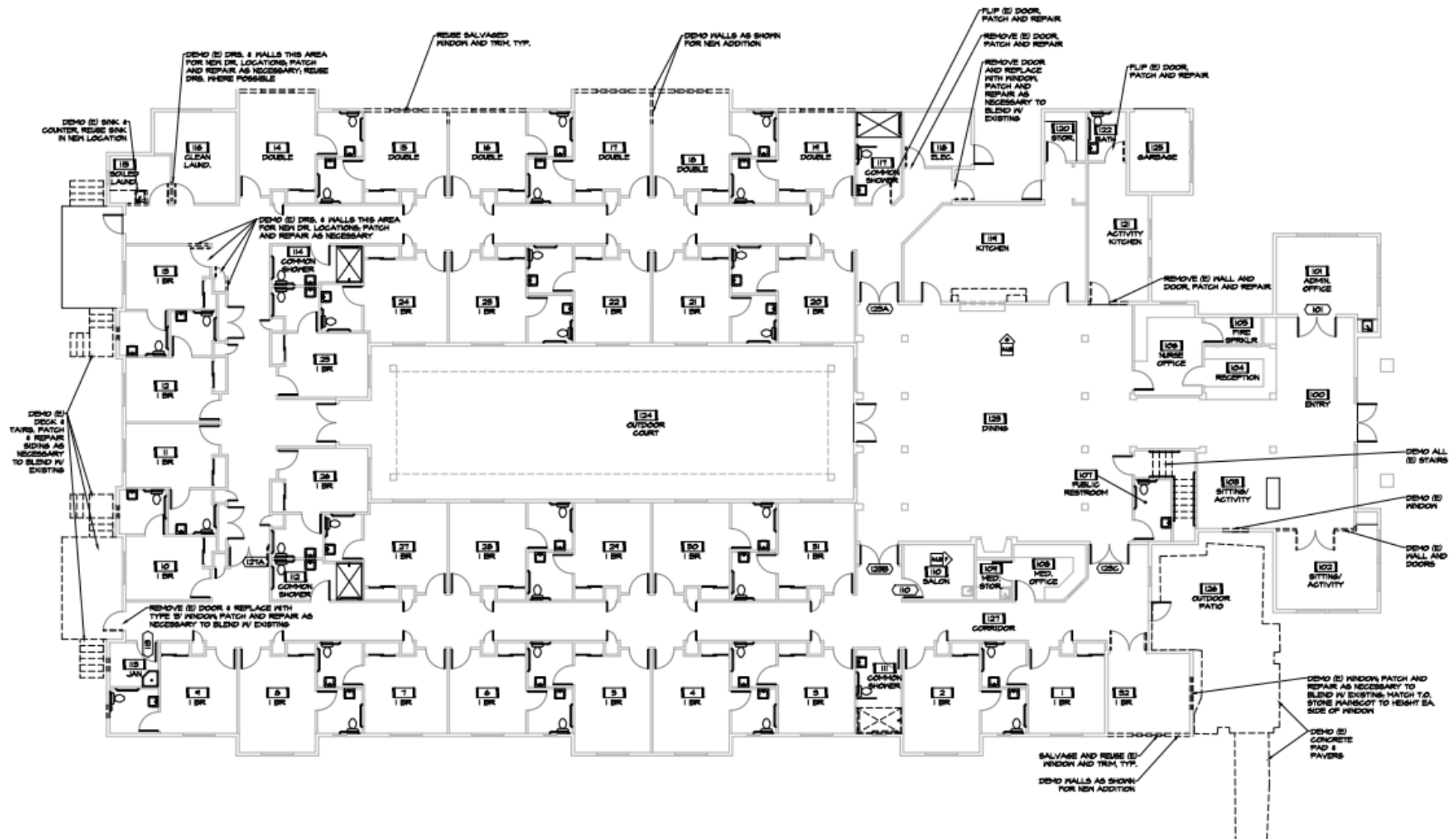
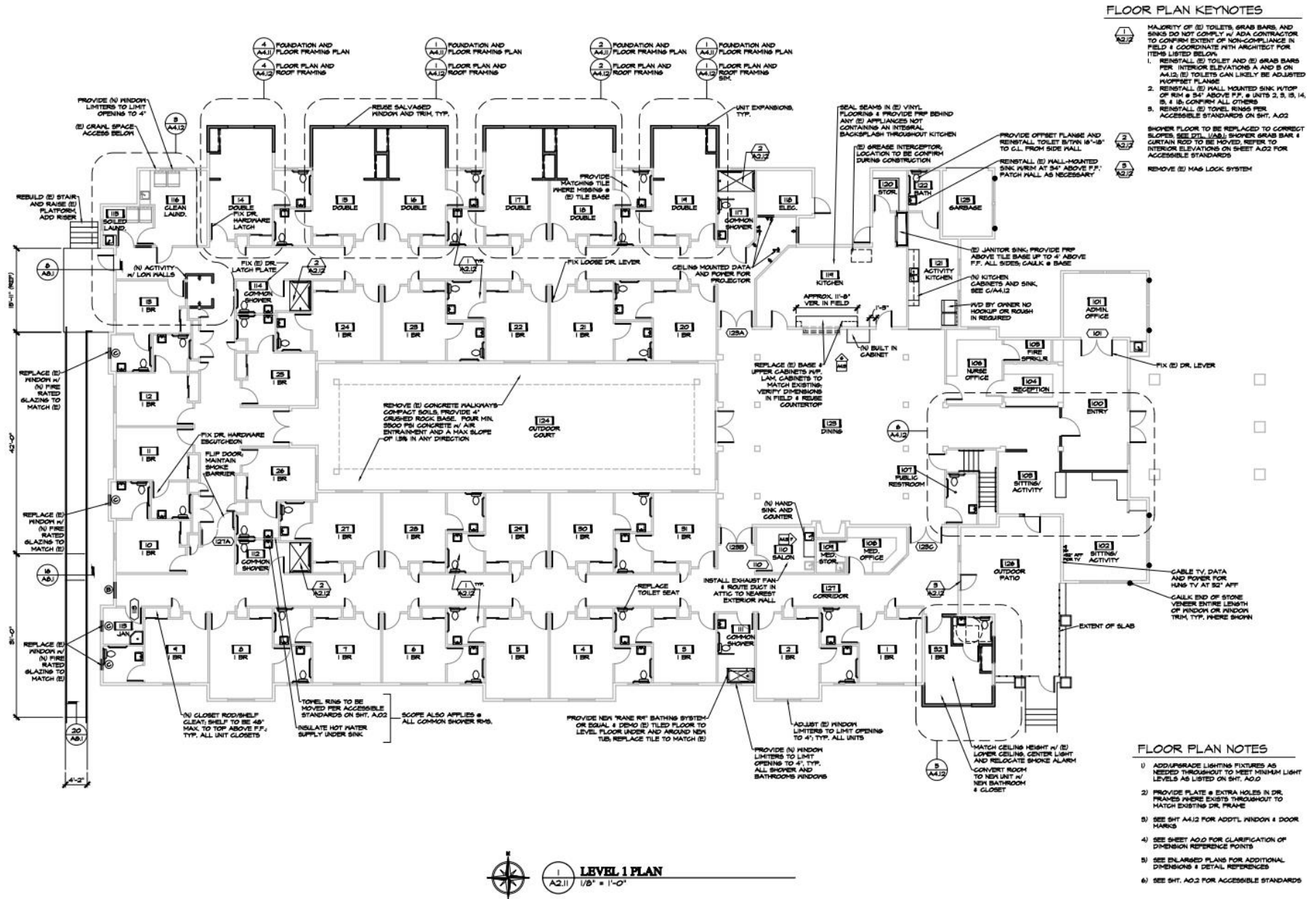


Figure 4b: Proposed Floor Plan – First Floor - Not to Scale



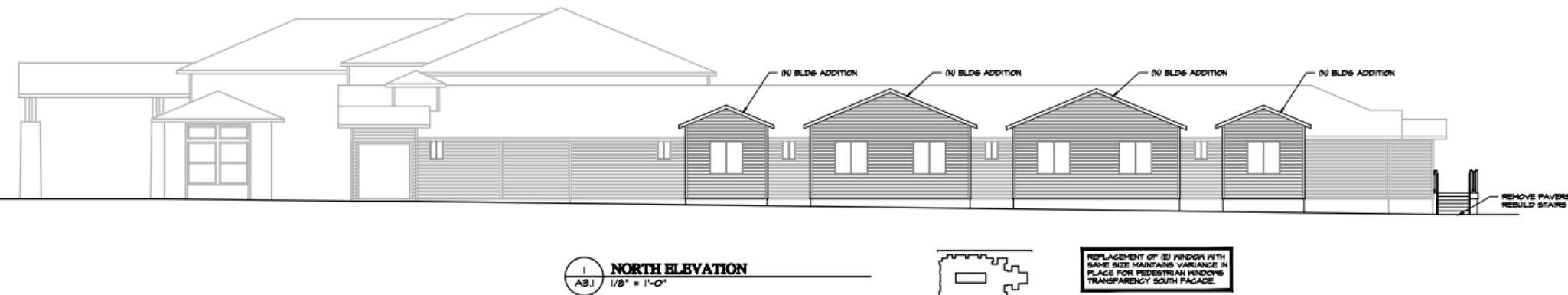


Figure 5: Proposed Modifications to North Elevation – Not to Scale

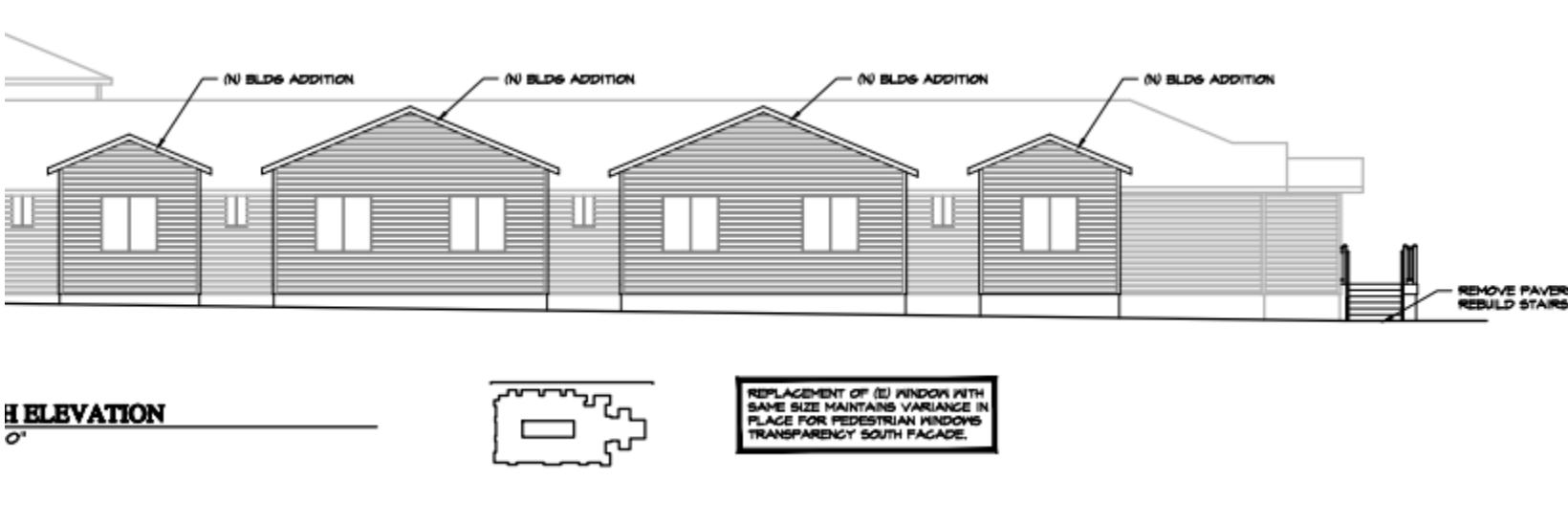


Figure 5b. Proposed Modifications to North Elevation – Enlargement

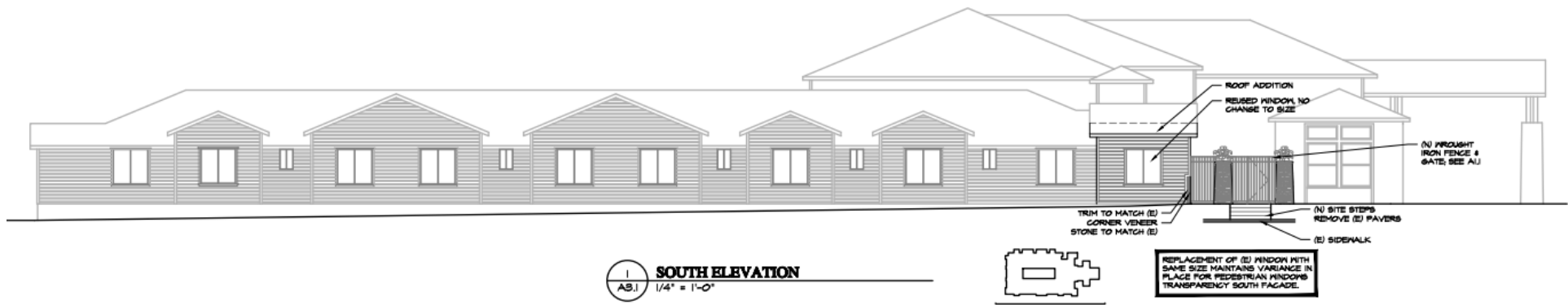


Figure 6: Proposed Modifications to South Elevation – Facing Amanda Court – (Not to Scale)

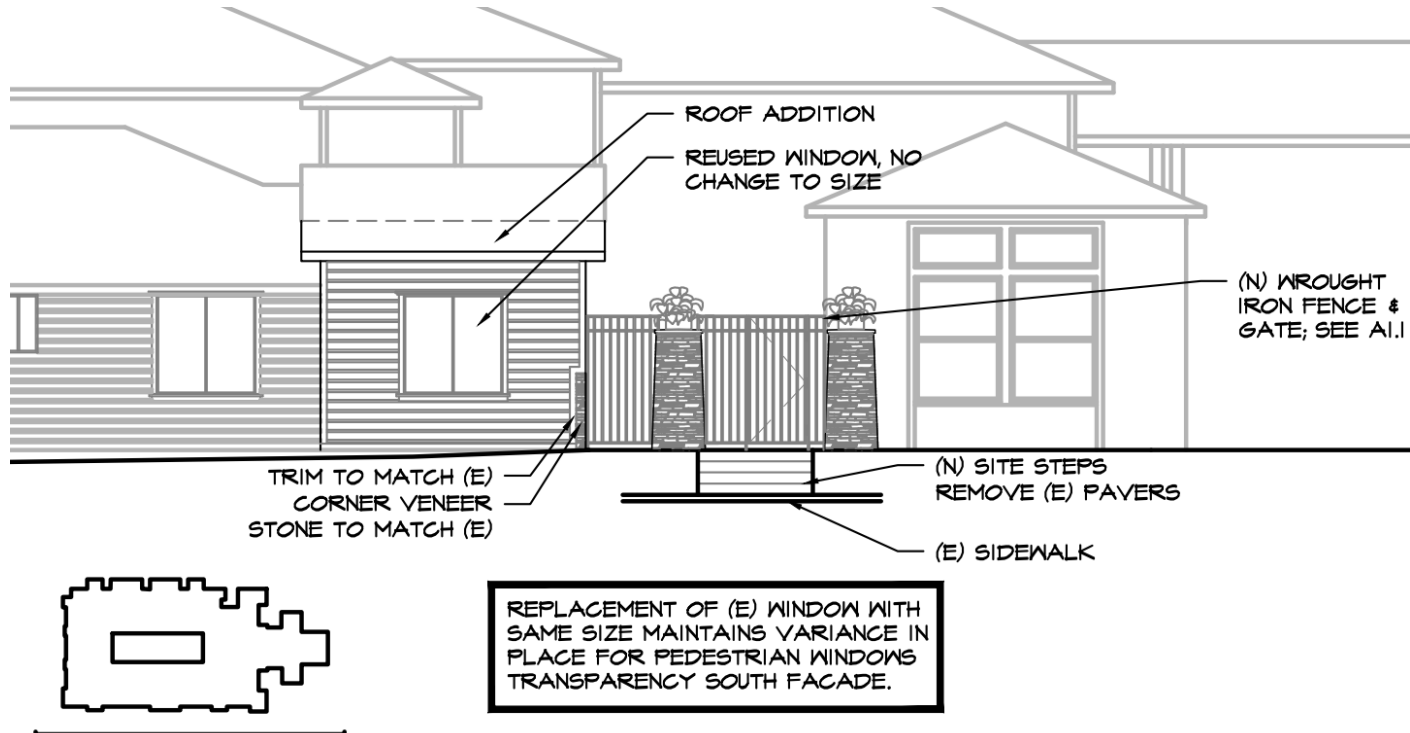
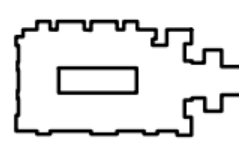


Figure 6a. Modifications to South Elevations – Enlargement - (Not to Scale)



15

4
A3.1 **EAST ELEVATION**
1/4" = 1'-0"



NO WINDOWS CHANGED
ALONG PRIMARY FRONT
FACADE

Figure 7: Proposed Modifications to East Elevation – Facing South End Road – (Not to Scale)

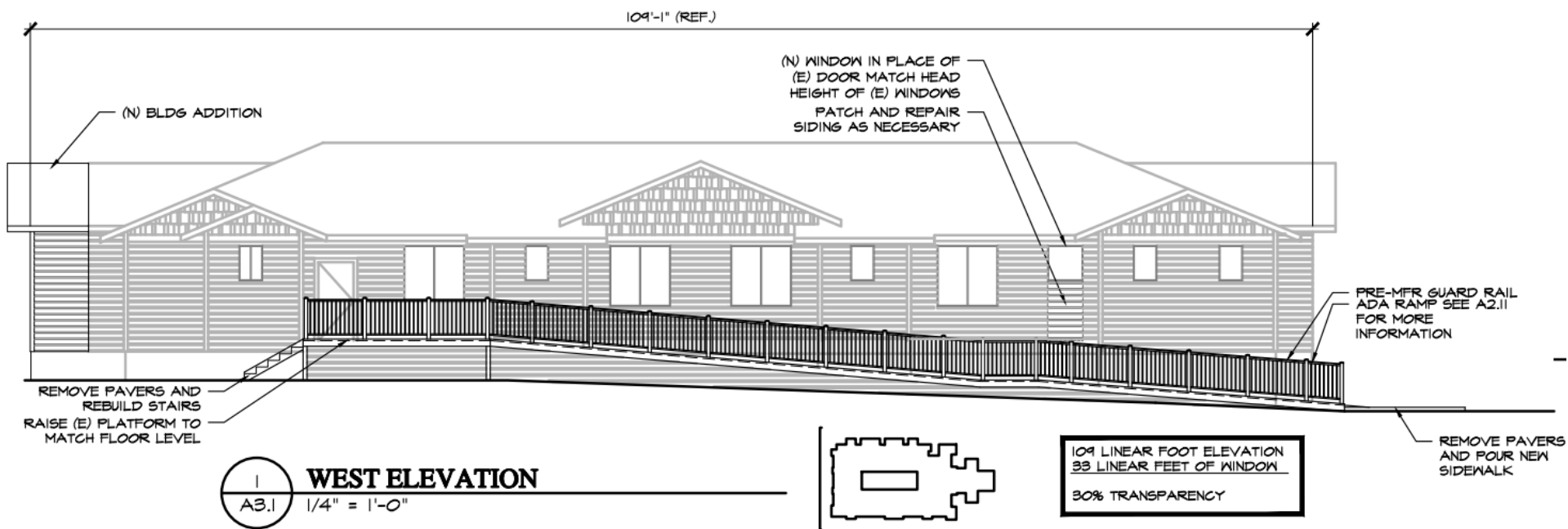


Figure 8: Proposed Modifications to West Elevation – Rear of Building facing Parking Lot – (Not to Scale)

4. 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.

5. Notice and Public Comment

Notice of the public hearing is required to be provided at least 20 days prior to the Planning Commission Public Hearing pursuant to OCMC 17.50 Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association.

Public Notice was published in the Clackamas Review / Oregon City News on October 31st, 2018. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property. Public comments submitted include:

An email comment from Gregory Peterson regarding the screening requirements for ground mounted mechanical equipment. Mr. Peterson stated that several air-conditioning units on the south exterior are not properly shielded from view, as required by OCMC 17.62.050.A.20.C.

A condition of approval to assure compliance with this standard is recommended.

Comments of the Public Works Department and Development Services Division are incorporated into this report and Conditions of Approval.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

II. ANALYSIS AND FINDINGS:

CHAPTER 17.08 - R-10 SINGLE FAMILY DWELLING DISTRICT

17.08.040 Dimensional standards.

Dimensional standards in the R-10 district are:

A. Minimum lot areas, ten thousand square feet;

Finding: Complies as proposed. The lot area is approximately 40,000 square feet or 0.91 acres.

B. Minimum lot width, sixty-five feet;

Finding: Complies as proposed. The lot width is approximately 135 feet.

C. Minimum lot depth, eighty feet;

Finding: Complies as proposed. The lot depth is approximately 295 feet.

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;

Finding: Complies as proposed. The building height of the front portion of the building which is two stories is 25' tall, while the rear portion of the building is a single story approximately 16' tall. In the area where the addition is proposed to the north side of the building, the height will remain approximately 16' tall.

E. Minimum required setbacks:

1. Front yard, twenty feet minimum setback,

Finding: Complies as proposed. No changes are proposed. The current front setback from South End Road is 29' to the enclosed building. The setback to the support posts of the Porte Cochere is 10'. These setbacks were approved previously with review of CU 14-01 pursuant to the design standards for a commercial building.

2. Front porch, fifteen feet minimum setback,

Finding: Complies as proposed. No changes are proposed. The current front setback from South End Road is 29' to the enclosed building. The setback to the support posts of the Porte Cochere is 10'. These setbacks were approved previously with review of CU 14-01 pursuant to the design standards for a commercial building.

3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.

Finding: Not applicable. There are no garages proposed.

4. Interior side yard, ten feet minimum setback for at least one side yard; eight feet minimum setback for the other side yard,

Finding: Complies as proposed. Currently the interior side yard setback is 15'. With the addition, the interior side yard setback will be 10'.

5. Corner side yard, fifteen feet minimum setback,

Finding: Complies as proposed. With the small addition to the southeast corner of the building, the corner side yard setback will be 15' 3".

6. Rear yard, twenty feet minimum setback,

Finding: Not applicable. No changes to the current rear yard setback to the building are proposed, which is approximately 62 feet.

7. Rear porch, fifteen feet minimum setback.

Finding: Complies as proposed. The proposed landing and ADA ramp will not change the current rear yard setback of approximately 58 feet.

F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.

Finding: Not applicable. No garages are proposed.

G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

Finding: The existing footprint of the structure is 15,323 sq. ft. as approved and no modifications were made during construction. The proposed additional footprint is 529 sq. ft. for a total footprint of 15,852 sq. ft. The site area is shown on the plans as 39,439 square feet, which amounts to a 40.19% lot coverage. A minor variance is requested – please refer to the findings below under Chapter 17.60.

CHAPTER 17.60 - VARIANCES

17.60.020 - Variances—Procedures.

17.60.020.A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.

Finding: Complies as proposed. The application was initiated by the property owner and included all required application materials and plans. The applicant has proposed a type II minor variance for building lot coverage as the proposed lot coverage is under the 25% additional benchmark for a type II minor variance. The proposed project is a 529 SF building addition providing one new private unit and the expansion of six existing units to double occupancy rooms. The proposed lot coverage is 40.19% or 88 SF over the allowed 40% lot coverage.

17.60.020.B. A nonrefundable filing fee, as listed in Section 17.50.[0]80, shall accompany the application for a variance to defray the costs.

Finding: Complies as proposed. All fees associated with the review of this application have been paid.

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

Finding: Complies as proposed. A public hearing has been scheduled in accordance with this standard.

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

Finding: Complies as proposed. This application would typically qualify for a minor variance process through a Type II procedure, however, as part of the prior approval for the facility (CU 06-01), a Condition of Approval (28) was added which states: “The applicant’s revised site plans as presented at the September 8 Planning Commission public hearing for the basis for the Planning Commission’s conditional approval. No modifications to the approved revised site plans may be approved without Planning Commission approval.” Therefore the minor variance is being processed along as a Type III concurrent with the modification to the prior Conditional Use application by the Planning Commission.

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

- 1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
- 2. Variances to width, depth and frontage requirements of up to twenty percent;*
- 3. Variances to residential yard/setback requirements of up to twenty-five percent;*

4. Variances to nonresidential yard/setback requirements of up to ten percent;
5. Variances to lot area requirements of up to five;
6. Variance to lot coverage requirements of up to twenty-five percent;
7. Variances to the minimum required parking stalls of up to five percent; and
8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.

Finding: Complies as proposed. The site area measures 39,439 square feet and the current building has a footprint of 15,323 square feet or 39% of the lot. With the proposed 529 square foot addition the footprint would increase to 15,852 square feet or 40.19% of the lot. The maximum allowable lot coverage is 15,775.6 square feet. For this lot, the code would allow a 25% increase of up to 3,943.9 square feet to the existing building as a minor variance. The application qualifies for a minor variance to lot coverage since it is well under the 25% threshold ($529 < 3,943.9$). However, for the reasons discussed under (D) above, it is being reviewed as a Type III application.

17.60.030 - Variance—Grounds.

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

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

Finding: Complies as proposed. The applicant states that the building is located on a corner lot and the expansion to the South side of the building will not negatively affect any other structures given the street between them. The North building expansions are within the required interior yard setback for the site and will not affect adjacent properties any more than a legally conforming residential structure building to the zoning code. Staff concurs and finds that the minor variance will not reduce light, air, safe access or other desirable qualities protected under the zoning code.

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

Finding: Complies as proposed. The applicant states that the building expansion would allow the facility to give more space to the memory care patients who spend a majority of their time inside the facility and in their rooms. Given the need to add these units and the existing design of the building, the applicant believes that this is the least amount of coverage required to provide a comfortable space for the residents of the building. Furthermore, the building is a commercial use in residential zoning. Site Plan and Design Review Standards in OCMC 17.62.050.A.1 allows a lot coverage of 85% (including parking) for a commercial use building. The proposed lot coverage from a commercial use standpoint is 80.2% under the 85% allowed. Given the very small additional lot coverage in comparison to the stated need for the variance, staff believes this standard is met.

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

Finding: Complies as proposed. The lot coverage standard of 40% is a residential dimensional standard that helps to assure light, space and separation between residential structures in the low density residential R-10 zone district. The applicant states that given the small nature of the exceeding amount (88 square feet), it is believed that the variance will have very minimal effect on the purpose of the regulation. The addition is broken into smaller segments to not block light and it is a single story, less than the height allowed in the zoning designation. Given these factors, and the very small additional lot coverage in comparison to the stated need for the variance, staff believes this standard is met.

17.60.030.D. Any impacts resulting from the adjustment are mitigated;

Finding: Complies as proposed. The proposed building additions are within the required setbacks per R-10 zoning requirements and will not impact the buildings surrounding any more than a conforming residential building. Furthermore, the additions proposed are one-story, and there is existing landscaping and privacy fencing buffering the building from adjacent properties in these areas. Staff believes this standard is met.

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

Finding: Complies as proposed. Given the existing nature of the building under the prior approval for a Conditional Use for a memory care facility and the need for the additional units, the applicant states that this minor variance is the only way to provide adequate units for the residents. Staff concurs.

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

Finding: Complies as proposed. Staff finds that the minor variance remains consistent with the prior Conditional Use CU 14-01 and the applicable goals and policies of the Oregon City Comprehensive Plan and the findings made by the Planning Commission for CU 14-01 which are attached hereto by reference. Additional findings for compliance with the Comprehensive Plan Goals and Policies are provided as the basis for modification of the Conditional Use permit in Section 17.56 of this report. Staff finds that this minor variance continues to fulfill the intent of the zoning code by being of limited size, maintaining compatibility with surrounding buildings and using residential architectural character and landscaping.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.015 Modifications that will better meet design review requirements.

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

Finding: Not applicable. The applicant has not requested a modification of any site plan standard pursuant to this section.

17.62.020 - Preapplication conference.

Prior to filing for site plan and design review approval, the applicant shall confer with the community development director pursuant to [Section 17.50.030](#). The community development director shall identify and explain the relevant review procedures and standards.

Finding: Complies as proposed. Please see finding under section 17.50.050.

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6, R-5 and R-3.5 zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cottage housing development, multi-family and non-residential uses in all zones. No building permit or other permit authorization for development shall be issued prior to site plan and design review approval. Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval. Site plan and design review shall not alter the type and category of uses permitted in zoning districts.

Finding: Applicable. The application is associated with a Conditional Use in a residential zone, therefore Site Plan and Design Review is required.

17.62.035 - Minor site plan and design review.

This section provides for a minor site plan and design review process. Minor site plan review is a Type I or Type II decision, as described in OCMC Section 17.62.035.A., subject to administrative proceedings described in OCMC Section 17.50 and may be utilized as the appropriate review process only when authorized by the community development director. The purpose of this

type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

A. Type I Minor Site Plan and Design Review.

1. Applicability. Type I applications involve no discretion. The Type I process is not applicable for:

- a. Any activity which is included with or initiates actions that require Type II-IV review.*
- b. Any use which is not permitted outright, unless otherwise noted.*
- c. Any proposal in which nonconforming upgrades are required under Chapter 17.58.*
- d. Any proposal in which modifications are proposed under Section 17.62.015.*

2. The following projects may be processed as a Type I application:

- a. Addition of up to two hundred square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than two hundred square feet in a twelve-month period shall be processed as Type II.*
- b. Addition of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than one thousand square feet in a twelve-month period shall be processed as Type II.*
- c. Temporary structures, excluding mobile vendors.*
- d. Removal, replacement or addition of awnings, or architectural projections to existing structures.*
- e. Addition, modification, or relocation of refuse enclosure.*
- f. Changes to amount, location, or design of bicycle parking.*
- g. Installation of mechanical equipment.*
- h. Repaving of previously approved parking lots with no change to striping.*
- i. Replacement of exterior building materials.*
- j. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.*
- k. Addition or alteration of parapets or rooflines.*
- l. Modification of building entrances.*
- m. Addition to or alteration of a legal nonconforming single or two-family dwelling.*
- n. Change to parking lot circulation or layout, excluding driveway modifications.*
- o. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.*
- p. Adoption of shared parking agreements.*
- q. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC Chapter 13.12.*
- r. New or changes to existing pedestrian accessways, walkways or plazas.*
- s. Installation of or alterations to ADA accessibility site elements.*
- t. Modification of a fence, hedge, or wall, or addition of a fence, hedge or wall at least twenty feet away from a public right-of-way.*
- u. Addition of or alterations to outdoor lighting.*
- v. Demolition of any structure or portion of a structure*
- w. Tree removal*

3. Submittal Requirements. A Type I application shall include:

- a. A narrative describing the project.*
- b. Site plan drawings showing existing conditions/uses and proposed conditions/uses.*
- c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.*
- d. A completed application form.*
- e. Any other information determined necessary by the community development director.*

B. Type II Minor Site Plan and Design Review.

1. Type II Minor site plan and design review applies to the following uses and activities unless those uses and activities qualify for Type I review per Section 17.62.035A.:

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

- c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.*
- d. Other land uses and activities may be added if the community development director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.*

Finding: The proposed development would normally qualify for a Type II Minor Site and Design Review application pursuant to OCMC 17.56.025 – *Minor modifications to legal conditional uses*;

Minor modifications to an approved conditional use permit may be permitted. If permitted, the modification shall be reviewed as a minor site plan and design review. A minor modification to an approved conditional use permit is considered one of the following:

(B.) A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.

The proposed addition to this commercial building is under one thousand square feet, however, due to Condition of Approval #29 of CU 14-01, which required that any change to the approved site plans of September 22, 2014 be reviewed by the Planning Commission, this application requires a Type III review process.

2. *Application. The application for the Type II minor site plan and design review shall contain the following elements:*

a. The submittal requirements of Chapter 17.50.

b. A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in Section 17.62.035C. below.

c. Site plan drawings showing existing conditions/uses and proposed conditions/uses.

d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.

e. Additional submittal material may be required by the community development director on a case-by-case basis.

3. *Development standards for Type II minor site plan and design review.*

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

Finding: Complies as proposed. The applicant submitted all required information and the application was deemed complete.

17.62.040 - *Plans required.*

Finding: Complies as proposed. The applicant has submitted all requested application items.

17.62.050 - *Standards.*

A. All development shall comply with the following standards:

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

Finding: Complies as proposed. 38% of the site area is proposed to be landscaped. All existing previously approved landscaping is to remain and moved to accommodate building additions where necessary.

a. Except as allowed elsewhere in the zoning and land division chapters of this Code, all areas to be credited towards landscaping must be installed with growing plant materials. A reduction of up to twenty-five percent of the overall required landscaping may be approved by the community development director if the same or greater amount of pervious material is

incorporated in the non-parking lot portion of the site plan (pervious material within parking lots are regulated in OCMC 17.52.070).

Finding: Not applicable. The applicant has not requested a reduction in the minimum landscaping percentage.

b. Pursuant to Chapter 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.

Finding: Not applicable. The site is not within the Natural Resources Overlay District.

c. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than 500 square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the Landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.

Finding: Complies as proposed. A landscape plan is not required for this application because the original landscaping plan has already been installed and the proposed addition will only displace a small amount of lawn area and a handful of shrubs. The existing landscaping already complies with this standard.

d. For properties within the Downtown Design District landscaping shall be required to the extent practicable up to the ten percent requirement.

Finding: Not applicable. The application is not within the Downtown Design District.

e. Landscaping shall be visible from public thoroughfares to the extent practicable.

Finding: Complies as proposed. The landscaping for this project is visible from public thoroughfares to the extent practicable.

f. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum, unless otherwise permitted by the dimensional standards of the underlying zone district.

Finding: Not applicable. The parking lot does not include interior landscaping due to its small size.

2. Vehicular Access and Connectivity.

a. Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.

Finding: Complies as proposed. The existing parking area is at the rear of the building.

b. Ingress and egress locations on thoroughfares shall be located in the interest of public safety. Access for emergency services (fire and police) shall be provided.

Finding: Not applicable. No changes are proposed to the driveway locations.

c. Alleys or vehicular access easements shall be provided in the following Districts: R-2, MUC-1, MUC-2, MUD and NC zones unless other permanent provisions for access to off-street parking and loading facilities are approved by the decision-maker. The corners of alley intersections shall have a radius of not less than ten feet.

Finding: Not applicable. The site is within the R-10 zone.

d. Sites abutting an alley shall be required to gain vehicular access from the alley unless deemed impracticable by the community development director.

Finding: Not applicable. The site does not abut an alley.

e. Where no alley access is available, the development shall be configured to allow only one driveway per frontage. On corner lots, the driveway(s) shall be located off of the side street (unless the side street is an arterial) and away from the street intersection. Shared driveways shall be required as needed to accomplish the requirements of this section. The location and design of pedestrian access from the sidewalk shall be emphasized so as to be clearly visible and distinguishable from the vehicular access to the site. Special landscaping, paving, lighting, and architectural treatments may be required to accomplish this requirement.

Finding: Not applicable. The existing driveway configuration is not proposed to change.

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

Finding: Not applicable. The existing driveway configuration is not proposed to change.

g. Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Such easements shall be required in addition to applicable street dedications as required in [Chapter 12.04](#).

Finding: Not applicable. No connections are proposed to adjacent sites, which are developed residential lots.

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

Finding: Not applicable. Vehicular and pedestrian access easements are not needed.

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

Finding: Not applicable. Vehicular and pedestrian access easements are not needed.

j. 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.

Finding: Not applicable. No streets are proposed.

k. Parcels larger than three acres shall provide streets as required in [Chapter 12.04](#). The streets shall connect with existing or planned streets adjacent to the site.

Finding: Not applicable. The site is less than three acres and no new streets are proposed.

l. Parking garage entries shall not dominate the streetscape. They shall be designed and situated to be ancillary to the use and architecture of the ground floor. This standard applies to both public garages and any individual private garages, whether they front on a street or private interior access road.

Finding: Not applicable. A parking garage is not proposed with this development.

m. Buildings containing above-grade structured parking shall screen such parking areas with landscaping or landscaped berms, or incorporate contextual architectural elements that complement adjacent buildings or buildings in the area. Upper level parking garages shall use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.

Finding: Not applicable. A parking garage is not proposed with this development.

3. Building structures shall be complimentary to the surrounding area. All exterior surfaces shall present a finished appearance. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear facades or decking shall be prohibited.

a. Alterations, additions and new construction located within the McLoughlin Conservation District, Canemah National Register District, and the Downtown Design District and when abutting a designated Historic Landmark shall utilize materials and a design that incorporates the architecture of the subject building as well as the surrounding district or abutting Historic Landmark. Historic materials such as doors, windows and siding shall be retained or replaced with in kind materials unless the community development director determines that the materials cannot be retained and the new design

and materials are compatible with the subject building, and District or Landmark. The community development director may utilize the Historic Review Board's Guidelines for New Construction (2006) to develop findings to show compliance with this section.

b. In historic areas and where development could have a significant visual impact, the review authority may request the advisory opinions of appropriate experts designated by the community development director from the design fields of architecture, landscaping and urban planning. The applicant shall pay the costs associated with obtaining such independent professional advice; provided, however, that the review authority shall seek to minimize those costs to the extent practicable.

Finding: Complies as proposed. The proposed addition is complimentary to the existing building and the surrounding area. The original building was reviewed for compliance with the Institutional and Commercial Building Design Standards in OCMC 17.62.055, and for comparison's sake, it was also reviewed for compliance with the Residential Design Standards of OCMC 17.20. The building met both sets of standards.

The addition will be complimentary to the residential, institutional and multi-family construction that has occurred along South End Rd. This includes the South End townhome development at the corner of Lawton Road, as well as the existing Pentecostal Church directly across the street.

The site is not within any historic district or design review overlay district, nor is it adjacent to any historically designated structures located outside of the McLoughlin or Canemah historic districts.

The exterior building materials proposed are the same as the existing. All the exterior surfaces will have a finished appearance using consistent materials and finishes as that of the surrounding neighborhood. These exterior materials include the use of fiber cement board siding, cultured stone veneer, premium or laminate grade asphalt composition roof shingles, shake shingle paneling at the eaves, metal gutters, wide decorative trim on the windows, eaves and fascia, and stucco finishes.

4. Grading shall be in accordance with the requirements of [Chapter 15.48](#) and the public works stormwater and grading design standards.

Finding: Not Applicable. No grading is proposed.

5. Development subject to the requirements of the Geologic Hazard overlay district shall comply with the requirements of that district.

Finding: Not Applicable. No work is occurring in a Geologic Hazard Overlay District.

6. Drainage shall be provided in accordance with city's drainage master plan, [Chapter 13.12](#), and the public works stormwater and grading design standards.

Finding: Not Applicable. Drainage is not affected by this project.

7. Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, [Chapter 17.52](#).

Finding: Please refer to the findings under Chapter 17.52.

8. Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and street design standards. Upon application, the community development director may waive this requirement in whole or in part in those locations where there is no probable need, or comparable alternative location provisions for pedestrians are made.

Finding: See findings under section 12.04 of this report. Sidewalks and curbs are already in place.

9. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:

a. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct. Exceptions may be allowed by the director where steep slopes or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.

Finding: Complies as proposed. The applicant has proposed pathways that provide a direct connection to the street from all entrances fronting on the street.

b. The pedestrian circulation system shall connect all main entrances on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard. Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.

Finding: Complies as proposed. The main entrance is at the front of the building which connect directly to the sidewalk.

c. Elevated external stairways or walkways, that provide pedestrian access to multiple dwelling units located above the ground floor of any building are prohibited. The community development director may allow exceptions for external stairways or walkways located in, or facing interior courtyard areas provided they do not compromise visual access from dwelling units into the courtyard.

Finding: Not applicable. No dwelling units are located above the ground floor. All access to dwelling units is internal.

d. The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.

Finding: Not applicable. There are no adjacent buildings on the same site.

e. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent commercial and residential sites where practicable. Walkway linkages to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially-zoned land.

Finding: Complies as proposed. The proposed design provides a sidewalk and a pathway around the building.

f. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.

Finding: Complies with conditions. The applicant has proposed to replace the existing on-site pedestrian walkway at the southeast exit with a 6' wide concrete sidewalk and stairs. In order to add a second accessible means of egress, a 50" wide accessible ramp of composite wood decking and concrete walkway are proposed from the existing deck at the northwest exit. For the egress path to remain a minimum of 5' away from the resident units in order to maintain the ability to have operable windows and not encroach on the existing drive aisle, the ramp width is limited to 50". The ramp will be used for emergency egress only since the exit door will remain secured at all other time for the safety of the residents suffering from dementia and Alzheimer's.

The proposed hardscape pathways on the south and north sides of the building appear to be less than five feet wide. Pathways are not required around the entire building in order to comply with this section due to the sidewalk connection, however, since they are proposed, they are required to be at least five feet in width. Therefore, prior to issuance of a building permit, the applicant shall either remove the on-site paths which are not required that are less than five feet in width on plan submittals or revise the plans to indicate 5' wide paths and widen the required pathways to 5 feet. Because the building fronts on the street, the existing sidewalk may be used to meet this standard. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

10. *There shall be provided adequate means to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency.*

Finding: Complies as proposed. The development application identified adequate means and accesses to ensure continued maintenance and necessary replacement of facilities and areas.

11. *Site planning shall conform to the requirements of OCMC Chapter 17.41 Tree Protection.*

Finding: Please refer to the analysis in Chapter 17.41 of this report.

12. *Development shall be planned, designed, constructed and maintained to protect water resources and habitat conservation areas in accordance with the requirements of the city's Natural Resources Overlay District, Chapter 17.49, as applicable.*

Finding: Not applicable. The site is not within the Natural Resources Overlay District.

13. *All development shall maintain continuous compliance with applicable federal, state, and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference. Prior to issuance of a building permit, the community development director or building official may require submission of evidence demonstrating compliance with such standards and receipt of necessary permits. The review authority may regulate the hours of construction or operation to minimize adverse impacts on adjoining residences, businesses or neighborhoods. The emission of odorous gases or other matter in such quantity as to be readily detectable at any point beyond the property line of the use creating the odors or matter is prohibited.*

Finding: Complies as proposed. The applicant indicated that construction will adhere to all applicable codes. The building permit process involves multiple inspections prior to issuance of a certificate of occupancy. Any nuisances that may occur during construction may be corrected through the standard code enforcement process.

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

Finding: Not Applicable. No new services are required.

15. *Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the city's transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation. Compliance with [Chapter] 12.04, Streets, Sidewalks and Public Places shall be sufficient to achieve right-of-way and improvement adequacy.*

Finding: Not Applicable. No street improvements are required.

16. *If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or*

approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the transportation system plan.

Finding: Complies as proposed. South End Road is designated as a transit corridor on the City's Transportation System Plan, although it is not currently served by Tri-Met. No comments were received from Tri-Met regarding this proposal.

17. All utility lines shall be placed underground.

Finding: Not applicable. No utility lines are proposed.

18. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.

Finding: Complies as proposed. Accessibility upgrades are proposed at the main entry/exit and the secondary accessible exit to comply with state and federal laws and provide the two required accessible routes to the public right of way. Compliance with ADA and accessibility standards will be reviewed upon submittal of a building permit.

19. For a residential development, site layout shall achieve at least eighty percent of the maximum density of the base zone for the net developable area. Net developable area excludes all areas for required right-of-way dedication, land protected from development through Natural Resource or Geologic Hazards protection, and required open space or park dedication.

Finding: Not applicable. Although this is a residential care facility, it is considered a commercial development within one building. This standard does not apply.

20. Screening of Mechanical Equipment:

a. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening.

Finding: Not applicable. No rooftop mechanical equipment is proposed.

b. Wall-mounted mechanical equipment shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning or HVAC equipment and groups of multiple utility meters, that extends six inches or more from the outer building wall shall be screened from view from streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building.

Finding: Not applicable. No wall-mounted mechanical equipment is located or is proposed on a façade that faces a right-of-way.

c. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view. Placement and type of screening shall be determined by the community development director.

Finding: Complies with condition. The applicant indicated that the existing ground mounted mechanical equipment, if it needs to be relocated, will be screened by shrubs and existing fences. An emailed public

comment was received regarding the screening requirements for ground mounted mechanical equipment. According to the comment, several air-conditioning units on the south exterior are not properly shielded from view. Prior to issuance of a building permit, the applicant shall provide ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view of the mechanical units from the street. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

d. This section shall not apply to the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.

Finding: Not applicable. No solar or wind power generating equipment is proposed.

21. Building Materials.

a. Preferred building materials. Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the city's desired traditional character are as follows:

i. Brick.

li. Basalt stone or basalt veneer.

iii. Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.

iv. Board and batten siding.

v. Other materials subject to approval by the community development director.

vi. Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.

vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

Finding: Complies as proposed. No changes are proposed to the existing building materials which include composite siding. The new addition will be painted to match the existing structure.

b. Prohibited materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.

i. Vinyl or plywood siding (including T-111 or similar plywood).

li. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.

iii. Corrugated fiberglass.

iv. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, or within the General Industrial District).

[v.] Crushed colored rock/crushed tumbled glass.

[vi.] Non-corrugated and highly reflective sheet metal.

Finding: Complies with conditions. The submitted site plans indicate chain link fencing at the northwest and southwest corners of the building. No other prohibited materials are identified within the submittal. The applicant shall remove the chain link fencing and or replace it with non-prohibited materials prior to issuance of a building permit. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

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

1. Concrete block. When used for the front facade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.

2. Metal siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level).

3. Exterior Insulation and Finish System (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.
4. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.

Finding: Not applicable. No special materials are proposed.

22. Conditions of Approval. The review authority may impose such conditions as it deems necessary to ensure compliance with these standards and other applicable review criteria, including standards set out in city overlay districts, the city's master plans, and city public works design standards. Such conditions shall apply as described in Sections 17.50.310, 17.50.320 and 17.50.330. The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the city attorney.

Finding: Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the recommended conditions of approval attached.

23. Development shall conform to the requirements of OCMC Chapter 17.58 Nonconforming Uses, Structures, and Lots.

Finding: Not Applicable. This application does not include a nonconforming use, structure, or lot.

17.62.055 - Institutional and commercial building standards.

A. Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved through this process are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety through informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.

B. Applicability. In addition to [Section 17.62.050](#) requirements, institutional and commercial buildings shall comply with design standards contained in this section.

Finding: Applies. The applicant has proposed an addition to an existing commercial building.

C. Relationship between zoning district design standards and requirements of this section.

1. Building design shall contribute to the uniqueness of the underlying zoning district by applying appropriate materials, elements, features, color range and activity areas tailored specifically to the site and its context.

Finding: Complies with conditions. As described above in sections A.3 and A.21.c, and demonstrated within the application, the applicant's proposed addition is compatible with the existing building and surrounding development and compliant with the design standards and material requirements of the Oregon City Municipal Code with conditions of approval. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

2. A standardized prototype or franchise design shall be modified if necessary to meet the provisions of this section.

Finding: Not applicable. The applicant has not proposed a standardized prototype or franchise design.

3. In the case of a multiple building development, each individual building shall include predominant characteristics, architectural vocabulary and massing shared by all buildings in the development so that the development forms a cohesive place within the underlying zoning district or community.

Finding: Not applicable. Multiple building development is not proposed.

4. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.

Finding: Not applicable. No conflict has been identified.

5. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of Section 17.62.055D. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line unless a greater setback is accepted under the provisions of Section 17.62.055D.

Finding: Not applicable. No changes are proposed to the placement of the existing building where it fronts on the abutting streets.

D. Relationship of Buildings to Streets and Parking.

1. Buildings shall be placed no farther than five feet from the front property line. A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:

- a. Tables, benches or other approved seating area.
- b. Cobbled, patterned or paved stone or enhanced concrete.
- c. Pedestrian scale lighting.
- d. Sculpture/public art.
- e. Fountains/Water feature.
- f. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.
- g. Outdoor café.
- h. Enhanced landscaping or additional landscaping.
- i. Other elements, as approved by the community development director, that can meet the intent of this section.

Finding: Complies as proposed. No changes are proposed to the placement of the existing building or any of the pedestrian amenities originally constructed between the building and the sidewalk.

2. The front most architecturally significant facade shall be oriented toward the street and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

Finding: Complies as proposed. No changes are proposed to the primary façade, which features a prominent porte cochere which shelters the main entrance.

3. Entryways. The primary entranceway for each commercial or retail establishment shall face the major street. The entrance may be recessed behind the property line a maximum of five feet unless a larger setback is approved pursuant to Section 17.62.055.D.1 and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined, highly visible and recessed or framed by a sheltering element including at least four of the following elements, listed below.

- a. Canopies or porticos;
- b. Overhangs;
- c. Recesses/projections;
- d. Arcades;
- e. Raised corniced parapets over the door;
- f. Peaked roof forms;
- g. Arches;
- h. Outdoor patios;
- i. Display windows;
- j. Architectural details such as tile work and moldings which are integrated into the building structure and design;
- k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- l. Planter boxes and street furniture placed in the right-of-way shall be approved for use according to materials, scale and type.

Finding: Complies as proposed. No changes are proposed to the primary façade, which features a prominent porte cochere which shelters the main entrance.

4. Where additional stores will be located in the large retail establishment, each such store shall have at least one exterior customer entrance, which shall conform to the same requirements.

Finding: Not applicable. This is not a retail development.

5. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk. Awnings shall be no longer than a single storefront.

Finding: Not applicable. The applicant has not proposed a trellis, canopy or awning in the public right-of-way.

E. Corner Lots.

For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:

1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.

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

Finding: Complies as proposed. No changes are proposed to the main front façade.

F. Commercial First Floor Frontage.

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

Finding: Not applicable. The site is not within a mixed use or neighborhood commercial zone.

G. Variation in Massing.

1. A single, large, dominant building mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings.

Finding: Complies as proposed. The proposed additions will not change the overall massing of the building as seen from the street.

2. Horizontal masses shall not exceed a height: width ratio of one-to-three without substantial variation in massing that includes a change in height and projecting or recessed elements.

Finding: Complies as proposed. The proposed additions will not change the overall massing of the building as seen from the street.

3. Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect.

Finding: Complies as proposed. The proposed additions will not change the overall massing of the building as seen from the street.

H. Minimum Wall Articulation.

1. Facades shall add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including, but not be limited to, at least two of the following:

- i. Change in plane,*
- ii Change in texture or masonry pattern or color,*
- iii. Windows, treillage with landscaping appropriate for establishment on a trellis.*
- iv. An equivalent element that subdivides the wall into human scale proportions.*

Finding: Complies as proposed. Some minor alterations are proposed to the southwest corner of the building, which include enlarging a one bed unit, removing a window and adding a bathroom, and fencing in as well as adding steps down from the outdoor café area to the sidewalk. These alterations serve to further enhance the wall articulation on the southeast corner by bringing the building four feet closer to the property line in that location.

2. Facades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least twenty percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred horizontal feet.

Finding: Complies as proposed. As constructed the existing building already complied with this criterion. The proposed additions will serve to increase the wall articulation. The north, south, and west building facades have building walls in excess of 100'. The north and south walls measure 199'-4" horizontally. In this length there are various wall projections, roof lines, changing wall heights, different material finishes, textures, colors, and windows. The minimum wall plane projection or recess is 3' and up to 32'+ with no walls that have an uninterrupted length greater than 39'-6" on either side. The wall variations run at least 35%-40% of the total wall length on either side. The west building façade (rear of the building) has a length of 104'-1". This wall also has differences in wall projections, roof lines, materials, textures, colors, and windows. There are no walls in excess of 20' that are uninterrupted by a change in wall plane, either through a recessed wall or a projecting wall. The differences in wall plane run 49% of the total wall length.

The bedroom addition to the southeast corner will bump out the wall an additional four feet from the existing wall plane. The six bedroom additions to the northwest corner will increase the existing wall articulations by five feet in order to accommodate the additional bed spaces for six of the rooms on the northwest side, however, that side of the building does not face the street.

3. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length.

Finding: Complies with conditions. The applicant indicates that no changes are proposed to the amount of transparency on primary facades fronting the public way. The previous application for the existing building was approved for a modification pursuant to OCMC 17.62.015 from the transparency requirements with 37% transparency facing Amanda Court and 53% facing South End Road. An increase in the amount of transparency is proposed on east side elevation with the conversion of a door to a window and the calculations are included on 1/A3.1. The plan sheet A3.1 does not include the calculation of transparency for either façade. Transparency shall be at least 37% on the facade facing Amanda Court and 53% on the facade facing South End Road. The applicant shall provide calculations of the transparency prior to issuance of a building permit. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

4. Building facades must include a repeating pattern that includes any one or more of the following elements:

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

Finding: Complies as proposed. All facades contain a repeating pattern of color changes, texture changes and material changes.

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

Finding: Complies as proposed. Please refer to the finding in OCMC 17.62.055.H.2.

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

Finding: Not applicable. None of the proposed additions will alter the existing horizontal repeating pattern that already complies with this standard.

I. Facade Transparency.

1. Transparent windows or doors facing the street are required. The main front elevation shall provide at least sixty percent windows or transparency at the pedestrian level. Facades on corner lots shall provide at least sixty percent windows or transparency on all corner-side facades. All other side elevations shall provide at least thirty percent transparency. The transparency is measured in lineal fashion. For example, a one hundred-foot long building elevation shall have at least sixty feet (sixty percent of one hundred feet) of transparency in length. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.

Finding: Complies with condition. See analysis under OCMC 17.622.055.H.3 above.

2. Side or rear walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.

Finding: Not applicable. The proposals does not include any false windows or doors.

J. Roof Treatments.

1. All facades shall have a recognizable "top" consisting of, but not limited to:

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

2. Mixed use buildings: For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall). The maximum length of any continuous roofline shall be seventy-five feet.

3. Other roof forms consistent with the design standards herein may satisfy this standard if the individual segments of the roof with no change in slope or discontinuity are less than forty feet in width (measured horizontally).

Finding: Complies as proposed. The proposed roofing at new additions will match the existing.

K. Drive-through facilities shall:

- 1. Be located at the side or rear of the building.
- 2. Be designed to maximize queue storage on site.

Finding: Not applicable. The proposal does not include a drive-through. The existing porte cochere was approved previously.

17.62.056 - Additional standards for large retail establishments.

A. This section is intended to ensure that large retail building development is compatible with its surrounding area.

B. Large retail establishment shall mean a retail building occupying more than ten thousand gross square feet of floor area.

C. In addition to Sections 17.62.050 and 17.62.055 requirements, large retail buildings shall comply with design standards contained in this section.

Finding: Applicable. The subject site is not a large retail establishment.

D. Development Standards.

1. Roofs. Roofs shall include at least two of the following features:

- a. Parapets concealing flat roofs and rooftop equipment from public view. The average height of such parapets shall not exceed fifteen percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment;*
- b. Overhanging eaves, extending no less than three feet past the supporting walls;*
- c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run;*
- d. Three or more roof slope planes.*

Finding: Complies as proposed. The proposed roof treatments and pitches at the new additions will match the existing originally approved design.

2. Site Design and Relationship to Surrounding Community. Retail buildings occupying more than twenty-five thousand gross square feet of floor area shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

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

Finding: Not applicable. The proposal is not a retail building.

17.62.057 - Multi-family standards.

B. Applicability. In addition to [Section 17.62.050](#) requirements, all multi-family buildings shall comply with the design standards contained in this section. Cottage Housing Development shall follow OCMC 17.62.58 instead of this section.

Finding: Not applicable. The development proposal is not a multi-family development.

17.62.059 - Cottage housing.

Finding: Not applicable. The application does not include cottage housing.

17.62.065 - Outdoor lighting.

B. Applicability.

1. General.

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

Finding: Applicable. The development is subject to the standards in OCMC 17.62.065. However, no changes are proposed to the exterior lighting. The applicant included a copy of the original lighting plan with their application.

2. Lighting Plan Requirement.

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

Finding: Complies with conditions. Following Planning Commission approval of CU-14-01 / SP 14-09 / VR 14-01 / LL 14-05, exterior lighting fixtures were added to the building in various locations that were not indicated on the originally approved lighting plan and which were not approved by staff. These fixtures include exterior wall sconce type lights as well as security floodlights in various locations. Prior to issuance of a building permit, the applicant shall prepare an updated lighting and photometric plan that conforms to the applicable standards of OCMC 17.62.065. No additional changes to the existing fixtures are proposed. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

3. Excepted Lighting.

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

- a. Residential lighting for single-family attached and detached homes, and duplexes.
- b. Public street and right-of-way lighting.
- c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.
- d. Temporary lighting for emergency or nighttime work and construction.
- e. Temporary lighting for theatrical, television, and performance areas, or for special public events.
- f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
- g. Lighting required and regulated by the Federal Aviation Administration.

Finding: Not applicable. The applicant has not proposed excepted lighting.

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

Finding: Complies with conditions. See finding under section B(2) above.

D. Design and Illumination Standards.

General Outdoor Lighting Standard and Glare Prohibition.

1. Any light source or lamp that emits more than nine hundred lumens (thirteen watt compact fluorescent or sixty watt incandescent) shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.
2. The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.

3. Lighting levels:

Table 1-17.62.065. Foot-candle Levels

Location	Min	Max	Avg
Pedestrian Walkways in Parking Lots		10:1 max/min ratio	0.5
Pedestrian Accessways/Walkways	0.5	7:1 max/min ratio	1.5
Building Entrances	3		

<i>Location</i>	<i>Min</i>	<i>Max</i>	<i>Avg</i>
<i>Bicycle Parking Areas</i>	3		
<i>Abutting property</i>	N/A	0.5	

Pedestrian Accessways. To enhance pedestrian and bicycle safety, pedestrian accessways required pursuant to OCMC 12.28 shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances. Floodlights shall not be utilized to light all or any portion of a building facade between ten p.m. and six a.m. Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.

All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.

8. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.

9. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.

10. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.

11. Wireless Sites. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited. Strobe lighting of wireless communication facilities is prohibited unless required by the Federal Aviation Administration. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment on wireless communication facilities shall be initiated by motion detecting lighting.

12. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:

i. Maximum permitted light post height: eighty feet.

Finding: Complies with conditions. See finding under section B(2) above.

17.62.080 - Special development standards along transit streets.

C. Development Standards.

1. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.

Finding: Complies as proposed. The existing building received a variance approval from subsection C.1. of this section (VR 14-01). The main entrance is oriented toward the South End Road, however the applicant received approval of a variance to be able to locate a vehicle maneuvering area between the building and the street that requires that pedestrians cross the driveway. No changes are proposed to the main entrance location.

a. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.

Finding: See finding under (1) above.

b. For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.

Finding: Not applicable. The building is less than 300 feet in length.

2. Main building entrances shall be well lighted and visible from the transit street. The minimum lighting level for building entries shall be three foot-candles. Lighting shall be a pedestrian scale with the source light shielded to reduce glare.

Finding: Complies with conditions. Following Planning Commission approval of CU-14-01 / SP 14-09 / VR 14-01 / LL 14-05, exterior lighting fixtures were added to the building in various locations that were not indicated on the originally approved lighting plan. These fixtures include exterior wall sconce type lights as well as security floodlights in various locations. Prior to issuance of a building permit, the applicant shall prepare an updated lighting and photometric plan that conforms to the applicable standards of OCMC 17.62.065 and OCMC 17.62.080.C.2. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

3. In the event a requirement of this section conflicts with other requirements in [Title 17](#), the requirements of this section shall control.

Finding: Not applicable. No conflict has been identified during review of this application.

D. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection C. of this section:

1. Heavy equipment sales;
2. Motor vehicle service stations, including convenience stores associated therewith;
3. Solid waste transfer stations; and
4. Truck stops, including convenience stores, eating or drinking establishments, overnight accommodations or other similar services associated therewith. A use found by the community development director to be similar to the exempt uses above.

Finding: Not applicable. The proposed development is not one of the exempted uses listed.

17.62.085 - Refuse and recycling standards for commercial, industrial, and multi-family developments.

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

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

Finding: Complies as proposed. No changes are proposed to the existing trash and recycling enclosure, which is a completely enclosed space within the main building and located at the northeast corner.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.015 - Planning commission adjustment of parking standards.

A. Purpose: The purpose of permitting a planning commission adjustment to parking standards is to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would adversely impact the surrounding or planned neighborhood. The purpose of an adjustment is to provide flexibility to those uses which may be extraordinary, unique or to provide greater flexibility for areas that can accommodate a denser development pattern based on existing infrastructure and ability to access the site by means of walking, biking or transit. An adjustment to a minimum or maximum parking standard may be approved based on a determination by the planning commission that the adjustment is consistent with the purpose of this Code, and the approval criteria can be met.

B. Procedure: A request for a planning commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in [Chapter 17.50](#).

C. Approval criteria for the adjustment are as follows:

- 1. Documentation: The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.*
- 2. Parking analysis for surrounding uses and on-street parking availability: The applicant must show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the community development director.*
 - a. For the purposes of demonstrating the availability of on street parking as defined in [Section] 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the community development director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the community development director.*
 - b. The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:*
 - i. Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and*
 - ii. Vacant on-street parking spaces between three hundred and six hundred feet of the [site] will reduce onsite parking requirements by 0.2 parking spaces.*
- 3. Function and Use of Site: The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.*
- 4. Compatibility: The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.*
- 5. Safety: The proposal does not significantly impact the safety of adjacent properties and rights-of-way.*
- 6. Services: The proposal will not create a significant impact to public services, including fire and emergency services.*

Finding: Not applicable. The applicant has not requested an adjustment to the parking standards.

17.52.020 - Number of automobile spaces required.

A. The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.

Table 17.52.020		
LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	1 per 7 beds (5 spaces required)	1 per 5 beds (8 spaces permitted)
Office	2.70 (2 spaces required)	3.33 (3 spaces required)
TOTAL SPACES REQUIRED / PERMITTED	7	11

- 1. Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.*

Finding: Complies as proposed. No changes are proposed to the number of on-site spaces other than to re-stripe the ADA accessible space at the front of the building. There are nine existing on-site spaces, which can accommodate the additional number of beds proposed.

2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed.

Finding: Not applicable. The proposed addition is for a use that is specifically listed in this section.

3. Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

Finding: Complies as proposed. Fractions were rounded in accordance with this chapter.

4. The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use.

Finding: Complies as proposed. The parking spaces will be provided for the use of residents, employees and visitors to the home. It is not anticipated that vehicles or materials will be stored onsite.

5. A change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.

Finding: Not applicable. The site is not within the MUD Design District of the Willamette Falls Downtown District.

B. Parking requirements can be met either onsite, or offsite by meeting the following conditions:

1. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the community development director.

2. Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.

3. On-Street Parking. On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses shall conform to the following standards:

a. Dimensions. The following constitutes one on-street parking space:

1. Parallel parking, each [twenty-two] feet of uninterrupted and available curb;

2. [Forty-five/sixty] degree diagonal, each with [fifteen] feet of curb;

3. Ninety degree (perpendicular) parking, each with [twelve] feet of curb.

4. Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

Finding: Not applicable. All required parking stalls are accommodated onsite.

C. Reduction of the Number of Automobile Spaces Required. The required number of parking stalls may be reduced in the Downtown Parking Overlay District: Fifty percent reduction in the minimum number of spaces required is allowed prior to seeking further reductions in [sub]sections 2. and 3. below:

1. Transit Oriented Development. For projects not located within the Downtown Parking Overlay District, the community development director may reduce the required number of parking stalls up to twenty-five percent when it is determined that a project in a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a

five hundred-foot radius) or multi-family development with over eighty units, is adjacent to or within one thousand three hundred twenty feet of an existing or planned public transit street and is within one thousand three hundred twenty feet of the opposite use (commercial center or multi-family development with over eighty units).

2. *Reduction in Parking for Tree Preservation.* The community development director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a regulated tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition. The amount of reduction must take into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be approved by the community development director. This reduction is discretionary.

3. *Transportation Demand Management.* The community development director may reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer demonstrates:

a. *Alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.*

b. *Transportation demand management (TDM) program has been developed for approval by, and is approved by the city engineer. The plan will contain strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the city determines the plan is not successful, the plan may be revised. If the city determines that no good-faith effort has been made to implement the plan, the city may take enforcement actions.*

Finding: Not applicable. The development proposal did not include a reduction in the automobile spaces required.

4. *The minimum required number of stalls may be reduced by up to 10% when the subject property is adjacent to an existing or planned fixed public transit route or within 1,000 feet of an existing or planned transit stop.*

Finding: Not applicable. The development proposal did not include a reduction in the automobile spaces required.

17.52.030 - Standards for automobile parking.

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

Finding: Not applicable. No changes are proposed to the access points to the parking areas.

B. *Surfacing.* Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the city's stormwater and low impact development design standards are encouraged.

Finding: Not applicable. No changes are proposed to the surface of the lots, only restriping of the ADA accessible space.

C. *Drainage.* Drainage shall be designed in accordance with the requirements of [Chapter 13.12](#) and the city public works stormwater and grading design standards.

Finding: Not applicable. Drainage is not affected by this project.

D. Dimensional Standards.

1. *Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The community development director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.*

2. *Alternative parking/plan.* Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the community development director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.

PARKING

STANDARD

PARKING ANGLE SPACE DIMENSIONS

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

Finding: Not applicable. No changes are proposed to the dimensions of the parking spaces, only restriping of the ADA accessible space which will continue to comply with the 90 degree standard of this section.

E. Carpool and Vanpool Parking. New developments with seventy-five or more parking spaces, and new hospitals, government offices, group homes, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

Finding: Complies as proposed. The proposed use is for an assisted living facility, and is required by the building code to provide one marked ADA van-accessible space as proposed on the site plans.

17.52.040 - Bicycle parking standards.

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

Finding: Not applicable. No changes are proposed to the existing on-site bicycle parking which is located at the northeast corner of the building and already complies with this section. The remainder of this section has been deleted for brevity. Please refer to the prior approval of Planning Files CU 14-01 / SP 14-09 / VR 14-01 / LL 14-05 attached to this report.

17.52.060 - Parking lot landscaping.

A. Development Standards.

1. *The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.*

Finding: Not applicable. No changes are proposed to the parking lot landscaping, which was previously approved and is located around the perimeter of the parking lots. The remainder of this section has been deleted for brevity. Please refer to the prior approval of Planning Files CU 14-01 / SP 14-09 / VR 14-01 / LL 14-05 attached to this report.

17.52.080 - Maintenance.

The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of the site including but not limited to the off-street parking and loading spaces, bicycle parking and all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:

a. It will not interfere with the maintenance or repair of any public utility;

b. It will not restrict pedestrian or vehicular access; and

c. It will not constitute a traffic hazard due to reduced visibility.

Finding: Complies as proposed. The property owner acknowledges responsibility for the maintenance of all parking areas.

17.52.090 - Loading areas.

B. Applicability.

1. Section 17.52.090 applies to uses that are expected to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week. The city engineer and decision maker shall determine through site plan and design review the number, size, and location of required loading areas, if any.

Finding: Not applicable. No loading areas are proposed.

C. Standards.

1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the city engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.

Finding: Not applicable. No loading areas are proposed.

2. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.

Finding: Not applicable. The applicant did not propose a loading area within or adjacent to the right-of-way.

CHAPTER 17.56 CONDITIONAL USES

17.56.010.A.1. *The use is listed as a conditional use in the underlying district;*

Finding: Complies as proposed. In the R-10 zone, under Oregon City Municipal Code (OCMC) Section 17.08.03.J Assisted living facilities; nursing homes and group homes for over fifteen patients are listed as “Conditional Uses”.

17.56.010.A.2 *The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;*

Finding: Complies with conditions. The proposed expansion can be accommodated given the suitable characteristics of the site as discussed below.

Under the prior approval, the Planning Commission concurred with the applicant that the site is large enough to accommodate a residential care facility of 31 beds while providing adequate outdoor space, landscaping, and parking for the use. As discussed in the findings, the flat topography is appropriate for a handicap accessible building and its location on the corner of Amanda Ct. and South End Road lends itself to easy pedestrian and

vehicle access. This type of facility operates best as a one level facility where the residents receiving care are on the ground level. It makes for easy ingress and egress and provides easy access to the onsite landscape and outdoor recreation areas by the residents who will primarily require wheelchair maneuverability. The residential feel of the area creates a home-like environment for residents by allowing them to reside in a quiet, residential area rather than in a commercialized zone. At the same time, the property is located on a major street and even though it is located in a low density residential area, the main access road (South End Rd.) provides easy access to the site without having traffic travel through neighborhood side streets or local access roads. This will minimize any traffic impacts the use may have on the site and surrounding homes in the neighborhood. The site is well served by public utilities which can satisfy the needs of the size of the proposed development. The facility's architecture, placement of parking, landscaping, pedestrian improvements, etc. will be an improvement to a growing area and maintain continuity with recent developments such as that of nearby churches, fire station, homes, and the multi-family development on the corner of South End Rd. and Warner Parrott Rd; becoming part of the fabric of the surrounding neighborhood and creating dwellings for the elderly and handicapped within a residential setting in Oregon City. The proposed development will bring several improvements to the site, street, and neighborhood. It will provide a much needed housing type for the elderly and disabled and create several new jobs.

Staff provides the following additional information based on the previous findings for CU 14-01:

- **Size:** The applicant's proposal includes an additional 7 beds for an existing assisted living facility for 31 people, for a total of 38 beds, with existing office and storage space on the second floor of the proposed building. The Oregon City Municipal Code and Comprehensive Plan do not provide a limitation or specific criteria to determine the number of people who may live in a group home, the size limitations for assisted living facilities or the size of offices associated with conditional uses. The proposed expansion complies with the R-10 zone dimensional standards.
- **Scale, Architecture and Massing of the Building:** The scale, architecture and massing of the building is appropriate to accommodate the proposed expansion of the use as a residential care facility.
- **The Size and Type of Offices Associated with Conditional Uses:** No changes are proposed to the existing office space. The code provides little guidance on the types and sizes of offices and storage area for assisted living facilities and associated with a Conditional Use however the existing second-story of the assisted living facility building includes office space and storage areas to support the staff servicing the assisted living residents on site and these offices are small in scale and appear appropriate.
- **Shape:** The applicant is making a small addition to a single building. The scale of the proposed structure continues to comply with the dimensional standards of the R-10 zoning designation (setbacks, height, etc.) and is thus of a residential scale. The minor variance for lot coverage is extremely small (less than one percent) and will have no effect on the residential scale of the building. The development is buffered from adjacent neighbors by placing the building within the middle of the site, surrounding the site by a 6-foot tall wood fence and installing a landscaping buffer. The 6-foot tall fence will not cross the emergency access.
- **Location:** The subject site is located adjacent to South End Road, a minor arterial in the Transportation System Plan. The site can be easily accessed from the arterial road and does not require any access through existing neighborhoods. All vehicular traffic (with the exception of emergency vehicles) through the site will enter and exit the property via South End Road. In addition, the site is located directly on South End Road which is a transit street. The use of the transit system may be supported by the visitors and staff of the proposed use. Significantly, the residents, due to their incapacity, do not drive.
- **Topography:** The subject site is generally flat and does not have any major topographic constraints which limit the ability to develop the site.

- Existence of Improvements: The site is currently fully development with an existing building and associated parking lot. There are sidewalks or street trees located along the frontage of the site. The applicant's proposed addition will efficiently utilize the site and will not affect associated landscaping and public improvements including sidewalks, street trees and an additional bike lane. The public works department has no conflicts with the proposal.
- Natural Features: The subject site is not within an environmental overlay district. No trees will be removed with this proposal.

Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.

17.56.010.A.3. *Development shall demonstrate compliance with Chapter 12.04, Streets, Sidewalks and Public Places;*

Finding: Not applicable. All street improvements were completed previously and comply with Chapter 12.04.

17.56.010.A.4. *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;*

Findings: Complies as proposed. For the same reasons stated under standard A.2 above, the proposed expansion will not substantially limit, impair or preclude the use of surrounding properties to continue as single-family dwellings or any other existing use.

17.56.010.A.5. *The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.*

Finding: The applicable Comprehensive Plan Goals and Policies are as follows:

Goal 1.1 Citizen Involvement Program *Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decisionmaking process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.*

Policy 1.1.1 - *Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.*

Goal 1.2 Community and Comprehensive Planning - *Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.*

Policy 1.2.1 - *Encourage citizens to participate in appropriate government functions and land-use planning.*

Goal 1.3 Community Education - *Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.*

Goal 1.4 Community Involvement - *Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.*

Policy 1.4.1 - *Notify citizens about community involvement opportunities when they occur.*

Finding: Complies as Proposed. The applicant organized a meeting with the South End Neighborhood Association to discuss the project on October 18, 2018. A summary of the comments from the meeting are found in the Exhibits. Notice of the application identifying the approval process and applicable criteria was sent to the Citizen Involvement Committee and the South End Neighborhood Association, property owners within 300 feet of the site, and posted onsite, online and in the newspaper. The public is provided the opportunity to review the application and comment in writing and person throughout the Planning Commission hearings for this Type III process.

Goal 2.4 Neighborhood Livability - Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

Policy 2.4.2 Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.

Policy 2.4.4 Where environmental constraints reduce the amount of buildable land, and/or where adjacent land differs in uses or density, implement Comprehensive Plan and zoning designations that encourage compatible transitional uses.

Policy 2.4.5 - Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and childcare facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.

Goal 2.7 Oregon City Comprehensive Plan Land-Use Map- Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.

Policy 2.7.1 Maintain a sufficient land supply within the city limits and the Urban Growth Boundary to meet local, regional, and state requirements for accommodating growth.

Policy 2.7.2 Use the following 11 land-use classifications on the Oregon City Comprehensive Plan Land-Use Map to determine the zoning classifications that may be applied to parcels:

- Low Density Residential (LR)
- High Density Residential (HR)
- Mixed Use Corridor (MUC)
- Mixed Use Downtown (MUD)
- Public and Quasi-Public (QP)
- Future Urban Holding (FUH)
- Medium Density Residential (MR)
- Commercial (C)
- Mixed Use Employment (MUE)
- Industrial (I)
- Parks (P)

Finding: Complies with Conditions. The proposal retains the existing Comprehensive Plan designation of Low Density Residential, and a Conditional Use under that designation allows for a 38-bed memory care facility (nursing home). Language in the above policies suggests that the proposed expansion may be denser than contemplated by the comprehensive plan designation. The site could have been utilized for single-family residential use, which would typically have fewer residents, but there is no limitation on family size or even what constitutes as a family in any zone including residential zones. Approval of the expansion would allow a use that serves needy seniors of the immediate area and Oregon City. The proposed development does not limit the ability of other residents within the area to continue to access city services, utilize the transportation system or continue existing uses within the area. In addition, Section 2 of the Comprehensive Plan generally encourages promotion of infill and higher density redevelopment to encourage more efficient land use. Further, the expanded facility will be available to serve the residents of the immediate area and the residents of Oregon City. The Conditional Use process provides criteria to allow approval of care facilities with more than 15 people. The facility will become a part of the residential fabric within the area and create another level of diverse housing opportunities for disabled residents. The criteria identified for the Conditional Use do not provide barriers to construction of additional housing choices that cannot be mitigated through compliance with the applicable approval criteria and conditions of approval. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

Goal 6.1¹ Air Quality- *Promote the conservation, protection and improvement of the quality of the air in Oregon City.*

Policy 6.1.1 *Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.*

Policy 6.1.4 *Encourage the maintenance and improvement of the city's tree canopy to improve air quality.*

Finding: Complies as proposed. The applicant's proposal has very little impact to overall traffic in the area. The application was reviewed by John Replinger, PE, City transportation consultant from Replinger and Associates, who based his analysis on the original Transportation Analysis Letter prepared by Frank Charbonneau, PE, PTOE of Charbonneau Engineering LLC, (Exhibit 2).

The TAL presented information on trip generation for a 31-bed assisted living facility. The trip generation rates were taken from the Institute of Transportation Engineers' Trip Generation. The engineer used the trip generation rates for land use category 254 – assisted living facility. The engineer predicted that the facility would produce 4 AM peak hour trips; 7 PM peak hour trips; and 82 weekday trips. Using the same resources, Mr. Replinger calculated the trip generation for the expanded facility. With the expansion to 38 beds, the facility is calculated to produce 5 AM peak hour trips; 8 PM peak hour trips; and 101 weekday trips. The expansion from 31 to 38 beds is insignificant.

Additionally, access locations, driveway width, intersection spacing, sight distance, safety, and consistency with the Transportation System Plan have all been adequately addressed with the existing improvements.

Mr. Replinger concluded, "I find that the original TAL met city requirements and that the change in transportation impacts from the proposed expansion are insignificant. There is no need for any mitigation measures in connection with the expansion."

Goal 6.3 Nightlighting *Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while providing for nightlighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, to reduce light trespass onto neighboring properties, to conserve energy, and to reduce light pollution via use of night-friendly lighting.*

Policy 6.3.1 - *Minimize light pollution and reduce glare from reaching the sky and trespassing onto adjacent properties.*

Policy 6.3.2 - *Encourage new developments to provide even and energy-efficient lighting that ensures safety and discourages vandalism. Encourage existing developments to retrofit when feasible.*

Finding: Complies with Condition. Please refer to the findings for Outdoor Lighting in section 17.62.065 earlier in this report. The proposed lighting plan will comply with the Oregon City Municipal Code with the suggested conditions of approval. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

¹ Staff determined that Sections 3, 4 and 5 of the Comprehensive Plan do not apply to this proposal because Sections 3 and 4 govern agricultural and forest land, respectively, neither of which are present at the site; and Section 5 governs Open Spaces, Scenic and Historic Areas, and Natural Resources that are similarly not present on the subject site.

Goal 6.4 Noise- *Prevent excessive noise that may jeopardize the health, welfare, and safety of the citizens or degrade the quality of life.*

Policy 6.4.1- *Provide for noise abatement features such as sound-walls, soil berms, vegetation, and setbacks, to buffer neighborhoods from vehicular noise and industrial uses.*

Finding: Complies as proposed. Staff anticipates that the proposed use will produce less noise than that generated by three single-family homes if they were developed on the same property. Excessive noise is typically addressed through the nuisance / code enforcement process if and when a complaint is lodged. Primary sources of noise from the facility could result from employee and visitor vehicle traffic - which is predicted to be quite low for the proposed land use as discussed in the transportation analysis, and landscaping maintenance (mowing, weed trimmers and leaf blowers) - which would typically occur intermittently during daily business hours throughout the week. As shown on the landscaping plans, the primary entrance to the building will orient toward South End Road, there will be limited-access doorways (for emergency access only) on the north and south side of the building, and the site will have a large setback at the rear (62').

Goal 9.1² *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.*

Goal 9.4 *Education, Skills And Workforce Training- Ensure that the major employers in Oregon City are able to find qualified and skilled workers to meet their needs.*

Finding: Complies as Proposed. The proposed development would provide some short-term construction and long-term employment opportunities within Oregon City.

Goal 10.1 *Diverse Housing Opportunities - Provide for the planning, development and preservation of a variety of housing types and lot sizes.*

Policy 10.1.3- *Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.*

Policy 10.1.4- *Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.*

Finding: Complies as Proposed. The proposed expansion would provide an opportunity for an assisted living facility to support diverse housing types within Oregon City. Although the City has designated this site as "R-10," a zone that does not allow multi-family residential developments (though the density may be similar, the applicant has not proposed a multi-family development), this restriction must be weighed against the shortfall of assisted living facilities in the City and the number of housing units projected in Oregon City's Comprehensive Plan. Section 10 of the Plan describes that the City is projected to fall short of its 2017 target for housing by more than 1,400 units. This proposal would add housing that would help the City achieve its goals. Further, the proposed assisted living facility sited within an existing residential neighborhoods provides an important opportunity for residents of Oregon City to age in place and stay connected to the neighborhood, familiar local activities, community events, friends and family, thus reducing the isolation of income groups.

² Staff determined that Sections 7 and 8 of the Comprehensive Plan do not apply to this proposal because Section 7 governs natural hazards and no natural hazards exist on the site, and Section 8 governs Parks and Recreation that are similarly not present on the subject site.

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 11.1.6 - Enhance efficient use of existing public facilities and services by encouraging development at maximum levels permitted in the Comprehensive Plan, implementing minimum residential densities, and adopting an Accessory Dwelling Unit Ordinance to infill vacant land.

Finding: Complies as Proposed. The project provides for full development of existing underdeveloped property within the Urban Growth Boundary. The proposed development and the design of the facility on the site results in a more efficient use of the site and existing public facilities and services by accommodating a more intensive use through the conditional use process.

Policy 11.4.3 - Ensure parking lot designs that mitigate stormwater impacts. Take measures to reduce waterflow and increase water absorption through the use of bioswales, vegetated landscaped islands with curb cuts to allow water inflow, and tree planting.

Policy 11.4.5 - Design stormwater facilities to discharge surfacewater at pre-development rates and enhance stormwater quality in accordance with criteria in City of Oregon City Public Works Stormwater and Grading Design Standards.

Finding: Complies as proposed. No changes are proposed to the existing stormwater facility which will be adequate to handle the small expansion of impervious surface associated with the addition. The facility was found to comply with the Stormwater and Grading Design Standards when it was developed and Public Works Development Services does not require additional treatment.

Goal 11.6 Transportation Infrastructure - Optimize the City's investment in transportation infrastructure.

Policy 11.6.1 - Make investments to accommodate multi-modal traffic as much as possible to include bike lanes, bus turnouts and shelters, sidewalks, etc., especially on major and minor arterial roads, and in regional and employment centers.

Finding: Complies as proposed. The site is located on South End Road which is designated as a Minor Arterial in the Oregon City Transportation System Plan (TSP), and Amanda Court which is a local street. The site is also designated as a transit corridor in the TSP, although it is not currently served by Tri-Met. Tri-Met was provided notice but did not provide comment on this application. Sidewalks have been constructed to current city standards along the frontage of the property on both streets, including a bike lane on the west side South End Road.

Goal 12.1 Land Use-Transportation Connection - Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.

Policy 12.1.1 - Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.

Policy 12.1.4 - Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.

Goal 12.3 Multi-Modal Travel Options- Develop and maintain a transportation system that provides and encourages a variety of multi-modal travel options to meet the mobility needs of all Oregon City residents.

Policy 12.3.2 - Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.

Policy 12.3.3 - *Provide a well-defined and accessible bicycle network that links residential areas, major bicycle generators, employment centers, recreational areas, and the arterial and collector roadway network.*

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.*

Finding: Complies as proposed. The site is located on South End Road which is designated as a Minor Arterial in the Oregon City Transportation System Plan (TSP), and Amanda Court which is a local street. The site is also designated as a transit corridor in the TSP, although it is not currently served by Tri-Met. Tri-Met was provided notice but did not provide comment on this application. Sidewalks have been constructed to current city standards along the frontage of the property on both streets, including a bike lane on the west side South End Road. The Comprehensive Plan states that higher density housing and non-residential uses should be clustered around collectors and arterials. This project meets this plan goal because South End Road is an arterial. The pedestrian and bicycle improvements that have been installed with the project will assure that the proposed addition to the use contributes to safe, multi-modal travel options and walkability.

Goal 13.2 Energy Conservation- *Plan public and private development to conserve energy.*

Policy 13.2.1- *Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).*

Finding: Complies as Proposed. The proposed addition and land use concentrates residential density along a designated arterial transit corridor, which is appropriate for the location. The nature of the land use is such that it will not greatly increase traffic since the majority of the occupants will not own cars and cannot drive. Section 13 of the Comprehensive Plan recognizes that zoning regulations often segregate types of land use – industrial, commercial and residential to separate incompatible uses. The result is often longer travel distances from work to home and to other destinations. Regulations that instead promote mixed-use, compact development, residential cluster, increased landscaping for cooling purposes, water quality, and home-based occupations can promote energy conservation. The applicant’s proposal would provide a development that conserves energy resources.

Policy 13.2.5- *Construct bikeways and sidewalks, and require connectivity of these facilities to reduce the use of petroleum-fueled transportation.*

Finding: Complies as proposed. See findings under Goal 12.1, 12.3 and 12.5 above.

Goal 14.2³ Orderly Redevelopment of Existing City Areas- *Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.*

Policy 14.2.1 - *Maximize public investment in existing public facilities and services by encouraging redevelopment as appropriate.*

Policy 14.2.2 - *Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.*

Policy 14.3.1 - *Maximize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.*

Finding: Complies as Proposed. The proposed addition to this project provides for full development of a residential property within the Urban Growth Boundary. The proposed development results in a more efficient

³ Staff determined that Section 15 of the Comprehensive Plan does not apply to this proposal because Section 15 governs the Willamette River Greenway which is not affected by this application.

use of the site and existing public facilities and services by accommodating a more intensive use through the Conditional Use process. Further, the proposed development addresses some of the challenges facing Oregon City, including ensuring an adequate supply of housing for an aging population.

17.56.010.B. *Permits for conditional uses shall stipulate restrictions or conditions which may include, but are not limited to, a definite time limit to meet such conditions, provisions for a front, side or rear yard greater than the minimum dimensional standards of the zoning ordinance, suitable landscaping, off-street parking, and any other reasonable restriction, condition or safeguard that would uphold the spirit and intent of the zoning ordinance, and mitigate adverse effect upon the neighborhood properties by reason of the use, extension, construction or alteration allowed as set forth in the findings of the planning commission.*

Finding: Complies with Conditions. Staff recommends conditions of approval described in this report. The applicant recognizes that staff or the Planning Commission may include such conditions and restrictions. With this modification to the Conditional Use permit staff specifically recommends that the applicant address the following issues which have been attached as specific Conditions of Approval:

- Width of on-site pathways. Prior to issuance of a building permit, the applicant shall either remove the on-site paths that are less than five feet in width on plan submittals, or revise the plans to indicate 5' wide paths in accordance with OCMC 17.62.050.A.9.
- Chain link fence. Prior to issuance of a building permit, the applicant shall remove the chain link fencing and or replace it with non-prohibited materials in accordance with OCMC 17.62.050.A.21.
- Transparency. Prior to issuance of a building permit, the applicant shall provide calculations of transparency on all plan elevations. Transparency shall be at least 37% on the facade facing Amanda Court and 53% on the facade facing South End Road in accordance with OCMC 17.62.055.I.
- Outdoor lighting. Prior to issuance of a building permit, the applicant shall prepare an updated lighting and photometric plan that conforms to the applicable standards of OCMC 17.62.065 and OCMC 17.622.080.C.2. The Community Development Director may also approve the revised lighting plan through the Type I Minor Site Plan process.
- Screening for mechanical equipment. Prior to issuance of a building permit, the applicant shall provide ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view of the mechanical units from the street in accordance with OCMC 17.62.050.A.20.

Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.

17.56.010.C. *Any conditional use shall meet the dimensional standards of the zone in which it is to be located pursuant to subsection B of this section unless otherwise indicated, as well as the minimum conditions listed below.*

Finding: Complies as proposed. Please refer to the analyses regarding OCMC Chapters 17.08 and 17.56 in this report.

17.56.010.D. *In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change of use, expansion of lot area or expansion of structure shall conform with the requirements for conditional use.*

Finding: Applicable. The proposed addition is a modification to an existing conditional use (file CU 14-01) and has been reviewed for conformance with the conditional use criteria.

17.56.010.E. *The planning commission may specifically permit, upon approval of a conditional use, further expansion to a specified maximum designated by the planning commission without the need to return for additional review.*

Finding: Not applicable. The applicant has not requested that the Planning Commission approve a future expansion to the conditional use.

17.56.040.A. Building Openings. *The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the planning commission.*

Finding: Complies as proposed. The additions will comply with the interior sideyard setback of 10 feet on the north side of the building. Openings within fifty feet from adjacent residential properties are standard residential type windows and doors and will not create anymore glare than is typical of the types of windows that are as used in the surrounding residential homes. The building use proposed - residential care facility for memory care patients is a quiet and low traffic use. The residents of this facility will be mainly bed bound or wheelchair bound. The facility is also a secure facility for the safety of the residents where residents cannot open doors without staff assistance. Most outdoor recreation will occur in the interior courtyard. The windows of the facility are operable but they will be closed for the majority of the time, except for when open-air ventilation is desired, and have alert sensors notifying staff when a window is opened. Therefore, excessive noise or excessive traffic will not be an issue on the surrounding properties. Further, the subject property has only (1) neighboring site with a structure built on it adjacent and within 50' of the development to the north. On the east side the property abuts South End Rd. with a church across the street. On the south side is a narrow and non-buildable strip of land, which will primarily be used for street and sidewalk improvements on abutting Amanda Court. There is also a 62' setback from the rear of the proposed building to the south property line.

17.56.040.B Additional Street Right-of-Way. *The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.*

Finding: Not applicable. All public street improvements subject to compliance with OCMC 12.04 – *Streets, Sidewalks and Public Places*, were completed through the Conditions of Approval for files CU 14-01 and SP 14-09. No changes to the existing street improvements are proposed.

17.56.040.C Public Utility or Communication Facility. *Such facilities as a utility substation, water storage tank, radio or television transmitter, tower, tank, power transformer, pumping station and similar structures shall be located, designed and installed with suitable regard for aesthetic values. The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure. Hydroelectric generation facilities shall not exceed ninety megawatts of generation capacity.*

Finding: Not applicable. No such facilities are proposed or required with this development application.

17.56.040.D Schools. *The site must be located to best serve the intended area, must be in conformance with the city plan, must have adequate access, and must be in accordance with appropriate State standards.*

Finding: Not applicable. The applicant has not proposed a school use.

17.56.040.E Helipad Landing Facility. *In evaluating a conditional use application for a helipad, the planning commission shall consider such matters as the following:*

Finding: Not applicable. The applicant has not proposed a helicopter landing facility with this development.

17.56.040.F Residential Care Facilities.

1. In addition to the general provisions of Section 17.56.020, any application shall include a description of the proposed use, including the number of residents and the nature of the condition or circumstances for which care, or a planned treatment or training program will be provided, the number of staff and the estimated length of stay per resident and the name of the agency responsible for regulating or sponsoring the use.

Finding: Complies as proposed. The project is a proposal to make a modest expansion of 7 additional beds to a 31-bed memory care facility. The building will provide accessible sleeping and living units for the residents who will receive 24-hour care and supervision for memory care related health issues and disabilities due to advanced age conditions such as Alzheimer's and dementia. The facility will cater towards primarily elderly individuals, but will provide care and housing to all individuals with memory care health needs. The facility will be licensed and monitored by the State of Oregon and The Department of Human Services.

2. Approval of a conditional use application for a residential care facility shall include the following minimum standards where applicable:

a. The proposed facility shall maintain all applicable licenses required by the appropriate agencies for the use described in the application.

Finding: Complies as proposed. The facility will be separately licensed and monitored by the State of Oregon and The Department of Human Services.

b. All residential care facilities shall be subject to design review. Special considerations for this use are:

i. Compatibility in appearance with the surrounding area;

Finding: Complies as proposed. The proposed design of the building will be compatible with the adjacent residential area. Compliance with the specific architectural requirements for Commercial and Institutional Buildings is a requirement of Site Plan and Design review and those details are provided in the Site Plan and Design Review compliance findings in section 17.72.050. By complying with those standard the applicant complies with this criterion.

ii. Provisions of usable on-site open space appropriate to the needs of the residents and the nature of the care, treatment or training provided;

Finding: Complies as proposed. The design of the facility includes an exterior path around the building and an outdoor patio, extensive landscaping, as well as a central courtyard appropriate to the needs of the residents and the nature of the care, treatment or training provided. The five-foot wide on-site walkway with landscaping on either side will surround the building to promote activity and interest. Additionally, new public sidewalks have been constructed around the entire property frontage, with planter strips and tree wells to provide separation for pedestrians from the street with street trees. Off-street (on-site) parking areas have been designed so as to accommodate visitor and staff parking, without compromising the minimum standards for landscaping.

iii. Clearly defined property boundaries.

Finding: Complies as proposed. The application includes one tax lot with clearly defined boundaries.

17.56.040.G Bed and Breakfast Inns.

Finding: Not applicable. The applicant has not proposed a bed and breakfast with this development.

17.56.060 *Revocation of conditional use permits.*

The Planning Commission or the City Commission may initiate administrative action under Chapter 17.50 to revoke any conditional use permit previously issued by the city or, with regard to lands annexed by the city, those such permits issued by the county. The Planning Commission or, on review, the City Commission, may revoke such permit upon determining:

A. One or more conditions attached to the grant of the conditional use permit have not been fulfilled; and

B. The unfulfilled condition is substantially related to the issuance of the conditional use permit.

Finding: Not applicable. Staff is not aware of any applicable conditions of the existing conditional use permit that are not met.

17.56.070 Periodic review of conditional use permits.

- A. The City Commission may provide for the periodic review of some or all of the conditional use permits previously issued by the city, or, with regard to lands annexed by the city, those such permits issued by the county. In providing for such review, the City Commission may designate classes of such previously issued permits for which periodic review shall be undertaken.
- B. Such review shall be accomplished as an administrative action under Chapter 17.50 and shall be limited to the question of whether additional conditions should be imposed on a conditional use in the light of changing circumstances and more efficient implementation of the city's comprehensive plan.
- C. Notwithstanding the provisions of Chapter 17.58, any additional conditions shall be met as a requirement for continued operation of the conditional use.

Finding: Not applicable. This is an application for a modification to the prior conditional use approval, not a periodic review.

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

12.04.003 - Applicability.

- A. Compliance with this chapter is required for all land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements.
- B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage, of all single and two-family dwellings. All applicable single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter. In addition, the frontage of the site shall comply with the following prioritized standards identified in this chapter:
1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
 2. Plant street trees.

The cost of compliance with the standards identified in 12.04.003.B.1 and 12.04.003.B.2 is limited to ten percent of the total construction costs. The value of the alterations and improvements as determined by the community development director is based on the entire project and not individual building permits. It is the responsibility of the applicant to submit to the community development director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal such as access or landscaping requirements.

Finding: Not applicable. All public street improvements subject to compliance with this Chapter were completed through the Conditions of Approval for files CU 14-01 and SP 14-09. No changes to the existing street improvements are proposed.

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

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

Finding: Not applicable. There is no encroachment to the right of way.

CHAPTER 12.08 - PUBLIC AND STREET TREES

12.08.015 - Street tree planting and maintenance requirements.

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

Finding: Complies as proposed. Street trees have already been installed along both frontages.

12.08.025 - General tree maintenance.

Abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

Finding: Complies as proposed. Maintenance of street trees and planting strips is anticipated to be the responsibility of the property owner and/or the hired management company.

12.08.040 - Heritage Trees and Groves.

Finding: Not applicable. The applicant did not propose to designate or remove a heritage tree or grove.

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.

Not applicable. The conveyance facilities will be contained entirely on the site.

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

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

Not applicable. The proposed development will not meet the threshold triggers for stormwater management.

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

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

Finding: Not Applicable. The proposed development does not meet the criteria for exemption.

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.

Finding: Not applicable. The proposal does not contain elements requiring additional stormwater management practices.

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.

Finding: Not applicable. The proposal does not contain elements requiring stormwater management submittals.

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

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

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

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

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

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

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

Finding: Not applicable. The proposal does not contain elements requiring stormwater management submittals.

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.

Finding: Not Applicable. The applicant has not proposed alternative design methods requiring special approval by the City Engineer. However, should the applicant propose such methods with the public facilities construction plan submittal, the proposal (Application) will be reviewed and approved by the City Engineer as required.

13.12.120 - Standard construction specifications.

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

Finding: Not applicable. The proposal does not contain elements requiring stormwater management submittals.

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.*

Finding: Not applicable. No grading is proposed.

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.

Finding: Not applicable. A grading plan is not required.

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

17.47.070 Erosion and sediment control plans.

A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.

Finding: Not applicable. An erosion control plan is not required.

CHAPTER 17.41 - TREE PROTECTION STANDARDS

17.41.020 - Tree protection—Applicability.

- 1. Applications for development subject to Chapters 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.*
- 2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.*
- 3. Tree canopy removal greater than twenty-five percent on sites greater than twenty-five percent slope, unless exempted under Section 17.41.040, shall be subject to these standards.*
- 4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter 12.08.050 shall be subject to the standards of this section.*

Finding: Not applicable. The proposed development does not include removal of any trees.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

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

Finding: Complies as proposed. The proposed modification to the conditional use, minor site plan and minor variance application is being reviewed pursuant to the Type III process. Notice was posted onsite, online, in the newspaper and mailed to property owners within 300 feet of the proposed development site at least 20 days prior to the public hearing.

17.50.050 Preapplication Conference

A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.

Finding: Complies as proposed. The applicant held a pre-application conference (file PA 18-33, notes attached) on August 15, 2018. The land use application was submitted within 6 months of the pre-application conference on September 5, 2018. The application was deemed incomplete on September 24, 2018 and after the submittal of additional information the application was deemed complete on October 10, 2018.

17.50.055 Neighborhood Association Meeting

Finding: Complies as proposed. The applicant's representatives organized and held a neighborhood association meeting at the location of the proposed development on October 18, 2018 to present the proposal to the South End Neighborhood Association and Hazel Grove Neighborhood Association.

17.50.060 Application Requirements.

Finding: Complies as proposed. All application materials required are submitted with this narrative. The applicant provided full-size and reduced size sets of plans and electronic copies of all materials to accompany the submittal items.

17.50.070 Completeness Review and 120-day Rule.

Finding: Complies as proposed. The land use application was submitted within 6 months of the pre-application conference on September 5, 2018. The application was deemed incomplete on September 24, 2018 and after the submittal of additional information the application was deemed complete on October 10, 2018. The City has until February 7, 2019 to make a final determination.

17.50.080 Complete Application--Required Information.

Finding: Complies as proposed. The application was deemed incomplete on September 24, 2018 and after the submittal of additional information the application was deemed complete on October 10, 2018.

17.50.090 Public Notices.

Finding: Complies as proposed. Notice was posted onsite, online, in the newspaper and mailed to property owners within 300 feet of the proposed development site at least 20 days prior to the public hearing. Staff provided email transmittal of the application and notice to affected agencies, the Natural Resource Committee and to all Neighborhood Associations requesting comment.

17.50.100 Notice Posting Requirements.

Finding: Complies as proposed. The site was posted with two signs for the minimum requirement.

CHAPTER 17.54.100 – FENCES

Fence, Setback and Height Limitations.

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

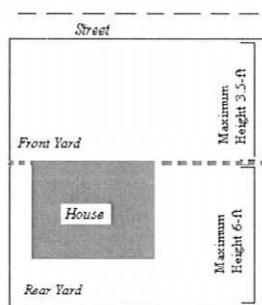


Diagram: Any fence, hedge or wall located in front of your home may be up to three and one-half feet in total height.

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

A. Generally. Fence, hedge, or wall.

1. Fences and walls—Fences and walls over forty-two inches shall not be located in front of the front façade or within forty feet of the public right-of-way, whichever is less. All other fences (including fences along the side and rear of a property) shall not exceed six feet in total height unless as permitted [in] Section 17.54.100.B.

Finding: Complies as proposed. There are no fences taller than forty-two inches tall in the front yard. The fence along Amanda Court is five feet tall.

2. Hedges shall not be more than forty-two inches in the underlying front yard setback. Individual plants and trees taller than forty-two inches tall may be permitted provided there is at least one foot clearance between each plant.

Finding: Complies as proposed. There are no hedges taller than forty-two inches tall in the front yard.

3. Property owners shall ensure compliance with the traffic sight obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.

Finding: Complies as proposed. No obstructions are located in the clear vision area. Sight distance was deemed to be adequate by the City's transportation consultant.

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

Finding: Complies as proposed. No electric or barbed wire fence is proposed.

B. Exception. Fence, hedge, wall, or other obstructing vegetation on retaining wall. When a fence, hedge, wall, or other obstructing vegetation is built on a retaining wall or an artificial berm that is not adjacent to or abutting a public right-of-way, the following standards shall apply:

1. When the retaining wall or artificial berm is thirty inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.
2. When the retaining wall or earth berm is greater than thirty inches in height, the combined height of the retaining wall and fence or, wall from finished grade shall not exceed eight and one-half feet.
3. Fences, hedges or walls located on top of retaining walls or earth berms in excess of eight and one-half feet in height shall be set back a minimum of two feet from the edge of the retaining wall or earth berm below and shall not exceed a combined height of eight and one-half feet.

Finding: Not applicable. The applicant has not proposed a fence, hedge or wall on a retaining wall.

4. An alternative height or location requirement may be approved within a land use process for all non-single-family and two-family residential properties. The fence, hedge or wall shall be compatible with the adjacent neighborhood and achieve the same intent of the zoning designation and applicable site plan and design review process. In no case may the fence, hedge or wall exceed eight feet in height without approval of a variance.

Finding: Complies as proposed. The applicant has proposed a seven foot high wrought iron fence on two sides of the patio area at the southeast corner of the building. As proposed, this is a short section of fence approximately 30 feet in total and not highly visible. It would be located more than 47 feet from the front property line on South End Road and approximately 20 feet from Amanda Court. Given the nature of the residents' memory care needs, the seven foot height is proposed to protect the residents from elopement. The fence is an open wrought iron design with brick pillars spaced at approximately twenty-foot intervals and is compatible with the adjacent residential properties.

III. SUMMARY AND RECOMMENDATION

Staff has reviewed the criteria for files GLUA-18-00025, VAR-18-00001, SP-18-00106, and MD-18-00001 and provided findings that the criteria have been met or can be met with conditions of approval and recommends the Planning Commission approve the application with the conditions identified within this report.

IV. EXHIBITS

1. Vicinity Map
2. Application – Narrative Materials
3. Application – Proposed Plan Set
4. Pre-Application Conference Notes
5. Neighborhood Association Meeting Materials
6. Public Comments
 - a. Gregory Peterson
7. Planning Files CU 14-01 / SP 14-09 / VR 14-01 / LL 14-05
 - a. Staff Report and Recommended Conditions Of Approval, August 6, 2014
 - b. Notice of Decision, September 23, 2014
 - c. Final Findings of Planning Commission, September 15, 2014
 - d. Complete Planning Commission Record - Hearing Dates:
 - 9/22/2014
 - 9/8/2014
 - 8/11/2014
 - 7/14/2014
8. Public Notices