



NOTICE OF PLANNING COMMISSION DECISION

DATE OF MAILING OF NOTICE OF DECISION: November 15, 2017

- FILE NUMBER:** CP-17-0002: General Development (Concept) Plan
DP-17-0003: Detailed Development Plan for Phase 1
NR-17-0004: Natural Resource Overlay District Verification
- APPLICANT:** Hill Architects
1750 Blankenship Rd, Ste. 400
West Linn, OR 97068
- OWNER:** Hackett Hospitality Group, LLC
1419 W. Main Street
Battleground, WA 98604
- REQUEST:** Approval of a General Development Plan and Detailed Development Plan in two phases located close to the intersection of 17th Street and Washington Street directly across from the End of the Oregon Trail Interpretive Center. Phase 1 which is the subject of the Detailed Development Plan consists of a 5-story hotel with approximately 99 rooms with associated parking lot, site improvements and street frontage improvements. Phase 2 consists of 131 apartment units, 9,500 square-foot of retail space, a 2,500 coffee shop and associated parking and site improvements. The project proposal includes preservation and retention of the Hackett House, a designated historic landmark which is currently used for offices. The application requested six adjustments to the development code pursuant to OCMC 17.65.070.
- LOCATION:** 415 17th Street + no address on Washington Street
Map number 2-2E-29CA, Tax Lots 601, 900, 1000, 1100, 1200, 1300, 1301
- REVIEWERS:** Pete Walter, AICP, Planner
Laura Terway, AICP, Community Development Director
Carrie Richter, City Attorney
Wendy Marshall, PE, Public Works Development Services Manager

DECISION: On November 13, 2017, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Planning Commission voted 5-0 to approve with conditions the aforementioned application.

PROCESS: 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.

Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. 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, all issues are addressed. The decision is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

The entire record for this decision is available for review at the Planning Division, 8:30 AM – 3:30 PM, Monday – Friday.

**PLANNING COMMISSION
CONDITIONS OF APPROVAL**

November 13, 2017

Planning Files: CP-17-0002, DP-17-0003, NR-17-0004

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

(DS) = Verify that condition of approval has been met with the Development Services Division.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

The applicant shall include the following information with submittal of a public improvement and/or grading permit associated with the proposed development. The information shall be approved prior to issuance.

1. Existing service connection to the 48-inch sewer pipe on site shall be usable and meet the minimum inside diameter requirement of 6" for serving commercial buildings. Any new connection to the Tri-City Service District (TCSD) main will require permission from TCSD with all approved permits provided to the City. (DS)
2. Extension of the 8-inch sanitary sewer main within Washington Street, to and through the site frontage will be required. (DS)
3. The applicant shall confirm that no buildings have sewer service running within the subject site. If other buildings have a sewer service running through the subject site, the applicant shall provide a new service line from the required 8-inch sanitary sewer main extension within its frontage. (DS)
4. The existing 6-inch water main in 17TH Street shall be upsized to the City's standard 8-inch diameter ductile iron water main. A fee-in-lieu of construction of the new 8-inch water main will be considered if upsizing of 6-inch pipe is shown to not be feasible. An adequate easement shall be provided for the water main along the frontage of 17th Street. (DS)
5. Overhead utilities along the site frontage shall be relocated underground. (DS)
6. The applicant will need to submit a photometric plan with the construction plan submittal to facilitate design of the streetlights by PGE. Streetlights shall be decorative and match the style of existing decorative streetlights found along Washington Street. (DS)
7. The applicant shall perform all cuts and restoration to pavement within the right-of-way in accordance with the City's Pavement Cut Standards. (DS)
8. All development shall be in conformance with the policies and design standards established by the Oregon City Municipal Code and with applicable standards in the city's public facility master plans and city design standards and specifications. (DS)
9. The applicant shall dedicate sufficient right-of-way (ROW) to provide, at minimum, a ROW width 43 feet north of the centerline for Washington Street. Improvements required north of the centerline along the frontage of Washington Street are: a 6-foot-wide half center lane, a 12-foot-wide travel lane, a 6-foot-wide bike lane, 8-foot-wide on-street parking, 0.5-wide curb, 4-foot-wide furnishing zone/planter strip, 6-foot-wide sidewalk and 0.5-foot public access. (DS)
10. 17th Street shall have a 24-foot wide street section, as can be accommodated without extending street pavement towards Abernethy Creek. The improvements required along 17th Street are 0.5-wide curb with gutter, 5-foot-wide curb-tight sidewalk and 0.5-foot public access. Portions of the sidewalk will be allowed to meander around the existing tree but shall be provided a public sidewalk easement. (DS)
11. The project shall meet water quality standards of Oregon City Stormwater and Grading Design Standards but is not required to meet flow control standards. (DS)
12. Applicant shall submit engineering calculation of cut and fill for the development for review and approval based on criteria outlined in Section 17.42.160.D of Oregon City Municipal Code. (DS)
13. Regarding construction standards within flood management areas, applicant shall adhere to Section 17.42.160.E of Oregon City Municipal Code. (DS)

14. Applicant shall obtain Erosion Control permit from the City and a 1200-C permit from Oregon Department of Environmental Services prior to commencing construction activities. (DS)
15. The applicant shall submit an engineered grading plan and geotechnical report for review and approval prior to approval of public improvement plans.(DS)
16. The applicant shall provide a memo or exhibit to demonstrate exemption from OCMC chapter 17.44, for excavation or fill within the Geologic Hazard overlay zone. However, should the applicant propose any work which is not exempt, requiring excavation or fill which is more than two feet in depth, or which involves more than twenty-five cubic yards of volume within the Geologic Hazard overlay Zone the project will be subject to Geologic Hazard review as outlined in OCMC Chapter 17.44. (DS)
17. The applicant shall construct Washington Street along the site frontage including a center turn lane to provide for left turns into the site. Applicant shall provide additional traffic engineering analysis relating to the location of the site access that shows the location of proposed access will not have a significant adverse impact with queuing or traffic operations at adjacent traffic signals. (DS)
18. With the exception of recommendations that conflict with Oregon City emergency egress requirements, the applicant shall comply with the Oregon Department of Transportation's comments and recommendations in the memorandum provided on July 14, 2017. (P)
19. The applicant shall submit documentation demonstrating compliance with one or more of the options for Tree Removal and Mitigation in Chapter 17.41. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. The project arborist preparing the tree mitigation plan shall coordinate with the project landscape architect to ensure that any trees to be preserved are indicated on the revised landscaping plans for the site and that all protective measures are properly installed pursuant to OCMC 17.41.130 - Regulated tree protection procedures during construction. The applicant shall provide a revised arborist report indicating recommendations for tree protection procedures during construction or as a minimum show compliance with protective measures in OCMC 17.41.130 B(1-9). (P)
20. The applicant shall provide a clear schedule for timing of all public improvements related to mitigation thresholds, including transportation, sewer, water, stormwater facilities for approval by the Public Works Department prior to issuance of a grading or construction permit for public improvements.(DS)

The applicant shall include the following information prior to issuance of the grading permit associated with the proposed development.

21. The applicant shall coordinate with the Confederated Tribes of the Grande Ronde as needed to confirm the measures that will be taken to address the Tribes concerns regarding disturbance of possible archaeological sites.(P)

The applicant shall include the following information with submittal of a Building Permit associated with the proposed development. The information shall be approved prior to issuance.

22. For any multi-family building which would be subject to OCM 17.52.057 multi-family design standards, when the Detailed Development Plan for Phase II of the development is proposed the applicant shall provide additional mitigation for adjustment #4 (window design) such as increased minimum transparency, trim details, higher quality materials, greater articulation or modulation, or landscaping. (P)
23. The applicant shall provide revised plans that include signs at the north main entrance to the hotel that indicate the location of the covered bicycle parking at the south entrance. (P)
24. The applicant shall comply with conditions of the Historic Review Board approval for file HR-17-002. (P)
25. The applicant shall demonstrate compliance with the minimum of 10% landscaping for phase 1 on all revised landscaping plans. The applicant shall provide landscaping percentage calculations for the parking lot interior and all other landscaped areas on the site prior to issuance of a building permit. (P)

26. The applicant shall provide a revised landscaping plan indicating that within three years the landscaping will cover one hundred percent of the Landscaped areas including landscaping within the parking lot, and that 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. (P)
27. The applicant shall provide a revised landscaping plan in conformance with OCMC 17.52.060.B with an evergreen hedge or shrubs at the parking lot entryway on 17th Street. (P)
28. The applicant shall provide revised plans that indicate the use of a change in textural material or height of the pedestrian accessway within the parking lot drive aisle adjacent to the hotel to alert the driver of the pedestrian crossing area. (P)
29. The applicant's photometric engineer shall provide revised lighting plans in compliance with OCMC 17.62.065.D.2., which indicate the use of full-cut-off style lighting fixtures or approved alternatives. The revised lighting plans shall include the min./max. Foot-candle ratio required to be shown in Table 1-17.62.065. (P)
30. No lighting pole taller than 20 feet shall be permitted for Phase 2 without an adjustment through the Type III Master Plan or a Variance.(P)
31. The applicant shall provide revised landscaping plans to show a seven-foot sidewalk with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells at the sidewalk between the Hackett House and the adjacent parking lot. (P)
32. The applicant shall provide revised landscaping plans that add a tree at the landscape island between the trash enclosure and the adjacent parking space at the rear of the hotel. Furthermore the applicant shall utilize large caliper deciduous and evergreen trees to provide a dense screen within six months of planting between the Hackett House and the hotel. (P)
33. Street trees will be selected from the Oregon City Street Tree List or otherwise approved as appropriate for use along the street frontages. Street trees along Washington Street will be in tree wells, trees along 17th Street will be planted behind the curb tight sidewalk. (P)
34. If street trees are planted within an easement along 17th Street the applicant shall provide a protective covenant that allows the city to enforce the public street tree requirements in this area. (P)
35. The applicant shall submit adequate documentation to the Building Official to demonstrate compliance with the Flood Management Overlay District in OCMC 17.42.110, 17.42.160, and 17.42.190. (P)
36. The applicant shall submit a revised Traffic Impact Study when the Detailed Development Plan for Phase II of the development is proposed. (P)
37. Except as outlined below, any fence proposal for the property shall comply with the applicable provisions of OCMC 17.54.100 – Fences and OCMC 17.62.050.A.21 Building Materials and shall be reviewed through a Type I or Type II Site Plan Review process, as applicable. The applicant is permitted a combined fence/retailing wall height of 15 feet. The applicant is permitted to install an eight foot tall fence consistent with ODOT standards along the railroad ROW. (P)
38. The proposed adjustment to building height for Phase 1 is approved. The adjustment does not apply to Phase 2. (P)
39. Adjustment #5 to Section 17.62.055.H.2 – Minimum Wall Articulation, is approved. This adjustment applies to Phase 1.
40. Adjustment #6 to Section 17.62.055.D.3 – Relationship of Buildings to Streets and Parking, is approved. This adjustment applies to Phase 1.

The applicant shall submit the information confirming the following prior to issuance of a Building Permit associated with the proposed development.

41. The applicant shall have completed any Lot Line Abandonments or Adjustments necessary to comply with applicable building code requirements pursuant to OCMC 16.20 – Property Line Adjustments and Abandonment Process and Standards. (P)

The applicant shall include the following information prior to issuance of an occupancy permit associated with the proposed development. The information shall be approved prior to issuance.

42. The applicant shall participate in the funding of improvements for the I-205/OR-99E ramp terminal projects (TSP Projects D75 and D76) in proportion to the development's traffic volumes as a percentage of total year 2035 intersection volumes from the TSP. Based on this methodology, the developer is responsible for 0.42% of the \$3 million cost for Project D75 and for 0.49% of the project cost for Project D76, resulting in a contribution from the applicant of \$12,600 + \$14,700 prorated between Phase 1 and Phase 2 based on projected traffic impact. (DS)
43. The applicant shall participate in the funding of improvements for the Main Street/14th Street improvements (TSP Projects D7 and D8) in proportion to the development's traffic volume as a percentage of the predicted 2035 traffic volume at the intersection calculated in the TSP. Based on the applicant's predicted site traffic, the applicant's responsibility is 1.66% of the project's cost. The higher cost option in the TSP is listed at \$670,000, resulting in a contribution from the applicant of \$11,122 prorated between Phase 1 and Phase 2 based on projected traffic impact (DS).
44. The Applicant shall install Artwork related to the end of the Oregon Trail with a minimum of eight square feet in surface area at the stone wall adjacent to the sidewalk at the landing for the building entrance facing Washington Street.(P)
45. The Applicant shall provide a public cross-access easement between the parcels to ensure pedestrian, bicycle and vehicle access is maintained. The easement shall provide mutual access between all of the properties onsite as well as with the adjacent train station and 17th Street.(P)
46. The duration of approval of this General Development Plan is five years unless amended prior to expiration. (P)
47. Per OCMC 17.41, if tree mitigation option #1 is chosen, the applicant shall recorded a protective covenant for all trees to be preserved and planted on-site prior to issuance of a certificate of occupancy for phase 1 or 2.(P)