



**TYPE III –Master Plan and Detailed Development Plan
SUPPLEMENTAL FINDINGS FOR ADDITIONAL ADJUSTMENTS
STAFF REPORT AND RECOMMENDATION**

September 1, 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: 1750 Blankenship Rd, Ste. 400
West Linn, OR 97068

OWNER: Hackett Hospitality Group, LLC
1419 W. Main Street
Battleground, WA 98604

REQUEST: The applicant has proposed two additional adjustments to the Development Approval Criteria which are explained in this report and recommendation. This report supplements the original staff report dated 08.07.2017.

Approval for General Development Plan for Abernethy Place, a mixed-use project including Hotel, Multi-Family, Retail/Commercial and Office Use to be constructed in two phases over 10-years as well as a Detailed Development Plan for Phase 1 which includes construction of a Hotel and parking lots.

LOCATION: 415 17th Street + no address on Washington Street
Clackamas Assessor Map 2-2E-29CA, Tax Lots 601, 900, 1000, 1100, 1200, 1300, 1301

REVIEWERS: Pete Walter, AICP, Planner

RECOMMENDATION: 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 is appealable to the city commission, on the record. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

17.65.070 Adjustments to Development Standards.

The applicant has requested two additional adjustment requests pursuant to this section. These include:

- Adjustment #5. Adjust the Minimum Wall Articulation in 17.62.055.H.2 to reduce the depth of required wall plane projections or recesses from 3 percent to 2.8 percent.
- Adjustment #6. Adjust the requirement in 17.62.055.D.3 to allow an enhanced façade and pedestrian entry facing Washington Street with a primary vehicular entry Porte Cochere on the side of the building for Phase 1.

Findings for approval of the additional requested adjustments are provided below.

Adjustment #5

Applicant's Response:

Code: 17.62.055.H.2 - Institutional and commercial building standards. Minimum Wall Articulation. 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.

Requested adjustment:

Adjust the Minimum Wall Articulation in 17.62.055.H.2 to reduce the depth of required wall plane projections or recesses from 3 percent to 2.8 percent for Floors 2 through 5 on the north and south facades.

17.65.070.D. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met.

- 1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;*

Applicant's Response:

The stated purpose of 17.62.55 is:

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.

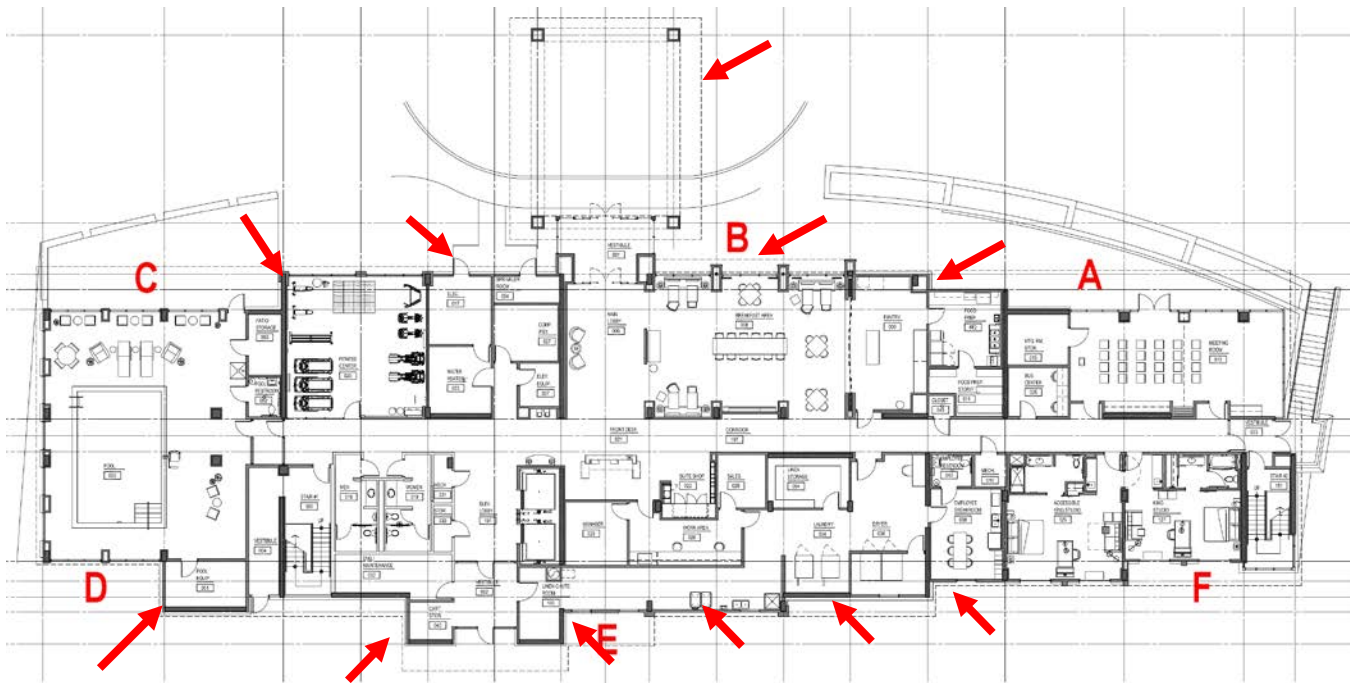
The North and South facades are both approximately 238 feet long. The east and west facades are less than 100 feet in length. The standard applies to the North and South facades and requires a projection or recess of 3% of 238 feet or 7.14' for a minimum length of 20% of the length of the façade, or 47.6 feet.

North Facade: At the lobby level, the large windows located at 'A' and 'C' are recessed approximately 7.23 feet back from the wall plane located at 'B' meeting the depth standard. The recessed wall at 'A' is approximately 55

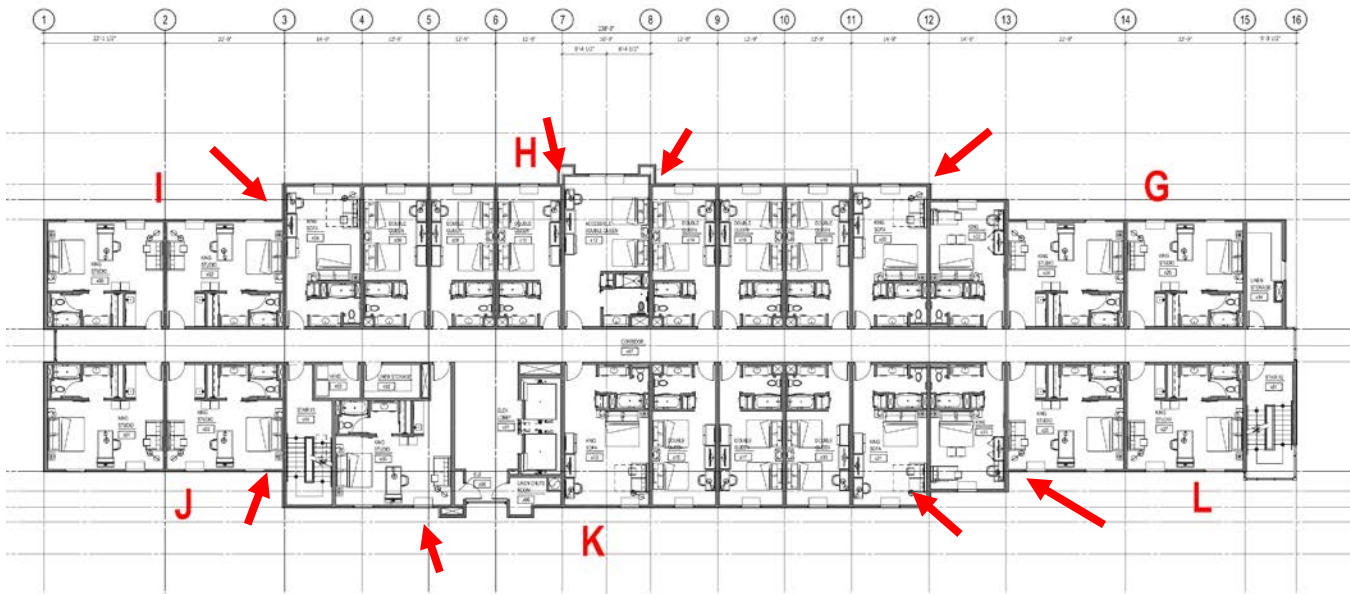
feet long, and 'C' is approximately 45 feet long. At the top of the building the face of the wall and parapet are recessed between 7.7 feet and 11.5 feet back from the face of the parapet at the center of the building, a distance of approximately 68 feet, which meets the standard. At floors 2 thru 5 the wall planes located at 'G' and 'I' are recessed approximately 6.8 feet back from the wall plane at 'H' [a recess of 2.8%] for a length of 56 feet and 45.5 feet respectively. Additional recesses also occur at several locations [see arrows], further adding to visual relief of the facade.

South Façade: At the ground level, the wall planes located at 'D' and 'F' are recessed approximately 9.5 feet back from the wall plane located at 'E', meeting the depth standard. The recessed wall at 'D' is approximately 23 feet long, and 'F' is approximately 33 feet for a total of approximately 56 feet, which meets the standard. At the top of the building the face of the wall and parapet are recessed between 7.7 feet and 11.5 feet back from the face of the parapet at the center of the building, a distance of approximately 68 feet, which meets the standard.

At floors 2 thru 5 the wall planes located at 'L' and 'J' are recessed approximately 6.8 feet back from the wall plane at 'K' [a recess of 2.8%] for a length of 56 feet and 45.5 feet respectively. Additional recesses also occur at several locations [see arrows], further adding to visual relief of the facade.



LOBBY FLOOR



FLOORS 2 thru 5

The proposed design provides building articulation at the parapet which exceeds the requirements of the code. This parapet articulation will be the most visible when the building is viewed either from a distance or from pedestrians in close proximity to the building. The proposed design also provides building articulation at the ground level which exceeds the requirements of the code. This ground level articulation will be most visible to pedestrians when they are in close proximity to the building. Finally the proposed design provides articulation at floors 2 through 5 which is within a few inches of complying with the standard. The articulation at floors 2 through 5 will be difficult for people viewing the building to perceive since it cannot be judged at either the ground level or at the parapet, and it is difficult to assess the depth of the articulation of these floors when viewed either from a distance or from close proximity to the building. Furthermore the design includes additional architectural features which, although they do not technically comply with the design standard, add depth and interest to floors 2 through 5.

Finding: Complies as proposed. In addition to the purpose of the MUD District, the purpose of the requirement is to allow for visual interest and provide visual relief by breaking up the massing of a large wall into smaller segments. As described by the applicant, the adjustment is proposed for floors 2 thru 5. The applicant has met the intent of the standard by providing more than the minimum length of the articulation and by offsetting the articulation. In addition, the proposed design includes a variety of building materials, windows, and landscaping which create the same overall effect of providing visual relief and deconstructing a large building into smaller segments. The applicant's description of the proposed adjustment #5 to reduce the depth of required wall plane projections or recesses from three percent to 2.8 percent, and further clarify that multiple projections or recesses have been added to achieve the required percentage overall on the various facades has adequately addressed the purposes of the MUD zone.

2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;

Applicant's Response:

The cumulative effect of the requested adjustments results in a project consistent with the overall purpose of the MUD zone. The adjustments enhance security, increase buildability, and promote project feasibility, allowing for a mixed use project including lodging and retail/service with residential uses on upper floors appropriate to the MUD zone per 17.34.010. As proposed the design provides an attractive, well-articulated, response to difficult site conditions including; shape of site, flood zone and; existing historic residence.

Finding: Complies as proposed. Staff finds that cumulative effect of the adjustments #5-6, as described in the applicant's responses, results in a project that is still consistent with the overall purpose of the zone.

3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;

Applicant's Response:

City designated goal 5 resources include the historic Hackett House, Abernethy Creek, and a wetland adjacent to the I-205 freeway . These resources are protected to the extent otherwise required by Title 17 in compliance with the following sections:

17.40 – Historic Overlay District. The Hackett House is a locally designated historic structure and landmark. The Historic Review Board reviewed and approved . The historic Hackett House will remain in its original site location without modification. Development of a hotel serving the needs of visitors to the End of the Oregon Trail Interpretive Center across the street supports economic development in the area. Redevelopment of underutilized property within the MUD zone relieves development pressure on existing open space, while protecting natural resources, conserving scenic and historic areas.

17.49 – Natural Resources Overlay District [NROD]: Abernethy Creek is located across 17th Street to the southwest of the project site. A wetland adjacent to I-205 is located across the railroad right-of-way to the northwest of the project site. The attached "NROD Boundary Verification Report" describes these resources and concurrence has been requested that no wetlands, waterways, or other protected features exist on the subject properties and that the NROD buffers do not project onto the subject properties.

Finding: Complies as proposed. Staff finds that proposal has adequately addressed the relevant City-designated Goal 5 resources for adjustment #5. Staff finds that an adjustment to the wall articulation will have no greater impact on these identified Goal 5 resources.

4. Any impacts resulting from the adjustment are mitigated; and

Applicant's Response:

At the lobby floor and parapet where the articulation will be most visible, the wall articulation standard is met or exceeded. At floors 2-5 the length of required articulation exceeds the minimum, while the recess is approximately 4" less than required. Additional articulation is provided at all floors providing cumulative façade articulation exceeding the requirements. Variation between articulation at lobby, roof, and upper floors adds additional variation, further mitigating façade articulation.

Finding: Complies as Proposed. The standard requires a projection or recess of 3% of 238 feet or 7.14' for a minimum length of 20% of the length of the façade, or 47.6 feet. This standard could met by providing a single recess of the required depth and length on all building walls. Instead, the applicant's proposal for floors 2 thru 5 the wall planes located at 'L' and 'J' are recessed approximately 6.8 feet back from the wall plane at 'K' [a recess of 2.8%] for a length of 56 feet and 45.5 feet respectively. Additional recesses also occur at several locations [see arrows], further adding to visual relief of the facade.

There are in total 7 changes in plane varying in length from 14' long to 52' long on floors 2 through 5. Therefore, while the depth of any single articulation does not meet the full 3% depth for 20% of the length in all cases, the cumulative effect of these additional articulations is provided at all floors. Furthermore, the applicant has proposed to exceed the minimum 30% transparency requirement on the North side façade at the pedestrian level with 42% transparency. Multiple building material texture changes consisting of wood texture, fiber cement panels, smooth plaster, and architectural metal have been proposed. Four rows of 18 windows per floor are proposed on floors 2 through 5 on both the North and South facades. Cumulatively, these design aspects adequately mitigate for the adjustment.

5. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

Applicant's Response:

There are no officially inventoried resources or resource values present on the subject property. Property is located within the Natural Resources Overlay District [NROD] per City maps. See Exhibit E, "NROD Boundary Verification Report" for background data and information supporting the following requested actions:

1. Concurrence that no wetlands, waterways, other protected features exist on the subject properties.
2. Concurrence that NROD buffers do not project onto the subject properties. In the case of Abernethy Creek, 17th Street constitutes a physical barrier. In the case of the wetland area to the North, the wetland buffers per table 17.49.110 fall about 150FT from the project.

Erosion and sediment control measures required by section 17.47, including an erosion control plan are provided. 17th Street separates Abernethy Creek from the project site and surface drainage from approximately the street centerline flows away from Abernethy Creek, further minimizing detrimental environmental impacts on the resource. The wetland adjacent to I-205 is on the opposite side and is separated from the project site by the existing railroad tracks. The railroad tracks are elevated above the wetland and form a physical barrier between the wetland and the project site.

Finding: Not applicable. The applicant has already addressed the relevant overlay districts that apply to the building and its location, however, staff finds that adjustment #5 has no effect on environmental resource values since these are architectural features located above the ground that do not impact the NROD or the floodplain.

6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and ancillary documents.

Applicant's Response:

The proposed adjustment is consistent with the Oregon City Comprehensive Plan and ancillary documents by meeting the following comprehensive plan goals & supporting the following policies:

Goal 1.1 Citizen Involvement Program

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 project design team has received input from the neighborhood association, resulting in review and approval of the project as submitted.

Goal 1.4 Community Involvement

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

Public notice for community involvement in the land use process, including requested adjustments has been issued.

Policy 2.1.3 - Encourage sub-area master planning for larger developments or parcels, including re-development, where it may be feasible to develop more mixed uses, or campus-style industrial parks, with shared parking and landscaping areas. Allow developments to vary from prescriptive standards if planned and approved under this provision.

The proposed project supports policy 2.1.3 by being designed and submitted under the Master Plans provisions of Section 17.65, with adjustments as provided by Section 17.65.070.

Goal 2.2 Downtown Oregon City

Develop the Downtown area, which includes the Historic Downtown Area, the “north end” of the Downtown, Clackamette Cove, and the End of the Oregon Trail area, as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for pedestrian and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.

The proposed adjustment enables the proposed hotel entrance to be connected by walkway and drive aisle to Washington Street and future development. The proposed development will provide shopping, living, working activities, and walkways for pedestrian traffic.

Policy 2.2.3 - Develop and promote a vision for the economic development and redevelopment of the Downtown area that solidifies the Oregon City Downtown Community Plan and Oregon City Waterfront Master Plan.

The proposed adjustment enables the proposed hotel project to be oriented to complement the End of the Oregon Trail, providing convenient access, while preserving views. The proposed development provides an example vision for redevelopment of the Downtown area within the flood plain, supporting tourism and The End of the Oregon Trail in accordance with the Oregon City Downtown Community Plan.

Policy 2.2.8 - Implement the Oregon City Downtown Community Plan and Oregon City Waterfront Master Plan with regulations and programs that support compatible and complementary mixed uses, including housing, hospitality services, restaurants, civic and institutional, offices, some types of industrial and retail uses in the Regional Center, all at a relatively concentrated density.

The proposed adjustment enables the proposed hotel project to be situated as a complementary housing and hospitality use to the End of the Oregon Trail, the historic Hackett House, and proposed mixed-use housing and retail in accordance with the Oregon City Downtown Community Plan.

Policy 2.2.9 - Improve connectivity for vehicles, bicycles, and pedestrians within the Oregon City Downtown community and waterfront master plan areas and improve links between residential areas and the community beyond.

The proposed adjustment enables the proposed hotel project to have vehicular bicycle, and pedestrian access to the front entry at an elevation above the flood elevation. The proposed development will include public street and onsite improvements designed to improve connectivity for vehicles, bicycles, and pedestrians.

Goal 5.3 Historic Resources

Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.

Policy 5.3.7 - Encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.

The proposed adjustment enables the proposed hotel project to be situated to allow the continued preservation of the historic Hackett House. By orienting the hotel as proposed the historic Hackett House can remain in place as is, with an adjacent use that is economically complementary. Preservation of the Hackett House, while providing an economically viable development has been a major part of the proposed master plan.

Policy 5.3.8 - Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.

The proposed adjustment enables the proposed hotel project to form a visual backdrop for the historic Hackett House, while complimenting the End of the Oregon Trail. The proposed hotel orientation accentuates both these historic resources, while providing needed redevelopment of the urban environment.

Goal 9.2 Cooperative Partnerships

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

Policy 9.2.1 - Seek input from local businesses when making decisions that will have a significant economic impact on them.

The project as proposed, was reviewed by the Board of Directors of the Clackamas Heritage Partners, operators and stewards of the End of the Oregon Trail development, located directly across the street from the project site. The Board has provided a unanimous letter recommending approval. The proposed building heights, site orientation, and building design were discussed.

Goal 9.6 Tourism

Promote Oregon City as a destination for tourism.

Policy 9.6.2- Ensure land uses and transportation connections that support tourism as an important aspect of the City's economic development strategy. This could include connections to the End of the Oregon Trail Interpretive Center and the train depot.

The proposed adjustment enables the proposed hotel project to support tourism at the End of the Oregon Trail, providing lodging and transportation connections to Washington Street and the End of the Oregon Trail Interpretive Center and through the phase 2 site development to the train depot.

Policy 9.6.3 - Provide land uses in the Downtown Historic Area, 7th Street corridor, and the End of the Oregon Trail Interpretive Center that support tourism and visitor services.

The proposed adjustment enables the proposed hotel project, directly providing land uses supporting tourism and visitor services.

Policy 9.6.6 - Encourage private development of hotel, bed and breakfast, restaurant facilities and other visitor services.

The proposed adjustment enables the development of a hotel project, supporting policy 9.9.6 encouraging private hotel, bed and breakfast, restaurant facilities and other visitor services.

Finding: Complies as proposed. The applicant has adequately addressed the applicable Comprehensive Plan Goals and Policies for Adjustment #5.

Adjustment #6

Code: 17.62.055.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:

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.

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.

Requested adjustment:

The hotel's most architecturally significant facade is the one facing Washington Street and the two main entranceways include the entranceway on that facade and the lobby entranceway at the Porte Cochere. However, the primary entranceway is the Porte Cochere and it will not face the major street, Washington Street, and it will be set back more than 5' from the major street. The applicant seeks an adjustment to the standard requiring that the primary entranceway to face the major street and allowing it to be set back more than 5' from the major street.

The project faces Washington Street and 17th Street. In comparison, Washington Street is the major street as shown in the table below :

Street	Washington	17 th
Classification	Minor Arterial	Local
Width	Wider	Narrower
Transit	Yes	No
Type	Through	Dead-End

17.65.070.D. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met.

1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;

Applicant's Response:

The stated purpose of 17.62.55 is:

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.

The proposed project is a hotel requiring passenger vehicle loading at the lobby entry with weather protection provided by a Porte Cochere. Washington Street is the major street, providing direct vehicular access to the Porte Cochere entry. Functionally, this is the primary hotel entry. The entry drive rises up from the street which is in the 100 year flood plain, to the Porte Cochere, which is located to provide at grade access to the lobby floor, above the flood elevation.

As designed the hotel provides a creative, functional, and cohesive development that is compatible with surrounding areas. The required vehicular loading and Porte Cochere function properly when setback sufficiently from the street to allowing gradual grade change, minimizing pedestrian / vehicle conflicts, and accommodating vehicular movement and stacking. The building orientation with long axis perpendicular to Washington Street provides a view corridor to the End of the Oregon Trail, compatible with that use.

The exterior patio outside the hotel meeting room encourages people to spend time in the area, while providing safety through informal surveillance. An additional building entry with exterior stairs connecting to the public sidewalk provides activity at the intersection of public and private spaces, while planters and a wall mural provide interest.

Finding: Complies with Condition. Proposed adjustment #6, as mitigated through the modifications that the applicant has made to the lobby floor plan and the entire Washington Street façade, meets the stated purpose of 17.62.55. As described in the applicant responses and as discussed in the original staff report regarding this standard, staff finds that applicant has adequately addressed the standard. Staff only recommends a condition to add additional pedestrian amenity features on the wall adjacent to the sidewalk. The overall effect of the Washington Street façade for the hotel will invite pedestrians to spend time in the area. Pedestrian activity in this area will depend not solely on this project but also will depend on the future infill and redevelopment of similarly zoned land on both sides of Washington Street. Obviously, hotels rely on a vehicle pick up and drop off area, since the majority of their customer drive or ride in vehicles. The application has proposed that the Porte Cochere which will serve as the main entry for this purpose, however, the proposed Washington Street entry will comply with the overall design intent of this zone to provide for a significant main entry for pedestrians on the Washington Street elevation. The primary entrance shall not be required to face the major street, Washington Street, and shall be recessed behind the property line approximately 145 feet. Pedestrian access to the primary entrance shall be by a sidewalk that connects to the public sidewalk. **It is reasonable, practicable, and likely that the applicant can meet this standard through the Conditions of Approval.**

2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;

Applicant's Response:

The cumulative effect of the requested adjustments results in a project consistent with the overall purpose of the MUD zone. The adjustments enhance security, increase buildability, and promote project feasibility, allowing for a mixed use project including lodging and retail/service with residential uses on upper floors appropriate to the MUD zone per 17.34.010. As proposed the design provides an attractive, well-articulated, response to difficult site conditions including; shape of site, flood zone and; existing historic residence.

Finding: Complies as proposed. Staff finds that cumulative effect of the adjustments #5-6, as described in the applicant's responses, results in a project that is still consistent with the overall purpose of the zone.

3. *City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;*

Applicant's Response:

City designated goal 5 resources include the historic Hackett House, Abernethy Creek, and a wetland adjacent to the I-205 freeway . These resources are protected to the extent otherwise required by Title 17 in compliance with the following sections:

17.40 – Historic Overlay District. The Hackett House is a locally designated historic structure and landmark. The Historic Review Board reviewed and approved . The historic Hackett House will remain in its original site location without modification. Development of a hotel serving the needs of visitors to the End of the Oregon Trail Interpretive Center across the street supports economic development in the area. Redevelopment of underutilized property within the MUD zone relieves development pressure on existing open space, while protecting natural resources, conserving scenic and historic areas.

17.49 – Natural Resources Overlay District [NROD]: Abernethy Creek is located across 17th Street to the southwest of the project site. A wetland adjacent to I-205 is located across the railroad right-of-way to the northwest of the project site. The attached "NROD Boundary Verification Report" describes these resources and concurrence has been requested that no wetlands, waterways, or other protected features exist on the subject properties and that the NROD buffers do not project onto the subject properties.

Finding: Complies as proposed. Staff finds that applicant's response has adequately addressed the relevant City-designated Goal 5 resources for adjustment #6. The location of the primary entranceway will not have any impact on these identified Goal 5 resources.

4. *Any impacts resulting from the adjustment are mitigated; and*

Applicant's Response:

The main Porte Cochere entry is a highly visible, clearly defined, prominent feature. An second pedestrian entry directly facing Washington Street, has been provided to provide additional pedestrian access to the street. This entry has been enhanced with detailing to increase visibility, providing a second sheltered, recessed entry.

Wall mounted artwork compatible with the End of the Oregon Trail is proposed along the sidewalk, providing additional pedestrian level interest. The artwork is planned to be themed to complement the End of the Oregon Trail across Washington Street. Artwork to be approved by the Community Development Director without additional review by the Planning Commission.

If located within five feet of the property line the primary entry would not be able to accommodate a Porte Cochere and would either require a building entry below the flood elevation which is not allowed by the building codes, or an entry to the lobby accessible only by stairs, elevator, or long ramps which is either not practical, and/or not allowed by the Americans With Disabilities Act.

If the primary building entry is recessed from the primary street, Washington Street, sufficiently to allow the Porte Cochere to be located between the sidewalk and the building entry, the vehicular circulation will conflict with the pedestrian circulation on the sidewalk, and the stated purpose of promoting an urban environment including "streets that are attractive to pedestrians".

The adjustment will reduce impacts by providing a creative, functional development built to human scale, with buildings and streets that are attractive to pedestrians, providing activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement that would not be possible if designed in strict compliance with the code.

Finding: Complies as proposed. Staff finds that applicant has adequately mitigated the impact of adjustment #6 through the features described.

5. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

Applicant's Response:

There are no officially inventoried resources or resource values present on the subject property. Property is located within the Natural Resources Overlay District [NROD] per City maps. See Exhibit E, "NROD Boundary Verification Report" for background data and information supporting the following requested actions:

1. Concurrence that no wetlands, waterways, other protected features exist on the subject properties.
2. Concurrence that NROD buffers do not project onto the subject properties. In the case of Abernethy Creek, 17th Street constitutes a physical barrier. In the case of the wetland area to the North, the wetland buffers per table 17.49.110 fall about 150FT from the project.

Erosion and sediment control measures required by section 17.47, including an erosion control plan are provided. 17th Street separates Abernethy Creek from the project site and surface drainage from approximately the street centerline flows away from Abernethy Creek, further minimizing detrimental environmental impacts on the resource. The wetland adjacent to I-205 is on the opposite side and is separated from the project site by the existing railroad tracks. The railroad tracks are elevated above the wetland and form a physical barrier between the wetland and the project site.

Finding: Complies with conditions. Staff finds that adjustment #6 has been adequately addressed through the verification of the NROD in compliance with OCMC 17.49. As the applicant has discussed, erosion control measures required by Chapter 17.49 and the floodplain overlay district requirements of OCMC Chapter 17.42 will be imposed to fully protect water resources and assure development will meet floodplain construction and development standards. **It is reasonable, practicable and likely that the applicant can meet this standard through the Conditions of Approval.**

6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and ancillary documents.

Applicant's Response:

The proposed adjustment is consistent with the Oregon City Comprehensive Plan and ancillary documents by meeting the following comprehensive plan goals & supporting the following policies:

Goal 1.1 Citizen Involvement Program

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 project design team has received input from the neighborhood association, resulting in review and approval of the project as submitted.

Goal 1.4 Community Involvement

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

Public notice for community involvement in the land use process, including requested adjustments has been issued.

Goal 2.1 Efficient Use of Land

Policy 2.1.1 - Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.

The proposed adjustment enables the proposed project efficiently use the land. The proposed hotel site orientation allows for an efficient arrangement of building and parking.

Policy 2.1.3 - Encourage sub-area master planning for larger developments or parcels, including re-development, where it may be feasible to develop more mixed uses, or campus-style industrial parks, with shared parking and landscaping areas. Allow developments to vary from prescriptive standards if planned and approved under this provision.

The proposed project supports policy 2.1.3 by being designed and submitted under the Master Plans provisions of Section 17.65, with adjustments as provided by Section 17.65.070.

Goal 2.2 Downtown Oregon City

Develop the Downtown area, which includes the Historic Downtown Area, the “north end” of the Downtown, Clackamette Cove, and the End of the Oregon Trail area, as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for pedestrian and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.

To the extent the proposed adjustments enable the proposed project to be realized, the proposed development will provide shopping, living, working activities, and walkways for pedestrian traffic.

Policy 2.2.3 - Develop and promote a vision for the economic development and redevelopment of the Downtown area that solidifies the Oregon City Downtown Community Plan and Oregon City Waterfront Master Plan.

To the extent the proposed adjustments enable the proposed project to be realized, the proposed development provides an example vision for redevelopment of the Downtown area within the flood plain, supporting tourism and The End of the Oregon Trail in accordance with the Oregon City Downtown Community Plan.

Policy 2.2.8 - Implement the Oregon City Downtown Community Plan and Oregon City Waterfront Master Plan with regulations and programs that support compatible and complementary mixed uses, including housing, hospitality services, restaurants, civic and institutional, offices, some types of industrial and retail uses in the Regional Center, all at a relatively concentrated density.

To the extent the proposed adjustments enable the proposed project to be realized, the proposed development provides compatible and complementary mixed uses, including housing and hospitality in accordance with the Oregon City Downtown Community Plan.

Policy 2.2.9 - Improve connectivity for vehicles, bicycles, and pedestrians within the Oregon City Downtown community and waterfront master plan areas and improve links between residential areas and the community beyond.

To the extent the proposed adjustments enable the proposed project to be realized, the proposed development will include public street and onsite improvements designed to improve connectivity for vehicles, bicycles, and pedestrians.

Goal 5.3 Historic Resources

Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.

Policy 5.3.7 - Encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.

The proposed adjustment enables the proposed hotel project to be situated to allow the continued preservation of the historic Hackett House. By orienting the hotel as proposed the historic Hackett House can remain in place as is, with an adjacent use that is economically complementary. Preservation of the Hackett House, while providing an economically viable development has been a major part of the proposed master plan.

Policy 5.3.8 - Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.

The proposed adjustment enables the proposed hotel project to form a visual backdrop for the historic Hackett House, while complimenting the End of the Oregon Trail. The proposed hotel orientation accentuates both these historic resources, while providing needed redevelopment of the urban environment.

Goal 9.2 Cooperative Partnerships

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

Policy 9.2.1 - Seek input from local businesses when making decisions that will have a significant economic impact on them.

The project as proposed, was reviewed by the Board of Directors of the Clackamas Heritage Partners, operators and stewards of the End of the Oregon Trail development, located directly across the street from the project site. The Board has provided a unanimous letter recommending approval. The proposed building heights, site orientation, and building design were discussed.

Goal 9.6 Tourism

Promote Oregon City as a destination for tourism.

Policy 9.6.2- Ensure land uses and transportation connections that support tourism as an important aspect of the City's economic development strategy. This could include connections to the End of the Oregon Trail Interpretive Center and the train depot.

The proposed adjustment enables the proposed hotel project to support tourism at the End of the Oregon Trail, providing lodging and transportation connections to Washington Street and the End of the Oregon Trail Interpretive Center and through the phase 2 site development to the train depot.

Policy 9.6.3 - Provide land uses in the Downtown Historic Area, 7th Street corridor, and the End of the Oregon Trail Interpretive Center that support tourism and visitor services.

The proposed adjustment enables the proposed hotel project to support tourism at the End of the Oregon Trail, providing lodging and transportation connections to Washington Street and the End of the Oregon Trail Interpretive Center and through the phase 2 site development to the train depot.

Policy 9.6.6 - Encourage private development of hotel, bed and breakfast, restaurant facilities and other visitor services.

The proposed adjustment enables the development of a hotel project, supporting policy 9.9.6 encouraging private hotel, bed and breakfast, restaurant facilities and other visitor services.

Finding: Complies as proposed. The applicant has adequately addressed the applicable Comprehensive Plan Goals and Policies for Adjustment #6.