MEYERS ROAD EXTENSION IMPROVEMENTS AGREEMENT

This AGREEMENT is made by and between the CITY OF OREGON CITY, an Oregon municipal corporation, (the "City") and OREGON CITY SCHOOL DISTRICT NO. 62, ("OCSD") this 22nd day of September, 2015.

The City owns two parcels, approximately 9.1 acres total area, of real property located at 14491 and 14511 Meyers Road, Oregon City, Oregon, more specifically identified as Tax Lots 1401 and 1500 on Clackamas County Map 3-2E-09D, as shown on Exhibit 1 (the "Glen Oak Property"). The City's Community Services Department has started the land use process for the Master Plan Design of a park on the Glen Oak Property.

OCSD owns approximately 10.5 acres of real property located at 14551 Meyers Road, Oregon City, Oregon, more specifically identified as Tax Lots 1400 on Clackamas County Map 3-2E-09D as shown on Exhibit 1 (the "OCSD Property").

On June 10, 2015, the City's Planning Commission approved a Type III Master Plan (CP 14-03), Detailed Development Plan (DP 14-04), Natural Resource Overlay District (NR 14-10) Quasi-Judicial Land Use Decision for the construction of a transportation and maintenance facility on the OCSD Property (the "Land Use Approval," included with this Agreement as Exhibit 2).

Conditions 6, 7, 11, 13, 14, 15, 17, 18, 20, 22, 23, 24, 25, 26, 27, 31, 32, 33, and 34 of the Land Use Approval require OCSD to construct certain infrastructure improvements, including streets, water, sanitary sewer, and stormwater on the Glen Oak Property. The conditions also require OCSD to obtain public easements and right-of-way dedications for these proposed improvements. The improvements conditioned and located on the Glen Oak Property include:

1. The Meyers Road extension from the intersection of Meyers Road and High School Avenue to the westerly Glen Oak Property boundary, also being the westerly OCSD Property boundary.

2. Stormwater management facilities in the Meyers Road extension and along the westerly property boundary of Glen Oak Property to the discharge location at Caulfield Creek.

3. Water facilities in the Meyers Road extension including water service to Glen Oak Property.

Completing these improvements are also in the best interest of the City to ensure that the appropriate improvements will be available to serve not just the OCSD transportation and maintenance facility, but also the future park to be located on the Glen Oak Property, as well as future developments west of these properties.

This Agreement is intended to set forth the respective obligations of the City and OCSD in constructing these improvements.

NOW, THEREFORE, based on the foregoing recitals, the CITY and OCSD, hereby agree to the following:

A. **Glen Oak Road Infrastructure Improvement Requirements**:

1. The City Shall:
    a. Execute a deed of dedication for the Meyers Road Public Right-of-Way (ROW) being a minimum of a 93-foot wide ROW from the intersection of Meyers Road and High School Avenue to the westerly boundary of the future Glen Oak Property.
    b. Grant a permanent 15-foot public stormwater easement along the westerly property boundary of Glen Oak Property.
    c. Grant temporary construction and access easements on the Glen Oak Property as may be needed for OCSD and its contractors to stage, mobilize, and store equipment and material.
2. OCSD shall:
    a. Prior to the City's recordation of the deed of dedication and permanent easement, prepare and submit to the City all documents necessary for the City's required dedication and easement. The documents shall include the deed forms using the City's standard forms, legal descriptions of the dedication areas and sketches depicting the location of the dedications. OCSD shall also pay all applicable document recording fees.
    b. OCSD shall also be responsible for preparing and submitting to the City all documents necessary for the grant of temporary construction and access agreements, including easement forms, legal descriptions and sketches depicting the location of the easements.
    c. Prior to beginning any work on the Glen Oak Property, provide certificate of insurance per the requirements listed in Exhibit 3.
    d. Remove the existing house on the Glen Oak Property as shown on Exhibit 1. The removal shall include the structure, foundation, and all associated facilities and utilities, including decommissioning or removal of all septic systems and underground tanks. OCSD shall also apply for and obtain all applicable building demolition permit(s).
    e. Construct the complete Meyers Road typical section for the 93 feet wide ROW through the Glen Oak Property as shown on Exhibit 4. Both parties acknowledge that this requirement is substantially greater than what is required under condition of approval no. 22 of the Land Use Approval.

The City will provide the landscaping plan for the swale system in the right of way on the Gen Oak Property side of the Meyers Road extension.

f. Construct a domestic water service to the future Glen Oak Property, coordinating with the City's Glen Oak Property design consultants to determine the size of service and location. The connection of said water service shall be on the proposed 12-inch waterline in Meyers Road extension that is conditioned.

g. Design and construct a stormwater conveyance pipe on the Glen Oak Property with pipe outfall at Caufield Creek.

    i. The stormwater conveyance pipe shall be designed and constructed to provide all necessary capacity for the needs of both the OCSD development and the future use of the Glen Oak Property needs.

    ii. The design of the stormwater improvements, including the pipe outfall at Caufield Creek shall be coordinated with the City's Glen Oak Property design consultants.

h. Restore site to pre-existing or better condition, including seeding and planting as may be needed.

3. OCSD may request a System Development Charge (SDC) credit for transportation under Oregon City Municipal Code (OCMC) 13.20.040 SDC based on the portion of Meyers Road extension improvements that are being constructed outside of the section that is conditioned to be constructed. Any such request for credit must be submitted prior to the issuance of any building permit for this development in compliance with OCMC Chapter 13.20.

B. **ADDITIONAL REQUIREMENTS**

1. **Land Use Approval**: This Agreement in no way changes or replaces the terms or conditions of the Land Use Approval.

2. **Effective Date, Term and Modification**: This Agreement shall be effective upon signature by both parties and shall have a term of 2 years from the effective date. This Agreement may be modified or terminated prior to the termination date only upon the written agreement signed by the authorized representatives of both parties.

3. **Attorneys Fees**: In the event legal action is brought by the CITY or OCSD against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorney fees, costs, and expenses as may be set by a court. "Legal action" shall include matters subject to arbitration and appeals.

4. **Remedies for Breach:** Should either party breach this Agreement, remedies available under Oregon law for breach of contract are available to the parties, including damages and injunctive relief.

5. **Controlling Law and Venue for Disputes:** This Agreement shall be deemed to have been entered into in the State of Oregon and shall be construed and interpreted in accordance with the laws of Oregon. Any litigation or proceedings arising out of or connected with this Agreement shall be heard and decided in Oregon Circuit Court for Clackamas County.

6. **Entire Agreement:** The CITY and OCSD acknowledge and agree that no promises or representations have been made that do not appear written herein and that this Agreement contains the entire agreement of the parties as to this Agreement.

7. **Severability Clause:** The parties to this Agreement agree that if any term, provision, covenant, condition or portion of this Agreement is held to be illegal, invalid, void, voidable or unenforceable, the remainder of the provisions shall remain in full force and effect as a separate contact and shall in no way be affected, impaired or invalidated.

8. **Assignment:** OCSD may not assign all or any portion of its right and interest in and to this Development Agreement, whether by disposition of its property or otherwise, whether by direct or indirect assignment or transfer, by operation or law or by any stock sale, merger, consolidation or other means in any one or more transactions, without the prior written consent of the City, which consent shall not be unreasonably withheld.

9. **No Third Party Beneficiaries**: The parties listed above are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, assigns or provides any benefit or right, whether directly or indirectly otherwise, to third persons, including owners of property or ratepayers within TCSD.

10. **Compliance with Applicable Law:** The parties to this Agreement acknowledge and agree that their activities under this Agreement are subject to existing law and shall comply with all federal, state and local laws and regulations.

11. **Non-Waiver**: No waiver, consent, modification or change of the terms of this Agreement shall bind either party unless in writing and signed by any affected party. Any such waiver, consent modification or change, if made, shall be effective only in specific instances and for the specific purpose given. The failure of either party to enforce any provision of this Agreement shall not constitute a waiver of that or any other provision.

CITY OF OREGON CITY:

David Frasher, City Manager - ACTING
Anthony J. Konkol III

9-16-15
Date

John Lewis, Public Works Director

9-22-15
Date

OREGON CITY SCHOOL DISTRICT No. 62

Larry Didway, Superintendent

9-10-2015
Date

Wes Rogers, Director of Operations

9-10-15
Date

Approved as to form:

City Attorney

Attachments:

Exhibit 1 – Site Map [Showing location of Glen Oak Property, OCSD Property, house to be removed and general location of road]

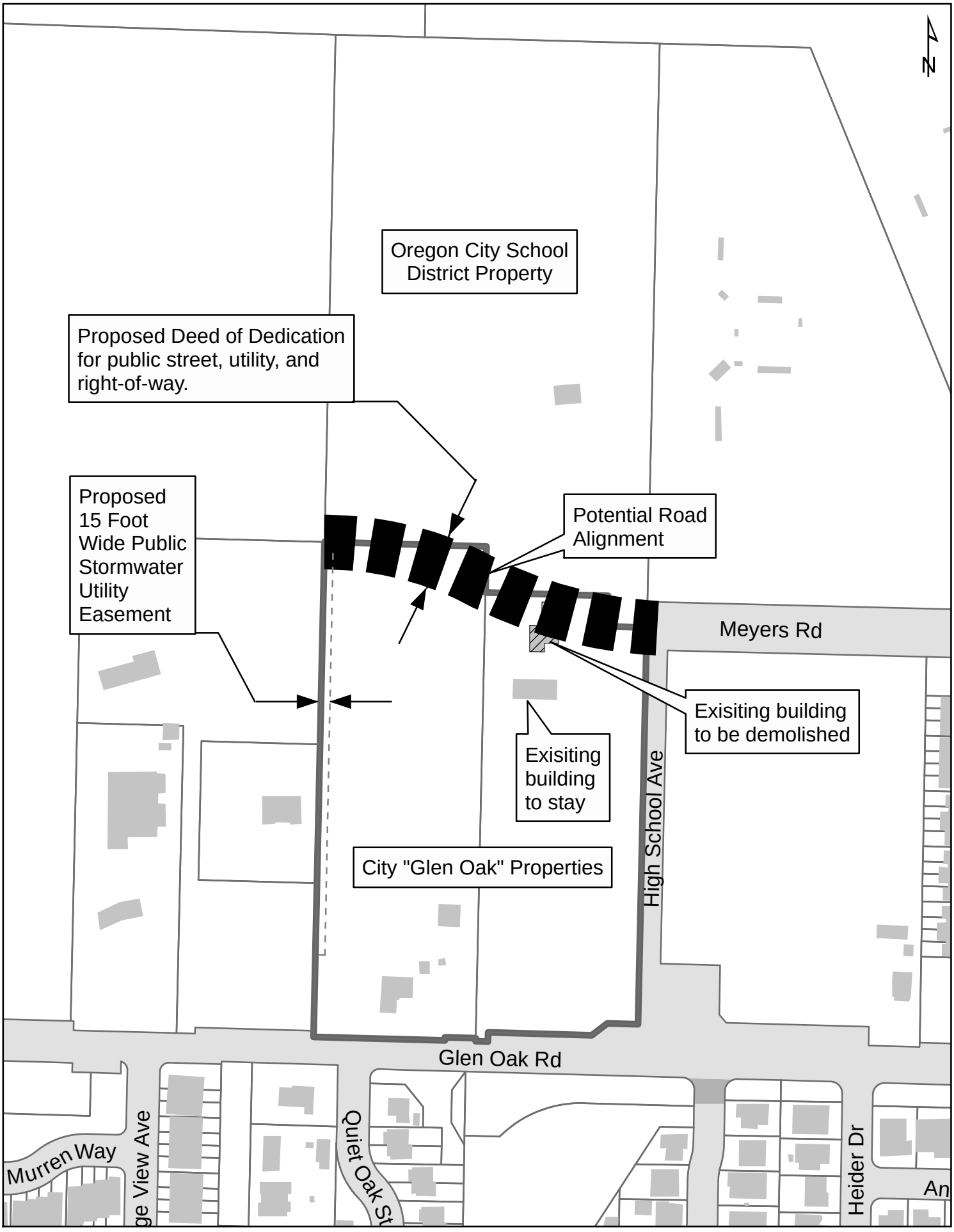
Exhibit 2 – Master Plan, Detailed Development Plan, and Natural Resource Review Land Use Decision (Type III) Approval by the Planning Commission, dated June 10, 2015 (CP 14-03: Master Plan; DP 14-04: Detailed Development Plan; NR 14-10: Natural Resource Review)

Exhibit 3 – Insurance Requirements

Exhibit 4 – Meyers Road Typical Section

GSB:7244511.1

Exhibit 1



Plot date: 9/8/2015 Map: Exhibit1_Improvements Agreement_Glen Oak_Meyers.mxd Plot: Exhibit1_Improvements Agreement_Glen Oak_Meyers_20150908.pdf

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

NOTICE OF DECISION

MASTER PLAN, DETAILED DEVELOPMENT PLAN, AND NATURAL RESOURCE REVIEW

Date of mailing of Notice of Decision: June 10, 2015

FILE NUMBER: CP 14-03: Master Plan
DP 14-04: Detailed Development Plan
NR 14-10: Natural Resource Review

Submitted: 12/23/2014
Complete: 3/24/2015
120 Day Deadline: 7/21/2015
NOD: 6/10/2015

APPLICANT: Ronald Lee, BBL Architecture
200 N State Street, suite 200
Lake Oswego, OR 97034

OWNER: Oregon City School District
PO Box 2110
Oregon City, OR 97045

REQUEST: The applicant requested approval of a Master Plan, Detailed Development Plan, and Natural Resource Overlay Review that includes a 10-year Master Plan for the existing high school, ball fields, and a new transportation maintenance facility. The vacant 10.5 acre portion of the site is proposed to accommodate the District's Transportation and Maintenance Facility and associated parking areas for buses, vans, maintenance vehicles and staff and visitor parking.

LOCATION: 19761 Beavercreek Rd, Oregon City, OR 97045
Clackamas County Map 3-2E-09D- Lots 1200, 1300, 1380, and 1400

REVIEWER: Kelly Moosbrugger, Planner
Aleta Froman-Goodrich, City Engineer

DECISION: On May 18, 2015 and June 8, 2015, 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 7-0 to approve with conditions the requested 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. 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 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. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 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 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.

REVISED Conditions of Approval
Planning File CP 14-03, DP 14-04, NR 14-10

(P) = Verify that condition of approval has been met with the Planning Division.
(DS) = Verify that condition of approval has been met with the Engineering 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 #1.

1. The applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the applicant to provide any public improvements. As part of this policy the applicant shall schedule a meeting with the City Public Works Engineering development services staff prior to beginning design. (DS)

2. The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. (Code section 17.62.050.A.22) (DS)

3. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval. The applicant shall provide a Preliminary Lot Grading Plan to the City for review prior to the approval of construction plans. A final site Lot Grading Plan shall be required as part of the final construction plans per the City's Lot Grading Criteria and the International Building Code. (DS)

4. Prior to starting construction the applicant shall obtain all Public Works permits including the public improvements and site grading permit, and erosion control permit, and shall install tree protection fencing. The applicant shall also participate in a pre-construction conference with Public Works. (DS)

5. The applicant shall be required to provide stormwater quantity and quality control. A final stormwater report shall be submitted with the improvement design. This shall include a preliminary evaluation of the stormwater facilities for the newly dedicated portion of High School Avenue. (DS)

6. The stormwater facilities on the extension of Meyers Road shall include a swale system for detention and treatment that is located in the planter strip. The discharge from the system of swales shall be collected in standard pipe and manhole facilities located in the street and within an easement on the Park property. The discharge shall be to Caulfield creek, and shall include erosion control measures. Temporary collection facilities may be required on the south side of Meyers Road until the remainder of the street is constructed by the Community Services Department, Parks and Recreation Division. (DS)

7. The applicant shall obtain a temporary construction easement, and a 15 foot wide permanent public easement on the property owned by the Community Services Department, Parks and Recreation Division, for operation and maintenance of the storm system. (DS)

8. As part of the dedication and improvement of High School Avenue, the applicant shall provide a stormwater collection, treatment and detention system. The details of this system shall be

established in the final storm report and design. The final design and construction of the stormwater system shall be done concurrently with the final street design and construction of High School Avenue. (DS)

9. The stormwater system on private property for the parking lots and buildings shall be a privately owned, operated and maintained system. It shall consist of collection pipe and manholes, a CDS swirl concentrator (or equivalent) treatment system and detention ponds. The discharge shall be to the wetlands and shall include erosion control measures. (DS)

10. The applicant shall record a maintenance covenant and access easement agreement that provides the City the right to access and monitor the private stormwater quality and detention facilities. The applicant shall provide the City with a yearly report that indicates the monitoring and maintenance that has been conducted on the stormwater quality and detention facilities. (DS)

11. The Meyers Road extension shall include a 12 inch water line. The applicant shall obtain a temporary construction easement, and a 15 foot wide permanent public easement on the Park property for operation and maintenance of the portion of the water line that is in Park property. (DS)

12. The High School Avenue improvement shall include a 12 inch water line. The final design and construction of the water line shall be done concurrently with the final street design and construction of High School Avenue. (DS)

13. An appropriately sized domestic water service line and meter shall be provided to the property with approved backflow prevention assembly. The water service and meter shall comply with Public Works standards and the applicable building and plumbing codes. (DS)

14. Provide an appropriately sized fire service line to the property with approved backflow prevention assembly. The fire service and backflow assembly shall comply with Public Works standards and the applicable building and plumbing codes. (DS)

15. Prior to construction plan approval, coordinate with the Community Services Department, Parks and Recreation Division, to determine if the proposed park development on the south side of proposed Meyers Road extension requires water service connection off of the proposed 12-inch Meyers Road water line. (DS)

16. As part of design review, the applicant shall submit the proposed development plans to Clackamas Fire District No. 1 for review and conditions, and install fire hydrants per requirements. (F)

17. Provide a temporary sanitary sewer service line from the property, crossing High School Avenue and connecting to the public sanitary sewer on Quaking Aspen Avenue. This sanitary sewer service line shall consist of a privately owned and operated pump station and force main. The force main shall discharge to manhole located on the applicant's property, and then flow by gravity into the City manhole on Quaking Aspen Avenue. The applicant shall execute an agreement with the City for the operations and maintenance of the private system within the dedicated High School Avenue right-of-way and Meyers Road. (DS)

18. Provide a gravity sanitary sewer service line to the west end of the property at Meyers Road for future connection to the sanitary sewer when it is constructed. When the gravity sanitary sewer

connection is made at Meyers Road, then the temporary pressure service line shall be plugged and abandoned or removed per City requirements. (DS)

19. For all pavement cuts required for the development such as for new water lines, storm and sanitary sewer service lines, the City Pavement Cut Policy and Standards shall be followed. The Full Standard shall be required for pavement cuts. (DS)

20. Prior to construction plan approval, ten-foot public utility easements along all street frontages, right-of-way dedications and all public easements shall be recorded. All existing and proposed utilities, road right-of-ways and easements shall be indicated on the construction plans. (DS)

21. There shall be no vehicular access along the south side of the Meyers Road extension for the entire site frontage until Glen Oak Park is developed. (DS)

22. The full street improvements for the Meyers Road extension shall consist of: not to exceed 93 foot ROW, 61 feet of pavement (one 7 foot parking lane, 6 foot bike lanes with 3 foot buffers, two 12 foot travel lanes, and one 12 foot turning lane), 10.5 foot planter strip including the curb, and a 5 foot sidewalk. The applicant shall construct a half street improvement plus 10 feet of pavement which shall consist of: 53 foot ROW dedication, 37 feet of pavement (, 6 foot bike lane with a 3 foot buffer), 10.5 foot planter strip including the curb, and a 5 foot sidewalk curb return radii, curb (handicap) ramps, centerline monumentation in monument boxes, traffic control devices, street trees, and street lights. (DS)

23. The applicant shall obtain a temporary construction easement, and permanent easement for the construction of the portion of the Meyers Road extension that is located on the Park property. The easement shall be voided when the Community Services Department Parks and Recreation Division dedicates the remainder of the ROW for Meyers Road. (DS)

24. The centerline of the extension of Meyers Road shall match the existing centerline at the intersection of High School Avenue, and shall a have an angle of at least 84-degrees. (DS)

25. Meyers Road shall be striped for a, bike lane and two travel lanes. When the remainder of the street is constructed the street shall be restriped to include two travel lanes and a turn lane. (DS)

26. The street trees in the planter strip along Meyers Road shall be selected such that they are compatible with the use of the planter strip as a stormwater swale. (DS)

27. There shall be two driveways on the Meyers Road extension for the bus parking area, which shall be approximately 200 feet apart. Both ingress and egress shall be allowed for the driveway nearest to the Meyers Road and High School Avenue intersection; the applicant's site design shall take into account sight distance requirements for vehicles exiting at this driveway and shall provide evidence in a supporting document submitted with the construction plans that these requirements have been met. (DS)

28. The applicant shall dedicate a not to exceed 54-foot wide Right of Way for High School Avenue (the future Loder Road connection) from Meyers Road to the north end of the applicant's property. The location shall be approximately where the existing private portion of High School Avenue is located, but the final dedication shall be based upon the horizontal design of the street. The horizontal design and right-of-way dedication shall occur at the same time as the Meyers Road improvements along the frontage of the Transportation Facility development. The improvements shall accommodate two travel lanes, one parking lane, bicycle and pedestrian travel in both directions. The sidewalk on the west side may be located in an easement. The final configuration for the street

shall be determined by the City. Within five years of the notice of decision of this staff report the applicant shall design and construct the street including the storm system and water line. This condition shall be superseded by any development agreement for the design and construction of Loder Road entered into by the City of Oregon City and the applicant. (DS)

29. The centerline of the reconstruction of High School Avenue shall have a maximum of a 5-foot offset with the existing centerline of the public portion of High School Avenue at the intersection of Meyers Road, and shall a have an angle of 90-degrees. The west curb line at the intersection shall be 12-feet from the centerline. (DS)

30. There shall be two driveways on the newly dedicated portion of High School Avenue. One shall be for the parking area at the intersection of Meyers Road and High School Avenue and shall be approximately 280 feet from the intersection. The other driveway shall be for the northerly parking area, and shall be spaced at approximately 380 feet from the first driveway. A third driveway may be approved by the City upon receiving sufficient data providing justification for its need. (DS)

31. The curves for the Meyers Road extension shall have a radius of 400 foot or greater. The curves on the High School Avenue reconstruction at the north end shall meet industry standards as provided in the AASHTO manual on Geometric Design of Highways and Street. (DS)

32. Applicant is required to coordinate street light design and construction with Portland General Electric (PGE). Prior to final construction plan approval, the applicant shall submit a copy of PGE's work order to construct the street light system improvements and prior to issuing building permits, the applicant shall submit PGE's final acceptance of street light improvements to the City. *(DS)*

33. The intersection of Meyers Road and High School Avenue shall be constructed to accommodate bus turning movements such that they do not impede other travel or turning lanes. This may preclude the proposed curb extensions on Meyers Road. (DS)

34. The applicant may request adjustments to the Meyers Road cross section in order to better match the Meyers Road Concept Plan as it is developed. (DS)

35. The applicant shall dedicate a 25-foot wide easement for sanitary sewer along the northern boundary of tax lot 01300, from the western property line to the realigned and dedicated location for High School Avenue. The final alignment shall be determined during the design phase. (DS)

36. The applicant shall ensure that that no portions of the parking lot are within the 20 foot setback along Meyers Road unless approved landscaping and screening is in place. (P)
37. The applicant shall make the parking lot available to the public after hours, as proposed, and shall provide visible signage that identifies the hours during which the lot is available for public use and directs drivers to the parking lot entrance. (P)
38. The applicant shall provide details in the final lighting plan to demonstrate that the 35 foot lights are full-cut off. (P)
39. Staff finds that the intent of the standard can be met through enhanced landscaping along the southern and eastern edges of the site, combined with decorative fencing and the addition of other pedestrian elements such as benches, public art, or other elements suggested by the applicant or the Planning Commission. Decorative fencing artwork shall be adhered so as to cover some portion of every fencing panel and if replaced, new decorative elements shall be attached within 96 hours after removal. The corner at the intersection of Meyers Road and the

future Loder Road shall be particularly emphasized with decorative elements, public art, or other features of interest. (P)

40. There is currently a gated entry along the private drive portion of High School Avenue. The applicant shall either eliminate the gate or move the gate to the north to allow the public to access the parking lot after hours. The gate shall be completely removed when Loder Road is constructed. (P)
41. The applicant shall install a pedestrian path to connect the southeast corner of the parking lot to the sidewalk at the intersection of Meyers and Loder Road. If park and athletic field users are to park in the lot, there should be a direct connection from the lot to the crosswalks at the intersection so these users can easily access the street. (P)
42. The applicant shall only be required to include a walkway up to the northern edge of the public parking lot on the eastern side of the transportation site. If the applicant chooses to eliminate the walkway farther north of that point, a painted crosswalk across existing High School Lane and future Loder Road shall be required. (P)
43. The Master Plan shall address the pathway from CCC to the site and include plans to upgrade it pursuant to OCMC 12.044.199 – Pedestrian and Bicycle Accessways, or an alternative approved through a future detailed development plan, to provide safe and secure walking and bicycling connection between these two important community sites. A public access easement shall also be recorded for this path. The applicant shall propose an improvement to this pathway and implement it in one of the phases of this Master Plan, or no later than two years from the notice of decision of this land use application. This condition shall be superseded by any development agreement for the design and construction of Loder Road and the CCC pathway entered into by the City of Oregon City and the applicant. (P, DS)
44. Prior to issuance of building permits, the applicant shall provide the details about the coverings and ensure that they meet building materials standards in OCMC 17.62.050.A.21. (P)
45. Prior to issuance of permits, the applicant shall demonstrate that the ground floor of the south façade contains arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length. (P)
46. Prior to issuance of building permits, the applicant shall demonstrate that the requirements for façade transparency on the front façade are met. (P)
47. The applicant shall provide a final lighting plan that addresses all standards in 17.62.065.D. (P)
48. Prior to issuance of permits, the applicant shall submitted a revised photometric plan that meets OCMC 17.62.065.D.4. (P)
49. Prior to issuance of building permits, the applicant shall provide a written response demonstrating compliance with 17.62.065.D.12 through D.15. (P)
50. Prior to issuance of permits, the applicant shall provide documentation ensuring that the refuse area is designed with sturdy materials, which are compatible to the primary structure. (P)
51. Parking necessary to serve the proposed transportation maintenance facility shall not exceed 124 spaces and total campus-wide parking, including the transportation facility, shall not exceed 1,107 spaces. The applicant shall provide documentation to verify the total enrollment, number of staff, and projected future enrollment and shall provide a revised parking count if these numbers are different from those provided. (P)
52. The applicant shall produce a Transportation Demand Management and Parking Management Plan that reflects current traffic and parking issues. The applicant shall either present a TDM scope of work and contract for City staff approval prior to issuance of building permits, or post a performance guarantee for such a study prior to issuance of building permits. The TDM plan shall include reporting requirements and enforcement mechanisms to ensure that the school district follows the recommendations in the plan. The TDM Plan shall collect data on travel modes and parking, shall set performance target, and contain actionable recommendations for the school district. (P)

53. The applicant shall modify the final plans to reflect the required number of carpool/vanpool spaces, no less than 5% of the total parking spaces provided at the transportation facility. (P)
54. Prior to issuance of building permits, the applicant shall revise the site plan to demonstrate that 40 carpool/vanpool spaces will be provided at the high school as part of this detailed development plan. (P)
55. The number of carpool/vanpool spaces provided by the end of the Master Plan period shall equal at least 5% of the total parking provided on site. (P)
56. The applicant shall propose a method to enhance the existing bicycle parking near the high school entrance by covering and/or better securing at least 50% the 60 racks that are near the building entrances. Approval from community development director of the method of covering shall be required; and implementation of this improvement shall be required as part of this detailed development plan. (P)
57. The applicant shall submit details about the location, style, and security of the bicycle parking prior to issuance of permits. (P)
58. The applicant shall provide a means of access through the fence that is accessible by all employees or shall reconfigure the bicycle parking to have direct access to pedestrian pathways. (P)
59. The tree varieties proposed for the parking lot include only maple trees. The applicant shall add coniferous tree(s) to provide a mix of species.
60. The applicant shall provide a final landscaping plan that contains an example with detail for each proposed "landscaping zone" to ensure that the shrubs and groundcover meet the standard. (P)
61. The applicant shall provide trees every 35 feet along the pedestrian walkway on the west side of the parking lot. (P)

62. Prior to issuance of permits, the applicant shall confirm that the loading standards set forth in Code Section 17.52.090 is not applicable or provide documentation showing compliance with loading requirements. (P)

63. Prior to issuance of building permits The applicant shall provide the following
    - recent AM and PM peak hour traffic counts at the intersections of High School Avenue/Meyers Road and High School Avenue/Glen Oak Road
    - an operational analysis of these two intersections under current conditions
    - estimates of AM and PM peak period traffic forecast at each proposed site access

    If these studies result in recommended safety improvements, the applicant shall make these improvements prior to a Certificate of Occupancy for the transportation facility. (P)

64. The applicant shall provide a neighboring City's list that includes the proposed street tree species, or choose a different species from the adopted list. Trees on Loder Road will be placed behind the sidewalk; trees on Meyers will be placed in the 10-foot planter strip. (P)

65. The applicant shall provide the frontage length along Loder Rd. and ensure that the final street tree plan includes one for every 35 feet on frontage. (P)

66. The applicant shall provide a revised tree removal plan that separates trees in construction area from trees outside of the area, and preserves all trees outside of the construction area to the extent practicable. The applicant shall make an attempt to reduce the size of the parking lot and modify the overall site layout to preserve trees. (P)

67. The applicant may utilize the park as a mitigation tree planting area only if a written and signed agreement is made with the City Parks and recreation department that specifies the contribution of the school district. (P)

68. Prior to issuance of the certificate of occupancy, the school district shall finalize the tree mitigation requirements and shall submit a final tree mitigation plan. (P)

69. The applicant shall record a covenant to protect all preserved trees and all mitigation trees with a restrictive covenant. (P)

70. The applicant shall pay a fee in lieu for all trees that are unable to be planted on or off site through Option 1. (P)

71. The applicant shall retain a Project Arborist to sign off on the tree protection plan and methods, and shall follow all measures required in 17.41.130. (P)

72. The applicant provide a weed/invasive species removal plan and ensure that Personnel hired to remove invasive species must be licensed and trained to use herbicides in the vicinity of water bodies, if such chemicals are to be used. The applicant shall follow these recommendations and submit documentation to demonstrate compliance to the City before plant removal begins. (P)

73. The applicant shall record a restrictive covenant or conservation easement for the NROD mitigation plantings including a financial guarantee in the form provided by the city, that will require owners and assigns of the property to comply with the applicable mitigation. (P)

74. Clearing of vegetation (trees and shrubs) within the NROD shall occur outside of the nesting season in accordance with the Migratory Bird Treaty Act. (P)

75. The applicant shall submit a final NROD planting plan that specifies smaller trees than in the original application and includes a temporary irrigation plan prior to the grading permit and ensure frequent watering during establishment. (P)

76. Prior to issuance of permits, the applicant shall submit documentation that demonstrates the value of the proposed exterior alterations or additions to the site. (P)

77. The applicant shall submit a Fire Access and Water Supply plan to Clackamas Fire District #1. The plan shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, FDC location (if applicable), building square footage, and type of construction. The applicant shall provide fire flow tests per NFPA 291, and shall be no older than 12 months. Work to be completed by experienced and responsible persons and coordinated with the local water authority. (F)

78. The bus storage area is interpreted to be within the construction area and as result, the required mitigation tree planting resulting from the bus parking storage area shall be calculated accordingly. (P)

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
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MASTER PLAN AND SITE PLAN AND DESIGN REVIEW
QUASI-JUDICIAL LAND USE DECISION (TYPE III)
STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

May 12, 2015

The final conditions of approval are found in the Notice of Decision dated June 10, 2015.

Submitted: 12/23/2014
Complete: 3/24/2015
120 Day Deadline: 7/21/2015

FILE NUMBER: CP 14-03: Master Plan
DP 14-04: Detailed Development Plan
NR 14-10: Natural Resource Review

APPLICANT: Ronald Lee
BBL Architecture
200 N State Street, suite 200
Lake Oswego, OR 97034

OWNER: Oregon City School District
PO Box 2110
Oregon City, OR 97045

REQUEST: The applicant has submitted a Master Plan, Detailed Development Plan, and Natural Resource Overlay Review for a Master Plan for the Moss High School Campus to include the existing high school, ball fields, and a new transportation maintenance facility. The vacant 10.5 acre portion of the site is proposed to accommodate the District's Transportation and Maintenance Facility and associated parking areas for buses, vans, maintenance vehicles and Transportation and Maintenance Staff and visitor parking.

LOCATION: Clackamas County Map 3-2E-09D- Lots 1200, 1300, 1380, and 1400

REVIEWER: Kelly Moosbrugger, Planner
Aleta Froman-Goodrich, City Engineer

RECOMMENDATION: Staff recommends the Planning Commission approve the application with Conditions.

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. 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 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. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 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 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.

Conditions of Approval
Planning File CP 14-03, DP 14-04, NR 14-10

(P) = Verify that condition of approval has been met with the Planning Division.
(DS) = Verify that condition of approval has been met with the Engineering 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 #1.

1. The applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the applicant to provide any public improvements. As part of this policy the applicant shall schedule a meeting with the City Public Works Engineering development services staff prior to beginning design. (DS)

2. The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. (Code section 17.62.050.A.22) (DS)

3. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval. The applicant shall provide a Preliminary Lot Grading Plan to the City for review prior to the approval of construction plans. A final site Lot Grading Plan shall be required as part of the final construction plans per the City's Lot Grading Criteria and the International Building Code. (DS)

4. Prior to starting construction the applicant shall obtain all Public Works permits including the public improvements and site grading permit, and erosion control permit, and shall install tree protection fencing. The applicant shall also participate in a pre-construction conference with Public Works. (DS)

5. The applicant shall be required to provide stormwater quantity and quality control. A final stormwater report shall be submitted with the improvement design. This shall include a preliminary evaluation of the stormwater facilities for the newly dedicated portion of High School Avenue. (DS)

6. The stormwater facilities on the extension of Meyers Road shall include a swale system for detention and treatment that is located in the planter strip. The discharge from the system of swales shall be collected in standard pipe and manhole facilities located in the street and within an easement on the Park property. The discharge shall be to Caulfield creek, and shall include erosion control measures. Temporary collection facilities may be required on the south side of Meyers Road until the remainder of the street is constructed by the Community Services Department, Parks and Recreation Division. (DS)

7. The applicant shall obtain a temporary construction easement, and a 15 foot wide permanent public easement on the property owned by the Community Services Department, Parks and Recreation Division, for operation and maintenance of the storm system. (DS)

8. As part of the dedication and improvement of High School Avenue, the applicant shall provide a stormwater collection, treatment and detention system. The details of this system shall be established in the final storm report and design. The final design and construction of the stormwater system shall be done concurrently with the final street design and construction of High School Avenue. (DS)

9. The stormwater system on private property for the parking lots and buildings shall be a privately owned, operated and maintained system. It shall consist of collection pipe and manholes, a CDS swirl concentrator (or equivalent) treatment system and detention ponds. The discharge shall be to the wetlands and shall include erosion control measures. (DS)

10. The applicant shall record a maintenance covenant and access easement agreement that provides the City the right to access and monitor the private stormwater quality and detention facilities. The applicant shall provide the City with a yearly report that indicates the monitoring and maintenance that has been conducted on the stormwater quality and detention facilities. (DS)

11. The Meyers Road extension shall include a 12 inch water line. The applicant shall obtain a temporary construction easement, and a 15 foot wide permanent public easement on the Park property for operation and maintenance of the portion of the water line that is in Park property. (DS)

12. The High School Avenue improvement shall include a 12 inch water line. The final design and construction of the water line shall be done concurrently with the final street design and construction of High School Avenue. (DS)

13. An appropriately sized domestic water service line and meter shall be provided to the property with approved backflow prevention assembly. The water service and meter shall comply with Public Works standards and the applicable building and plumbing codes. (DS)

14. Provide an appropriately sized fire service line to the property with approved backflow prevention assembly. The fire service and backflow assembly shall comply with Public Works standards and the applicable building and plumbing codes. (DS)

15. Prior to construction plan approval, coordinate with the Community Services Department, Parks and Recreation Division, to determine if the proposed park development on the south side of proposed Meyers Road extension requires water service connection off of the proposed 12-inch Meyers Road water line. (DS)

16. As part of design review, the applicant shall submit the proposed development plans to Clackamas Fire District No. 1 for review and conditions, and install fire hydrants per requirements. (F)

17. Provide a temporary sanitary sewer service line from the property, crossing High School Avenue and connecting to the public sanitary sewer on Quaking Aspen Avenue. This sanitary sewer service line shall consist of a privately owned and operated pump station and force main. The force main shall discharge to manhole located on the applicant's

property, and then flow by gravity into the City manhole on Quaking Aspen Avenue. The applicant shall execute an agreement with the City for the operations and maintenance of the private system within the dedicated High School Avenue right-of-way and Meyers Road. (DS)

18. Provide a gravity sanitary sewer service line to the west end of the property at Meyers Road for future connection to the sanitary sewer when it is constructed. When the gravity sanitary sewer connection is made at Meyers Road, then the temporary pressure service line shall be plugged and abandoned or removed per City requirements. (DS)

19. For all pavement cuts required for the development such as for new water lines, storm and sanitary sewer service lines, the City Pavement Cut Policy and Standards shall be followed. The Full Standard shall be required for pavement cuts. (DS)

20. Prior to construction plan approval, ten-foot public utility easements along all street frontages, right-of-way dedications and all public easements shall be recorded. All existing and proposed utilities, road right-of-ways and easements shall be indicated on the construction plans. (DS)

21. There shall be no vehicular access along the south side of the Meyers Road extension for the entire site frontage until Glen Oak Park is developed. (DS)

22. The full street improvements for the Meyers Road extension shall consist of: 100 foot ROW, 68 feet of pavement (7 foot parking lanes, 6 foot bike lanes with 3 foot buffers, two 12 foot travel lanes, and one 12 foot turning lane), 10.5 foot planter strip including the curb, and a 5 foot sidewalk. The applicant shall construct a half street improvement plus 10 feet of pavement which shall consist of: 60 foot ROW dedication, 44 feet of pavement (7 foot parking lane, 6 foot bike lane with a 3 foot buffer), 10.5 foot planter strip including the curb, and a 5 foot sidewalk curb return radii, curb (handicap) ramps, centerline monumentation in monument boxes, traffic control devices, street trees, and street lights. (DS)

23. The applicant shall obtain a temporary construction easement, and permanent easement for the construction of the portion of the Meyers Road extension that is located on the Park property. The easement shall be voided when the Community Services Department Parks and Recreation Division dedicates the remainder of the ROW for Meyers Road. (DS)

24. The centerline of the extension of Meyers Road shall match the existing centerline at the intersection of High School Avenue, and shall a have an angle of at least 84-degrees. (DS)

25. Meyers Road shall be striped for a parking lane, bike lane and two travel lanes. When the remainder of the street is constructed the street shall be restriped to include two travel lanes and a turn lane. (DS)

26. The street trees in the planter strip along Meyers Road shall be selected such that they are compatible with the use of the planter strip as a stormwater swale. (DS)

27. There shall be two driveways on the Meyers Road extension for the bus parking area, which shall be approximately 200 feet apart. Both ingress and egress shall be allowed for the driveway nearest to the Meyers Road and High School Avenue intersection; the applicant's site design shall take into account sight distance requirements for vehicles

exiting at this driveway and shall provide evidence in a supporting document submitted with the construction plans that these requirements have been met. (DS)

28. The applicant shall dedicate a 54-foot wide Right of Way for High School Avenue (the future Loder Road connection) from Meyers Road to the north end of the applicant's property. The location shall be approximately where the existing private portion of High School Avenue is located, but the final dedication shall be based upon the horizontal design of the street. The horizontal design and right-of-way dedication shall occur at the same time as the Meyers Road improvements along the frontage of the Transportation Facility development. The improvements shall accommodate two travel lanes, one parking lane, bicycle and pedestrian travel in both directions. The sidewalk on the west side may be located in an easement. The final configuration for the street shall be determined by the City. Within five years of the notice of decision of this staff report the applicant shall design and construct the street including the storm system and water line. This condition shall be superseded by any development agreement for the design and construction of Loder Road entered into by the City of Oregon City and the applicant. (DS)

29. The centerline of the reconstruction of High School Avenue shall have a maximum of a 5-foot offset with the existing centerline of the public portion of High School Avenue at the intersection of Meyers Road, and shall a have an angle of 90-degrees. The west curb line at the intersection shall be 12-feet from the centerline. (DS)

30. There shall be two driveways on the newly dedicated portion of High School Avenue. One shall be for the parking area at the intersection of Meyers Road and High School Avenue and shall be approximately 280 feet from the intersection. The other driveway shall be for the northerly parking area, and shall be spaced at approximately 380 feet from the first driveway. A third driveway may be approved by the City upon receiving sufficient data providing justification for its need. (DS)

31. The curves for the Meyers Road extension shall have a radius of 400 foot or greater. The curves on the High School Avenue reconstruction at the north end shall meet industry standards as provided in the AASHTO manual on Geometric Design of Highways and Street. (DS)

32. Applicant is required to coordinate street light design and construction with Portland General Electric (PGE). Prior to final construction plan approval, the applicant shall submit a copy of PGE's work order to construct the street light system improvements and prior to issuing building permits, the applicant shall submit PGE's final acceptance of street light improvements to the City. *(DS)*

33. The intersection of Meyers Road and High School Avenue shall be constructed to accommodate bus turning movements such that they do not impede other travel or turning lanes. This may preclude the proposed curb extensions on Meyers Road. (DS)

34. The applicant may request adjustments to the Meyers Road cross section in order to better match the Meyers Road Concept Plan as it is developed. (DS)

35. The applicant shall dedicate a 25-foot wide easement for sanitary sewer along the northern boundary of tax lot 01300, from the western property line to the realigned and dedicated location for High School Avenue. The final alignment shall be determined during the design phase. (DS)

36. The applicant shall reconfigure the site design such that no portions of the parking lot are within the 20 foot setback along Meyers Road. (P)
37. The applicant shall make the parking lot available to the public after hours, as proposed, and shall provide visible signage that identifies the hours during which the lot is available for public use and directs drivers to the parking lot entrance. (P)
38. The applicant shall provide details in the final lighting plan to demonstrate that the 35 foot lights are full-cut off. (P)
39. Staff finds that the intent of the standard can be met through enhanced landscaping along the southern and eastern edges of the site, combined with decorative fencing and the addition of other pedestrian elements such as benches, public art, or other elements suggested by the applicant or the Planning Commission. The corner at the intersection of Meyers Road and the future Loder Road shall be particularly emphasized with decorative elements, public art, or other features of interest. (P)
40. There is currently a gated entry along the private drive portion of High School Avenue. The applicant shall either eliminate the gate or move the gate to the north to allow the public to access the parking lot after hours. The gate shall be completely removed when Loder Road is constructed. (P)
41. The applicant shall install a pedestrian path to connect the southeast corner of the parking lot to the sidewalk at the intersection of Meyers and Loder Road. If park and athletic field users are to park in the lot, there should be a direct connection from the lot to the crosswalks at the intersection so these users can easily access the street. (P)
42. The applicant shall only be required to include a walkway up to the northern edge of the public parking lot on the eastern side of the transportation site. If the applicant chooses to eliminate the walkway farther north of that point, a painted crosswalk across existing High School Lane and future Loder Road shall be required. (P)
43. The Master Plan shall address the pathway from CCC to the site and include plans to upgrade it pursuant to OCMC 12.044.199 – Pedestrian and Bicycle Accessways, or an alternative approved through a future detailed development plan, to provide safe and secure walking and bicycling connection between these two important community sites. A public access easement shall also be recorded for this path. The applicant shall propose an improvement to this pathway and implement it in one of the phases of this Master Plan, or no later than five years from the notice of decision of this land use application. (P, DS)
44. Prior to issuance of building permits, the applicant shall provide the details about the coverings and ensure that they meet building materials standards in OCMC 17.62.050.A.21. (P)
45. Prior to issuance of permits, the applicant shall demonstrate that the ground floor of the north façade contains arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length. (P)
46. Prior to issuance of building permits, the applicant shall demonstrate that the requirements for façade transparency on the front façade are met. (P)
47. The applicant shall provide a final lighting plan that addresses all standards in 17.62.065.D. (P)
48. Prior to issuance of permits, the applicant shall submitted a revised photometric plan that meets OCMC 17.62.065.D.4. (P)
49. Prior to issuance of building permits, the applicant shall provide a written response demonstrating compliance with 17.62.065.D.12 through D.15. (P)
50. Prior to issuance of permits, the applicant shall provide documentation ensuring that the refuse area is designed with sturdy materials, which are compatible to the primary structure. (P)

51. The applicant shall provide documentation to verify the total enrollment, number of staff, and projected future enrollment and shall provide a revised parking count if these numbers are different from those provided. (P)
52. The applicant shall produce a Transportation Demand Management and Parking Management Plan that reflects current traffic and parking issues. The applicant shall either present a TDM scope of work and contract for City staff approval prior to issuance of building permits, or post a performance guarantee for such a study prior to issuance of building permits. The TDM plan shall include reporting requirements and enforcement mechanisms to ensure that the school district follows the recommendations in the plan. (P)
53. The applicant shall modify the final plans to reflect the required number of carpool/vanpool spaces, no less than 5% of the total parking spaces provided at the transportation facility. (P)
54. Prior to issuance of building permits, the applicant shall revise the site plan to demonstrate that 40 carpool/vanpool spaces will be provided at the high school as part of this detailed development plan. (P)
55. The number of carpool/vanpool spaces provided by the end of the Master Plan period shall equal at least 5% of the total parking provided on site. (P)
56. The applicant shall propose a method to enhance the existing bicycle parking near the high school entrance by covering and/or better securing at least 50% the 60 racks that are near the building entrances. Approval from community development director of the method of covering shall be required; and implementation of this improvement shall be required as part of this detailed development plan. (P)
57. The applicant shall submit details about the location, style, and security of the bicycle parking prior to issuance of permits. (P)
58. The applicant shall provide a means of access through the fence that is accessible by all employees or shall reconfigure the bicycle parking to have direct access to pedestrian pathways. (P)
59. The tree varieties proposed for the parking lot include only maple trees. The applicant shall add coniferous tree(s) to provide a mix of species.
60. The applicant shall provide a final landscaping plan that contains an example with detail for each proposed "landscaping zone" to ensure that the shrubs and groundcover meet the standard. (P)
61. The applicant shall provide trees every 35 feet along the pedestrian walkway on the west side of the parking lot. (P)

62. Prior to issuance of permits, the applicant shall confirm that the loading standards set forth in Code Section 17.52.090 is not applicable or provide documentation showing compliance with loading requirements. (P)

63. Prior to issuance of building permits The applicant shall provide the following
    - recent AM and PM peak hour traffic counts at the intersections of High School Avenue/Meyers Road and High School Avenue/Glen Oak Road
    - an operational analysis of these two intersections under current conditions
    - estimates of AM and PM peak period traffic forecast at each proposed site access

    If these studies result in recommended safety improvements, the applicant shall make these improvements prior to a Certificate of Occupancy for the transportation facility. (P)

64. The applicant shall provide a neighboring City's list that includes this species, or choose a different species from the adopted list. Trees on Loder Road will be placed behind the sidewalk; trees on Meyers will be placed in the 10-foot planter strip. (P)

65. The applicant shall provide the frontage length along Loder Rd. and ensure that the final street tree plan includes one for every 35 feet on frontage. (P)

66. The applicant shall provide a revised tree removal plan that separates trees in construction area from trees outside of the area, and preserves all trees outside of the construction area to the extent practicable. The applicant shall make an attempt to reduce the size of the parking lot and modify the overall site layout to preserve trees. (P)

67. The applicant may utilize the park as a mitigation tree planting area only if a written and signed agreement is made with the City Parks and recreation department that specifies the contribution of the school district. (P)

68. Prior to issuance of the certificate of occupancy, the school district shall finalize the tree mitigation requirements and shall submit a final tree mitigation plan. (P)

69. The applicant shall record a covenant to protect all preserved trees and all mitigation trees with a restrictive covenant. (P)

70. The applicant shall pay a fee in lieu for all trees that are unable to be planted on or off site through Option 1. (P)

71. The applicant shall retain a Project Arborist to sign off on the tree protection plan and methods, and shall follow all measures required in 17.41.130. (P)

72. The applicant provide a weed/invasive species removal plan and ensure that Personnel hired to remove invasive species must be licensed and trained to use herbicides in the vicinity of water bodies, if such chemicals are to be used. The applicant shall follow these recommendations and submit documentation to demonstrate compliance to the City before plant removal begins. (P)

73. The applicant shall record a restrictive covenant or conservation easement for the NROD mitigation plantings including a financial guarantee in the form provided by the city, that will require owners and assigns of the property to comply with the applicable mitigation. (P)

74. Clearing of vegetation (trees and shrubs) within the NROD shall occur outside of the nesting season in accordance with the Migratory Bird Treaty Act. (P)

75. The applicant shall submit a final NROD planting plan that specifies smaller trees than in the original application and includes a temporary irrigation plan prior to the grading permit and ensure frequent watering during establishment. (P)

76. Prior to issuance of permits, the applicant shall submit documentation that demonstrates the value of the proposed exterior alterations or additions to the site. (P)

77. The applicant shall propose a final nonconforming upgrade plan that meets the requirements of Chapter 17.58. (P)

I. BACKGROUND:

1. Existing Conditions

This application concerns the Oregon City School District Moss Campus, where the Oregon City High School is located, along with athletic fields and a proposed new transportation maintenance facility. The entire site acreage is approximately 73 acres. The east side of the site includes the existing Oregon City High School and associated site improvements, including parking and playfields, fenced tennis courts, and minor support buildings including a greenhouse, one playfield concession stand, a pump house, announcer's shed, portable bleachers, backstops and dugouts at baseball and softball fields. A house, garage and barn located at the south soccer fields are planned for future demolition.

The vacant 10.5 acre portion of the site, located west of the private drive High School Avenue, is proposed to accommodate the School District's Transportation and Maintenance Facility and associated parking areas for buses, vans, maintenance vehicles and Transportation and Maintenance Staff and visitor parking. It is intended to replace existing facilities currently located at 14268 Maple Lane Court. The site currently contains one pole barn building, a wetland, and a majority of the site is densely forested with a variety of mostly native tree species. The City's Goal 5 inventory identifies a Natural Resource Overlay that is partially located on the very north end of the portion of the High School Campus located west of High School Avenue. This area is completely within the delineated wetlands area and is proposed to be protected in keeping with the City's Natural Resource Overlay district requirements.

The Oregon City High School Campus was originally designed and built in 1976 as a Junior High School and converted to Ninth grade use with minimal physical change. A Conditional Use Permit (CU 01-01 and SP 01-06) was approved in 2001 by the City for the portion of the site occupied by the High School and it associated playfields. Prior to construction build-out of the high school campus in 2001 and 2002 the students were generally bused into the campus from the Jackson Campus.

The campus does not currently have a Master Plan. When it was developed in 2001, the City did not require Master Plan for institutional sites over 10 acres in size, as required in today's code. Since 2001, the High School has made minor changes that have been processed through Type II site plan design review:

- SP 02-07: Addition of two softball fields and associated parking
- SP 05-06: Parking lot modifications (adjacent to the driveway on Beavercreek Road)
- SP 10-06: A concession stand
- SP 12-16: New batting buildings adjacent to the softball and baseball fields. Only one of these building has been built; the other is proposed as a phase of the master plan

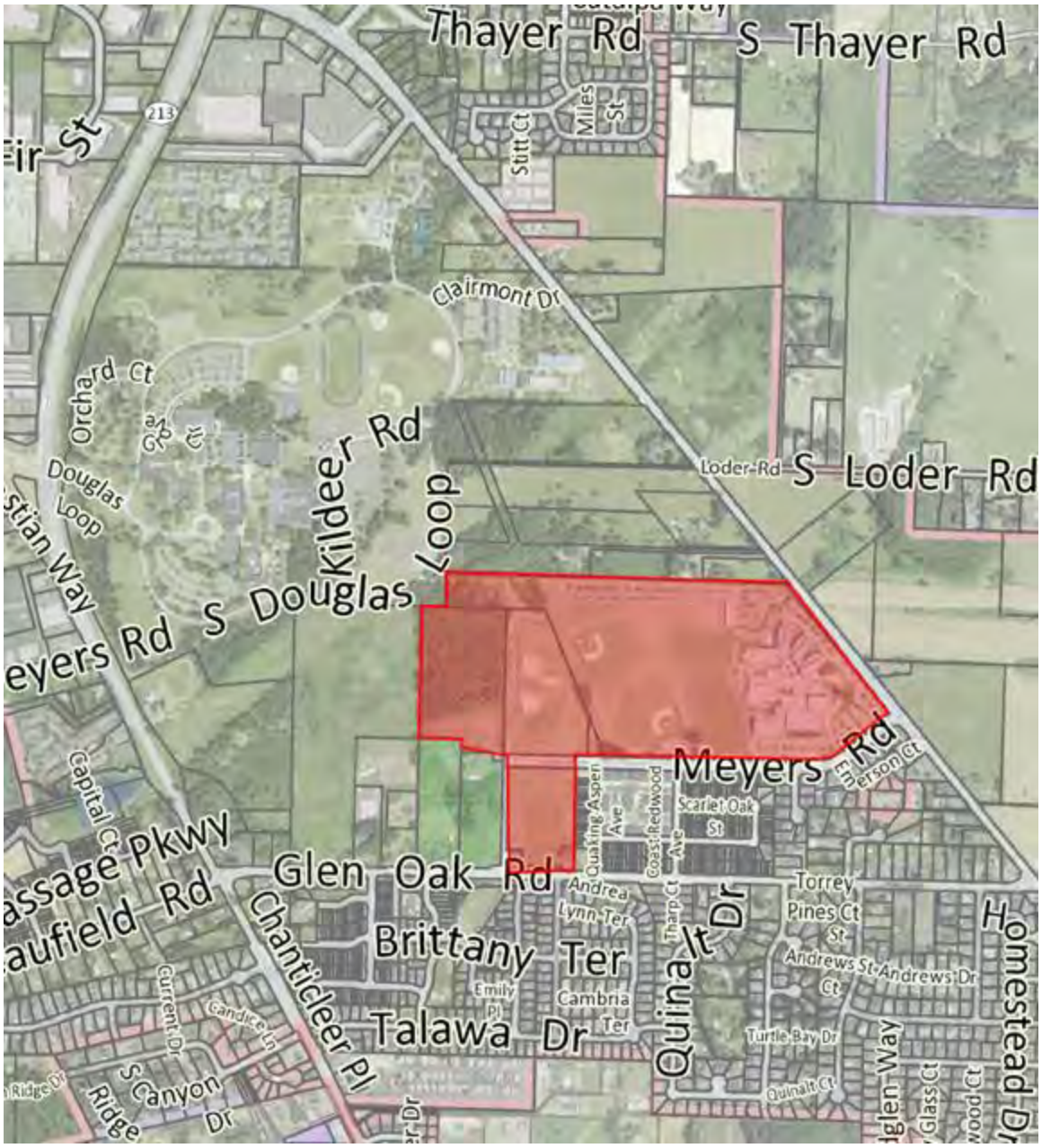


Figure 1. Vicinity Map

Figure 2: Existing Conditions – Aerial Image

2. Project Description

This project consists of a Master Plan for the entire Moss campus, a detailed development plan for the development of a new transportation maintenance facility on the campus, and a natural resource review for the wetland area north of the proposed facility.

Master Plan

The proposed duration of the Master Plan is 10 years. The Master Plan includes all of the following structures:

Proposed HS Building Areas	
Building 1: Main High School Building	218,321 SF
Building 2: Existing ROTC/Shop	9,280 SF
Building 3: Announcer Shed	100 SF
Building 4: Greenhouse (Phase 4 Removal)	1,420 SF
Building 5: Baseball Hitting Facility	12,800 SF
Building 6: Concessions #1	288 SF
Building 7: Shed Near Hitting Facility	120 SF
Building 8: Irrigation Pump House	154 SF
Building 9: Pole Barn (Phase 1 Removal)	1,300 SF
Building 10: House (Phase 4 Removal)	947 SF
Building 11: Garage (Phase 4 Removal)	225 SF
Building 12: Barn (Phase 4 Removal)	1,029 SF
Proposed Building 13: Transportation Maintenance Facility (Phase 1)	25,691 SF
Proposed Building 14: Softball Hitting Facility (Phase 2)	12,800 SF
Total Phase 1 Floor Area	270,941 SF
Total Phase 4 Floor Area	279,554 SF

The phases proposed include:
Phase 1: Transportation Maintenance Facility and associated site work on currently vacant portion of the site located west of High School Avenue. Anticipated Completion Date of Construction: June 2016.

Phase 2: Corrective actions to bring non-conforming conditions at High School into compliance: 3 years

- Landscaping at parking lot interior (islands) generally conforms to zoning requirements at the existing High School except at 2 non-conforming locations:
  - North Portion of parking lot besides Baseball fields
  - Southwestern portion of main parking lot by Gymnasium
  - (Installation of new planting islands at these two parking lots will occur in future phases of work.)
- Additional bicycle parking spaces; cover 50% of the spaces (if City rejects request to relax requirements given underutilization of existing spaces)
- Screening at electrical transformers and gas meters if//as required by City.
- Designate carpool/vanpool parking spaces at High School (43 required; only one currently designated)

Phase 3: Softball hitting facility construction: 3 years

Phase 4: Demolition of old house, garage and barn demolition of existing greenhouse near soccer fields: 3 to 5 years

Phase 5: Tenant improvements to unfinished areas at 2nd floor of new Transportation Maintenance Facility: 5 to 10 years

The applicant has requested several adjustments to development standards through the Master Plan process, including adjustments to allow the parking lot to be built in front of the building proposed for Phase 1, to increase the building setbacks for Phase 1, to allow decorative chain link fencing for Phase 1, and to maximize parking and limit bicycle parking increases on the high school campus. According to the applicant, the decorative chain link fencing includes student involvement in the design portion to produce the decorative design. The applicant indicated a desire for designs that "fit" the forested nature of the site as well as themes related to Oregon City School District. The applicant's requested adjustments are addressed within this staff report.

Detailed Development Plan

The proposed Phase 1 development is the subject of the DP14-04 Detailed Development Plan. The applicant provided the following narrative regarding this development:

"The Oregon City School District is planning to construct a new state-of-the-art facility to house and maintain buses and other transportation service and district maintenance vehicles. The facility will house related supervisory and maintenance staff, and bus drivers. This modern facility is envisioned to address the District's needs for at least the next 30 years. The goal is to provide a building that is functional, durable, constructed of low maintenance materials, and modern in its appearance.

The new facility will provide shop areas (with support spaces) that need to be secured within a fenced compound. Bus parking and other District vehicles need to also be within the fenced compound. On the other hand, staff and visitor parking needs to be outside the bounds of the fenced compound with its own separate direct access to office areas (and Drivers Lounge) of the facility. Site geometry is not adequate in size or shape to accommodate these requirements if the building were positioned close to the Meyers Road frontage.
The placement of the staff/visitor parking lot at the Southeast corner of the property (at the intersection of Meyers Road and High School Avenue) also provides beneficial access for public use given its proximity to the High School play fields on the East side of High School Avenue and the proposed City park being planned on the South side of Meyers Road.

Functionally, the Bus Maintenance and Facility Maintenance shops need direct access to service yards and bus parking areas which occupy the West and East sides of the facility. Bus Maintenance shops are most efficient and safe with a "drive-through" layout requiring circulation and bus wash areas occupying the third (North) side of the facility. These functional requirements leave only the fourth (South) side of the facility available for staff and driver parking, making it impossible to locate the building closer to the street.

The site layout, as designed, fulfills the need for separate bus parking and staff parking access/egress off Meyers Road. It also allows for drive through bus service bays. In essence, there is a formal public side of the facility to the South (with staff/visitor parking) and a less formal, more utilitarian, private side of the facility to the North and with buses and other district vehicles stored to the West, North and East of the building.) In particular, the bus parking and circulation have been laid out to allow bus movement that avoids the need for buses to back up. The means to construct this parking compound requires grading and activities which prohibited saving perimeter trees at the west boundary."

Proposed site development includes:

- 30,000 square foot building that includes office spaces and covered washing and maintenance areas
- Parking for Staff and Visitors to the Transportation Facility: 138 spaces including 5 accessible spaces
- Larger and Mid-Size Bus Parking: 96 spaces for standard size buses
- Small Buses, Vans and Miscellaneous Maintenance Vehicles: 96 (plus 6 after hour drivers) spaces for small buses, vans and other maintenance vehicles (mowers, etc.)
- Fencing of the bus/van/equipment storage compound area for security purposes
- A stormwater pond
- A partial extension of Meyers Road

The design of the Meyers Road extension is not certain at this time. The City is currently undergoing a concept planning process for the alignment and design of Meyers Road. The final plan, which is expected to be completed in late summer 2015, will result in a design that has been vetted by stakeholders, including city staff, the community, property owners, school district, and Community College. This staff report includes a design option based on our code and stakeholder input, but also encourages as an alternative option that the applicant meet the design recommended by the final Meyers Road Concept Plan. Both options are expected to result in minor changes to the school district's detailed development plan for the transportation facility. These changes are anticipated and will not result in additional land use

review unless the changes are substantial. The applicant has agreed to develop Meyers Road consistent with those adopted changes.

The City's Transportation System Plan adopted in 2013 includes extensions of Meyers Road and Loder Road through the general area of the undeveloped lands near the subject site. The school district has not proposed to build or dedicate right of way for Loder Road in this application. As a condition of approval, the school district will be required to dedicate right of way for Loder Road along the existing private drive, High School Avenue. The construction of Loder Road is required as a condition with the expectation that the City will enter into a development agreement with the School District for the design and construction of Loder Road. The right of way width for Loder Road has been specified in this staff report, but the final design of the street will be determined through a planning process at a later date.

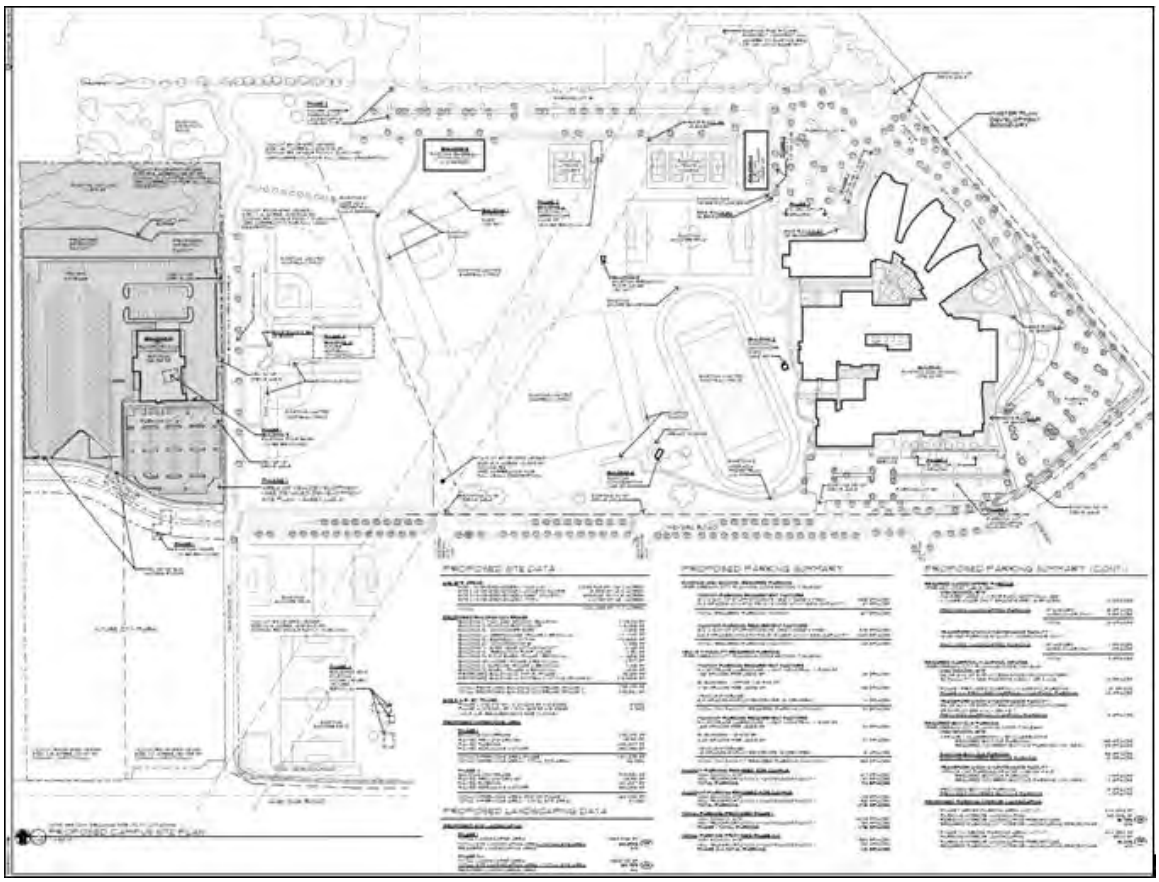


Figure 3: Proposed Master Plan

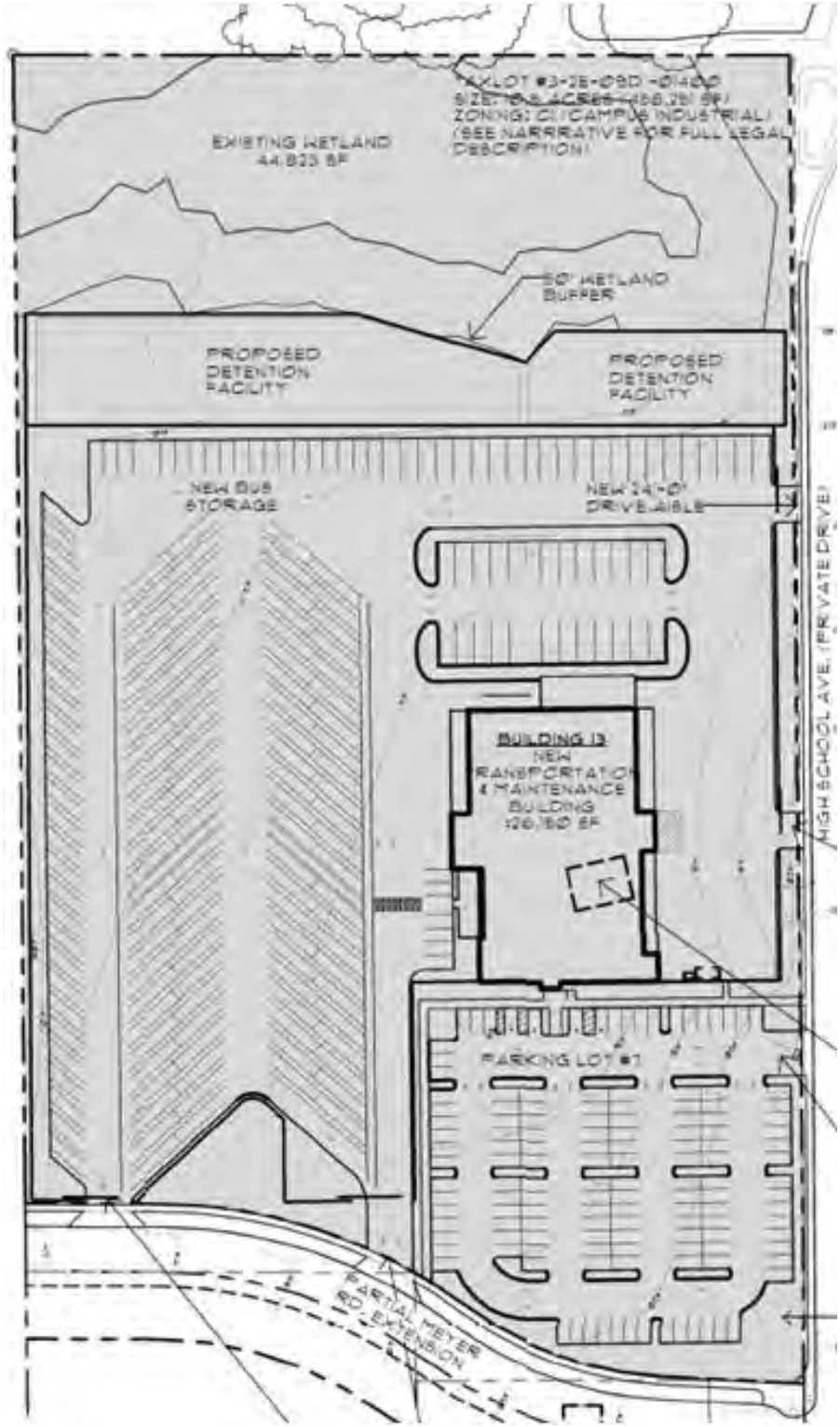


Figure 4: Proposed Detailed Development Plan for the Transportation Maintenance Facility

Figure 5: Proposed Building Elevations

3. **Zoning/Permitted Uses:** The subject site is within the "CI" Campus Industrial district and the R-8 Single Family District. Much of the land surrounding the high school is lightly developed, formerly a rural area with single family homes and pastures. Future plans for these areas call for industrial uses. The Beavercreek Concept Plan will guide development to the east of the site – plans currently call for mixed use and industrial development.

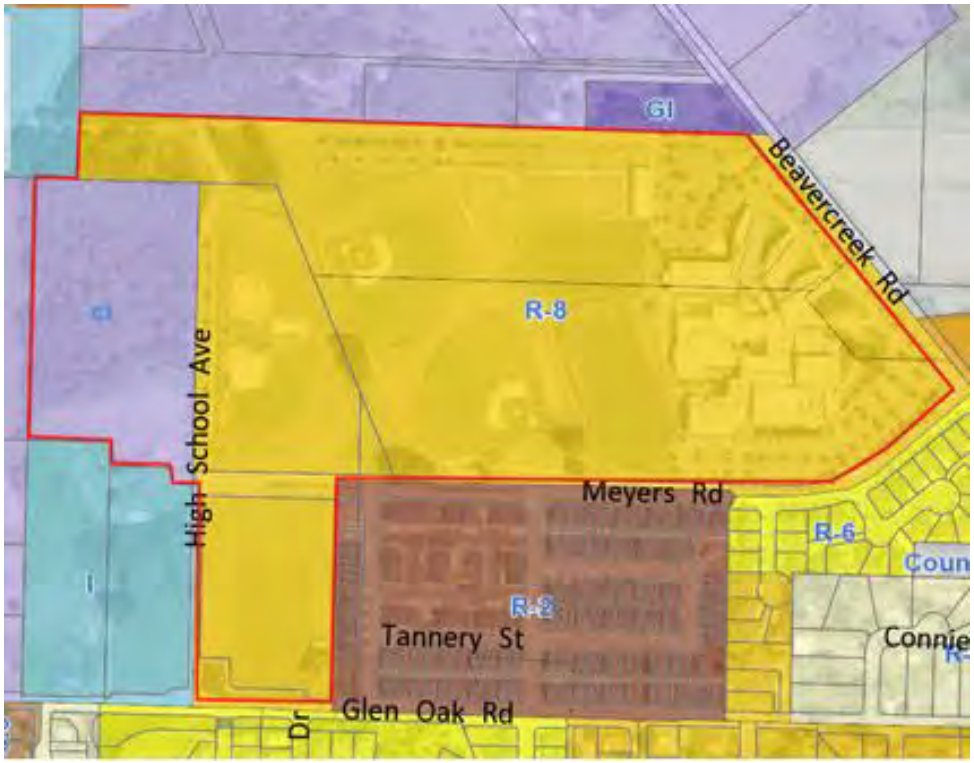


Figure 6: Zoning Map

Direction	Zoning Designation	Land Use
North	GI/CI/I	Clackamas Community College, Single Family homes, Undeveloped
East	MUC-1/County Future Urban	Undeveloped
South	R2/R6/R8/I	Single family homes, townhomes, apartment complex, future park
West	CI	Single Family homes, Undeveloped

4. Notice and Public Comment

Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property. Notice was published in the Clackamas Review on April 15, 2015. One comment was received before the publication of this staff report (Exhibit 3):

Ronald Saunders, who owns property to the west of the site, submitted a letter that expressed concern for negative impacts to his property. Mr. Saunders is very concerns about the proposal by the applicant to locate the Loder Road extension on Mr. Sauders' property. The Meyers Road alignment is a concern as well, Mr. Saunders comments that the jog is the road was not originally envisioned and thinks that there has to be an agreement between adjacent property owners if Meyers Road will enter their properties. He also concerned that the site will drain onto his property.

Mr. Saunders' comments are addressed within the staff report. The Loder Road proposal that was submitted with the application is not acceptable to the City; conditions of approval include the dedication of ROW for Loder Road on the east side of the bus facility site, instead of on Mr. Saunders' property. The Meyers Road alignment has been arranged so that the various property owners are impacted fairly equally, with the road arranged on the property boundary so that each property owner will dedicate a portion of Meyers and no one property owner is solely responsible for the dedication. The plan attempts to split the difference between the school property on the north side and the park property on the south side. The property lines vary along this boundary, so that a curve is the best solution. The school district has proposed a storm pond where all the runoff from the site will be directed and treated.

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

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

17.37 – Campus Industrial District
17.10 – R-8 Single Family Dwelling District
17.65 – Master Plans
17.62 - Site Plan and Design Review
17.52 - Off Street Parking and Loading
13.12 - Stormwater Management
12.04 - Streets, Sidewalks, and Public Places
12.08 - Public and Street Trees
15.48 - Grading, Filling and Excavating
17.47 - Erosion and Sediment Control
17.41 – Tree Protection
17.49 – Natural Resource Overlay District
17.58 – Nonconforming Uses, Structures, and Lots
17.50 - Administration and Procedures

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

EXHIBITS:

1. Vicinity Map
2. Applicant's Narrative and Plans (On File)
3. Public Comment
4. Traffic Analysis Letter
5. Letter from John Replinger
6. Transportation Demand Management Plan, 2001
7. Response to Conditions of Approval for SP 01-06
8. NROD Review from David Evans Associates
9. Applicant's supplemental information submitted after the application was publicly noticed

II. ANALYSIS AND FINDINGS:

CHAPTER 17.37 (CI) CAMPUS INDUSTRIAL DISTRICT

17.37.010 Designated.
The campus industrial district is designed for a mix of clean, employee-intensive industries, and offices serving industrial needs. These areas provide jobs that strengthen and diversify the economy. The uses permitted on Campus Industrial Lands are intended to improve the region's economic climate and to protect the supply of sites for employment by limiting incompatible uses within Industrial and Employment Areas and promoting industrial uses, uses accessory to industrial uses, offices for industrial research and development and large corporate headquarters.
17.37.020 Permitted Uses.
The following uses may occupy up to one hundred percent of the total floor area of the development, unless otherwise described:
A. Experimental or testing laboratories;
B. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials
C. Public and/or Private educational or training facilities
D. Corporate or government headquarters or regional offices with fifty or more employees.
E. Computer component assembly plants
F. Information and Data processing centers
G. Software and Hardware development
H. Engineering, architectural and surveying services
I. Non-commercial, educational, scientific and research organizations
J. Research and development activities
K. Industrial and professional equipment and supply stores, which may include service and repair of the same
L. Retail sales and services, including eating establishments for employees (I.E. a café or sandwich shop), located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of 20,000 square feet or 5% of the building square footage, whichever is less, and the retail sales and services shall not occupy more than 10% of the net developable portion of all contiguous Industrial Lands.
M. Financial, insurance, real estate, or other professional offices, as an accessory use to a permitted use, located in the same building as the permitted use and limited to ten percent of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-through features are prohibited.
N. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
O. Transportation facilities

Finding: Complies as Proposed. A portion of the site is within the Campus Industrial zone. The transportation facility is proposed to be located in this portion. Staff considers the transportation maintenance facility as an ancillary use to the High School. The zone permits public educational facilities.

17.37.030 Conditional Uses.
The following conditional uses may be established in a campus industrial district subject to review and action on the specific proposal, pursuant to the criteria and review procedures in Chapters 17.50 and 17.56:
A. Distribution or warehousing
B. Any other use which, in the opinion of the Planning Commission, is of similar character of those specified in Sections 17.37.020 and 17.37.030. In addition, the proposed conditional uses:
Will have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use;

2. Will not create odor, dust, smoke, fumes, noise, glare, heat or vibrations which are incompatible with primary uses allowed in this district;
3. Will be located on a site occupied by a primary use, or, if separate, in a structure which is compatible with the character and scale or uses allowed within the district, and on a site no larger than necessary for the use and operational requirements of the use;
4. Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites.
Finding: Not applicable. No conditional uses are proposed.

17.37.040 Dimensional Standards.
Dimensional standards in the CI district are:
A. Minimum lot area: no minimum required.
B. Maximum building height: except as otherwise provided in subsection B (1) of this section building height shall not exceed forty-five feet.
1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.
C. Minimum required setbacks:
1. Front yard: twenty feet minimum setback;
2. Interior side yard: no minimum setback;
3. Corner side yard: twenty feet minimum setback;
4. Rear yard: ten feet minimum setback.
D. Buffer zone: If a use in this zone abuts or faces a residential use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential or commercial zone in order to provide a buffer area, and landscaping thereof shall be subject to site plan review.
E. If the height of the building exceeds forty-five feet, as provided in subsection B (1) of this section for every additional story built above forty-five feet, an additional twenty-five foot buffer shall be provided.
Finding: Complies as Proposed. Proposed building height is 28 feet. The front setback is proposed to be 275 feet, the rear setback 443 feet, and side setbacks are 96 and 309 feet.

17.37.050 Development Standards.
All development within the CI district is subject to the review procedures and application requirements under Chapter 17.50, and the development standards under Chapter 17.62. Multiple building developments are exempt from the setback requirements of Chapter 17.62.055.
Finding: Complies as Proposed. There is only one building proposed in the CI zone. The setback requirements in 17.62.055 apply.

In addition, the following specific standards, requirements and objectives shall apply to all development in this district. Where requirements conflict, the more restrictive provision shall govern:
A. Landscaping. A minimum of fifteen percent of the developed site area shall be used for landscaping. The design and development of landscaping in this district shall:
1. Enhance the appearance of the site internally and from a distance;
2. Include street trees and street side landscaping;
3. Provide an integrated open space and pedestrian system within the development with appropriate connections to surrounding properties;
4. Include, as appropriate, a bikeway, pedestrian walkway or jogging trail;
5. Provide buffering or transitions between uses;
6. Encourage outdoor eating areas conveniently located for use by employees;
7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.
Finding: Complies as Proposed. 41% of the new Transportation Maintenance Facility site (bounded by Meyers Road extension on south and High School Avenue on the east) is landscaped. This includes the delineated wetland, the 50 ft. buffer of the wetland, and overall site landscaping areas. Street trees and street side landscaping is provided along Meyers Road extension. To the North, trees in the wetland provide a dense buffer and separation between the bus/vehicle

storage area and the neighboring Clackamas Community College. To the South, significant new plantings of trees and shrubs block view of the bus/vehicle storage area and appropriate landscaping is proposed at the staff/visitor parking lot perimeter (both at the South and at the East). New trees and shrubs are proposed at the east perimeter of the site to buffer views from High School Avenue and the High School play fields of the Transportation Maintenance Facility. At the West side of the site, a single row of evenly spaced trees is planted as a buffer between this site and the CI-Zoned neighboring property.

The Meyers Road extension will provide pedestrian circulation to the east and west, along with a walkway around the staff/visitor parking lot that connects to the building entrance. The need for secure bus storage precludes pedestrian walkways through other portions of the site, and precludes additional connections to the west. The stormwater pond and protected wetland preclude pedestrian connections through the site to the north. The future park across the street and the adjacent athletic fields provide recreational opportunities and walking trails. The applicant also proposes an outdoor patio for use by the employees of the maintenance facility.

B. Parking. No parking areas or driveways, except access driveways, shall be constructed within the front setback of any building site or within the buffer areas without approved screening and landscaping.
Finding: Complies with Condition. The proposed staff/visitor parking lot is partially within the minimum front setback of 20 feet. The applicant shall reconfigure the site design such that no portions of the parking lot are within the 20 foot setback along Meyers Road. **The applicant can meet this standard through Condition of Approval 36.**

C. Fences. Periphery fences shall not be allowed within this district. Decorative fences or walls may be used to screen service and loading areas, private patios or courts. Fences may be used to enclose playgrounds, tennis courts, or to secure sensitive areas or uses, including but not limited to, vehicle storage areas, drainage detention facilities, or to separate the development from adjacent properties not within the district. Fences shall not be located where they impede pedestrian or bicycle circulation or between site areas.
Finding: Complies as Proposed. Fencing is proposed to secure vehicle storage areas, and to surround the stormwater facility, as permitted by this section.

D. Signs. One ground-mounted sign may be provided for a development. Other signage shall be regulated by Title 15.
Finding: Complies as Proposed. One ground mounted monument sign is proposed at the corner of Meyers Road and High School Avenue to identify the new Transportation Maintenance Facility. Signs will be reviewed through Chapter 15.48 as a separate process from this land use application.

E. Outdoor Storage and Refuse/Recycling Collection Areas.
1. No materials, supplies or equipment, including company owned or operated trucks or motor vehicles, shall be stored in any area on a lot except inside a closed building, or behind a visual barrier screening such areas so that they are not visible from the neighboring properties or streets. No storage areas shall be maintained between a street and the front of the structure nearest the street;
2. All outdoor refuse/recycling collection areas shall be visibly screened so as not to be visible from streets and neighboring property. No refuse/recycling collection areas shall be maintained between a street and the front of the structure nearest the street.
Finding: Complies as Proposed. Materials, supplies, equipment, buses and other vehicles will be stored within the fenced compound. An emergency generator and its back-up fuel storage, and refuse/recycling collection areas are also located within the fenced compound. The fenced area is proposed to be visually screened by landscaping, which includes approximately 12 foot wide landscaped buffer on the west side and 20 feet buffer on the east side, both planted with shrubs, arborvitae, and trees spaced every 20 to 30 feet.

CHAPTER 17.10 - R-8 SINGLE-FAMILY DWELLING DISTRICT

17.10.010 Designated.

This residential district is designed for single-family homes on lot sizes of approximately eight thousand square feet.

17.10.020 Permitted Uses.

Permitted uses in the R-8 district are:

A. Single-family detached residential units;

B. Parks, playgrounds, playfields and community or neighborhood centers;

C. Home occupations;

D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on site is permitted);

E. Temporary real estate offices in model homes located and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

Accessory uses, buildings and dwellings;

G. Family day care provider, subject to the provisions of Section 17.54.050.

H. Residential home per ORS 443.400

I. Cottage housing

J. Transportation Facilities

17.10.030 Conditional Uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;

B. Bed and breakfast inns / boarding houses;

C. Cemeteries, crematories, mausoleums and columbariums;

D. Child care centers and nursery schools;

E Emergency service facilities (police and fire), excluding correctional facilities;

F. Residential care facility;

G. Private and/or public educational or training facilities;

H. Public utilities, including sub-stations (such as buildings, plants and other structures);

I. Religious institutions.

J. Assisted living facilities; nursing homes and group homes for over 15 patients

Finding: Complies as Proposed. A large portion of the site is within the R-8 zone, where public educational facilities are a conditional use. The school district obtained a Conditional Use permit for the Moss High School campus in 2001 (CU 01-01). Minor modifications to conditional uses are permitted without an additional conditional use permit. As listed in chapter 17.65.025.C, a small addition or subtraction of building square footage, a revision to parking, or other minor site changes are considered a minor modifications to a conditional use. Thus, an additional conditional use review is not required. The transportation facility is an ancillary use to the high school, and because it is a permitted use in the CI zone where it is located, it does not fall under the conditional use permit for the high school.

17.10.040 Dimensional Standards.

Dimensional standards in the R-8 district are:

A. Minimum lot area, eight thousand square feet;

B. Minimum lot width, sixty feet;

C. Minimum lot depth, seventy-five feet;

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

E. Minimum required setbacks:

Front yard fifteen feet minimum setback,

Front porch, ten feet minimum setback,

2. 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.

3. Interior side yard, nine feet minimum setback for at least one side yard, seven feet minimum setback for the other side yard,
4. Corner side yard, fifteen feet minimum setback,
Rear yard, twenty feet minimum setback,
Rear porch, fifteen feet minimum setback.
Garage Standards: See Section 17.20 – Residential Design Standards.
G. Maximum Lot Coverage: The footprint of all structures 200 square feet or greater shall cover a maximum of 40 percent of the lot area.

Finding: Complies as Proposed. No development within the R-8 zone is currently proposed. Setbacks will be reviewed during detailed development plan processes for projects within the R-8 area of the site.

CHAPTER 17.65 - MASTER PLANS

17.65.030 Applicability of the Master Plan Regulations.
Submission. A master plan shall be submitted for any institutional development on a site over ten acres in size. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No permit under this title shall by issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter.
The provisions of this chapter do not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.
When Required as Part of Previous Land Use Review. The master plan regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.
When Identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the Land Use section of the Oregon City Comprehensive Plan.
D. Voluntarily. An applicant may voluntarily submit a master plan as part of a land use review.

Finding: Complies as Proposed. A Master Plan is required for this proposal because it is part of an institutional development over 10 acres in size.

17.65.040 Procedure.
A. Preapplication Review. Prior to filing for either General Development Plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to Section 17.50.030.
General Development Plan. An application for a General Development Plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant must have an approved
B. General Development Plan before any detailed development plan may be approved, unless both are approved or amended concurrently. Amendments to an approved General Development Plan shall be reviewed under a Type III procedure pursuant to Section 17.65.080.
C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved General Development Plan. Amendments to an approved detailed development plan shall be processed pursuant to Section 17.65.080. Once a development has an approved detailed development plan, Chapter 17.62 Site Plan and Design Review is not be required.
D. Concurrent Review. An applicant may concurrently apply for a General Development Plan and a detailed development plan, or any phase of a detailed development plan. Such a concurrent application is reviewed through a Type III procedure.

Finding: Complies as Proposed. In accordance with this section of the code, the applicant has applied for a concurrent Type III review for the proposed General Development Plan and Detailed Development Plan. The applicant understands that a detailed development plan would normally be processed as a Type II procedure. However, because both the General Development Plan and the Detailed Development Plan are being submitted concurrently, they are both being reviewed through the Type III procedure.

17.62.050.B. Proposed Development Submittal Requirements
h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by City requirements. The transportation impact study shall either:
(1) address the impacts of the development of the site consistent with all phases of the General Development Plan; or
(2) address the impacts of specific phases if the City Engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.
i. If an applicant chooses to pursue option h(1), the applicant may choose among three options for implementing required transportation capacity and safety improvements:
(1) The General Development Plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.
(2) The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed General Development Plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a General Development Plan is later amended in a manner so as to cause the projected average daily trips, the projected AM or PM peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.
(3) The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.

Finding: Complies as Proposed. The applicant has provided a traffic study that includes all Phases of the Master Plan, and has not proposed to delay or defer any improvements for circulation or traffic capacity until later phases. See Chapter 12.04 for a discussion related to traffic improvements.

j. The applicant or city staff may propose objective development standards to address identified impacts that will apply within the proposed development on land that is controlled by the institution. Upon approval of the General Development Plan, these standards will supercede corresponding development standards found in this code. Development standards shall address at least the following:
(1) Pedestrian, bicycle and vehicle circulation and connectivity;
(2) Internal vehicle and bicycle parking;
(3) Building setbacks, landscaping and buffering;
(4) Building design, including pedestrian orientation, height, bulk, materials, ground floor windows and other standards of Chapter 17.62; and
(5) Other standards that address identified development impacts.

Finding: Not Applicable. The applicant has not proposed objective development standards to supercede the development standards in the code.

17.62.050.C. Approval Criteria for a General Development Plan. The Planning Commission shall approve an application for General Development Plan approval only upon finding that the following approval criteria are met.

1. The proposed General Development Plan is consistent with the purposes of Section 17.65.

Finding: Complies as Proposed. A master plan is appropriate for large scale sites that will be phasing development over time, and is required for institutional sites over 10 acres in size. Therefore, the proposed master plan is consistent with the purposes of the Chapter 17.65.

2. Development shall demonstrate compliance with Chapter 12.04 - Streets, Sidewalks and Public Places by the time each phase of the development is completed.
Finding: See section 12.04 for an evaluation of the public streets.

3. Public services for water supply, police, fire, sanitary waste disposal, and storm-water disposal are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.
Finding: See section 17.62.050.A.6 and A.14 for an evaluation of the public facilities.

4. The proposed General Development Plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.
Finding: Complies as Proposed. The site's inventoried Goal 5 resources include the Natural Resources Overlay Zone, including a Title 3 wetland and stream, that run along the west and north sides of the portion of the High School Campus located west of High School Avenue. The proposed development of a new Transportation Maintenance Facility on that portion of the site is proposed to be located outside the overlay zone's boundaries. The applicant has submitted a Natural Resource Overlay application (NR 14-10). Goal 5 resources within 250 feet include additional wetlands to the west and north and a stream west and north of the site.

5. The proposed General Development Plan, including development standards and impact mitigation thresholds and improvements adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.
Finding: Complies as Proposed. The submitted Traffic Impact Study indicates no adverse impact due to the proposed new Transportation Maintenance Facility. See discussion in Chapter 12.04 for detailed findings. The project does not include housing.

6. The proposed General Development Plan is consistent with the Oregon City Comprehensive Plan and its ancillary documents.
Finding: Complies with Condition. See discussion below:

Policy 1.2.1: Encourage citizens to participate in appropriate government functions and land-use planning.
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.
The School District met with the Caulfield Neighborhood Association on Tuesday, January 27, 2015 to present the proposed new Transportation Maintenance Facility and to garner input regarding its design and community impact.
In addition, the District solicited input from the Neighborhood Association regarding the existing High School's presence in the area. The District has scheduled a meeting with the Meyers Road neighbors to examine the situation first hand, discuss possible solutions, and then meet with City of Oregon City staff to find agreeable actions.
School Board meetings are broadcast on the community access cable channel and each month a project update is given keeping viewers current regarding the project. Also, the district will continue to use its social media presence to communicate information concerning the project.

Goal 2.1 Efficient Use of Land
Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently and that land is developed following principles of sustainable development.

The applicant provided the following response to this Comprehensive plan section:
"The available site area is being maximized in its use while avoiding intrusion into the wetlands located at the northern portion of the Transportation Maintenance Facility site area. The overall School District Site concentrates building and parking areas in order to free up much of the property for use as open play fields.
In addition photovoltaic solar panels are included at both the current high school facility and the new transportation and maintenance facility."

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.
The applicant provided the following response to this Comprehensive plan section:
"The existing High School, by its very nature, provides a sense of place as a focal educational destination for many residents of Oregon City. This sense of place is further enhanced by the various play fields which are heavily used by the community.
The new proposed Transportation Maintenance Facility is designed to serve as a flagship for future development (by others) in the Campus Industrial area to the west. Constructed of quality materials, this attractive facility could serve as a standard of quality for future industrial facilities to meet."
The proposed new Transportation Maintenance Facility will generate some noise that may affect livability in the neighborhood, but the site is located with significant separation to neighboring residential areas. The proposed facility is bounded on the north by the wetland, on the east by High School playfields, on the south by a future City park, and on the west by vacant land zoned Campus Industrial (CI).
The applicant proposes that the staff/visitor parking lot being provided at the southeast corner of the Transportation Maintenance Facility portion of the High School Campus will be available for after-hours use by the public using both the high school playfields and the future city park. The applicant states that this additional public parking will benefit the neighborhood by reducing the amount of vehicles driving around the neighborhood searching for an on-street parking space. Staff supports the proposal to make the parking lot available for public use after hours, considering that Meyers Road will not have on-street parking on the north side of the street, the proximity of the athletic fields, and the future city park on the opposite side of the Meyers Road extension. The parking lot could provide overflow parking for these uses and increases the utility of the parking lot overall. Thus, the applicant shall make the parking lot available to the public after hours, as proposed, and shall provide visible signage that identifies the hours during which the lot is available for public use and directs drivers to the parking lot entrance. **The applicant can meet this standard through Condition of Approval 37.**

Goal 2.6 Industrial Land Development
Ensure an adequate supply of land for major industrial employers with family wage jobs.
The applicant provided the following response to this Comprehensive plan section:
"At the time of its opening, the proposed new Transportation Maintenance Facility will employ an estimated 65 bus drivers, 3 bus mechanics, 2 dispatchers, 4 Transportation staff, and 10 Maintenance staff."
Of the entire project site, 10.5 acres are within the Campus Industrial zone. The Campus Industrial zone includes educational facilities as a permitted use.

Policy 2.6.2: Ensure that land zoned or planned for industrial use is used for industrial purposes, and that exceptions are allowed only where some other use supports industrial development. New non-industrial uses should especially be restricted in already developed, active industrial sites.
The applicant provided the following response to this Comprehensive plan section:
"The portion of the District's property zoned Campus-Industrial will be the site of the new proposed Transportation Maintenance Facility. While not industrial in use, this educational support facility does share many similarities with potential industrial uses that are expected to develop in the area. These include:

- Securely fenced vehicle storage areas
- Staff parking area
- A building housing maintenance and repair activities"

Of the entire project site, 10.5 acres are within the Campus Industrial zone. The Campus Industrial zone includes educational facilities as a permitted use.

Policy 2.6.3: Protect the city's supply of undeveloped and underdeveloped land zoned for industrial uses by limiting nonindustrial community uses, such as schools, parks, and churches on such properties and by limiting larger commercial uses within those areas.
The applicant provided the following response to this Comprehensive plan section:
"The Campus-Industrial zoned site area will not be used for community uses or for any commercial (or retail) enterprises."
Of the entire project site, 10.5 acres are within the Campus Industrial zone. The Campus Industrial zone includes educational facilities as a permitted use.

Policy 5.4.3: Identify, initiate and cooperate in partnerships with other jurisdictions, businesses, neighborhoods, schools and organizations to conserve and restore natural resources within and adjacent to Oregon City.
The applicant provided the following response to this Comprehensive plan section:
"Required tree mitigation (triggered by the removal of trees on the new Transportation Maintenance Facility) is proposed to occur at the Oregon City High School Site and at Holcomb Elementary School. The District is also discussing how it can assist Oregon City Parks with the planting of future trees at the proposed city park located directly south (across from the proposed Meyers Road extension). An addition twenty-five (1 ½" caliper) trees will be donated to the Eastham Arbor Day Event."

Policy 5.4.5: Ensure that riparian corridors along streams and rivers are conserved and restored to provide maximum ecological value to aquatic and terrestrial species. This could include an aggressive tree and vegetation planting program to stabilize slopes, reduce erosion, and mitigate against invasive species and stream impacts where appropriate.
Policy 5.4.6: Support and promote public education, interpretation, and awareness of the city's ecological resources.
Policy 5.4.8: Conserve natural resources that have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation and fish, and wildlife habitat.
Policy 5.4.11: Maintain and enhance the function and quality of natural wetlands and create, where appropriate, wetlands or swales to moderate the quantity and velocity of water runoff entering streams during storm events and to reduce the amount of pollutants carried into streams.
The applicant provided the following response to this Comprehensive plan section:
"The existing wetlands are being preserved at the north end of the Transportation Maintenance Facility site. Because of its close proximity to the High School, science programs can take

advantage of the wetlands as a "laboratory" to educate students and encourage sound ecological management."

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.
The applicant provided the following response to this Comprehensive plan section:
"Due to its location, the new Transportation Maintenance Facility is isolated from local neighborhoods by a substantial distance."

Policy 9.8.4: Promote "shared parking" and transportation demand management techniques such as transit vouchers, car or van pooling, and flexible schedules and telecommuting options to reduce peak hour trips.
Policy 12.1.1: Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.
The applicant provided the following response to these Comprehensive plan sections:
"A primary purpose of the new proposed Transportation Maintenance Facility is to support the transportation of students to and from school and other school related activities, thus reducing the need for other means of student transport to and from school. Employees of the facility are scheduled to arrive and to depart the facility at nonpeak hours. Refer to Addendum D – Final Traffic Impact Report (Revised Exhibit C) prepared by Lancaster Engineering.
The staff/visitor parking lot is envisioned to be available to pubic park goers on off-hours. The District is in discussion with the City Parks Department to develop an agreement to formalize this arrangement. The District encourages its employees to carpool whenever possible.
The new proposed Transportation Maintenance Facility supports the School District's student transportation system including buses and smaller van transports."

Staff also finds that the through the Meyers Road extension along the site's frontage, the applicant will provide sidewalks and protected bicycle lanes. These will encourage multi-modal travel and eventually connect to the section of Meyers Road west of Highway 213 and provide far greater connectivity. However, the applicant has proposed a parking plan that does not meet the goals of the Comprehensive Plan.

There are documented parking issues at the high school, including parents and students parking in the bicycle lane on Meyers Road, and neighborhood concerns about students parking on the street within the adjacent neighborhood. The applicant states that the existing parking lots at the High School are not fully utilized – the farthest spaces past the tennis courts are usually empty. Thus, it seems that students are parking in the neighborhood and the bike lanes out of convenience, rather than due to lack of on-site parking. Yet, the applicant has requested to maximize parking spaces for Phase 1 and for the beginning of the Master Planning period, and to only reduce parking eventually by replacing spaces with landscaping in future phases of the Master Plan. The City's transportation consultant, John Replinger, has the following comments regarding the amount of parking requested by the applicant:

> "(The applicant's proposal) could lead to an overabundance of parking and encourage more, rather than less, vehicle travel and single-occupancy vehicle use. I recommend that the applicant and the city review the assumptions and refine the parking proposal to come to an agreement on a reduced number of spaces that is more supportive of regional and city goals. I further recommend that the OCSD commit to a transportation

demand management program focused on the maintenance facility to help achieve the broader transportation goals and reduce the need for parking at that site."

The applicant proposed a Transportation Demand Management (TDM) Plan with its original Conditional Use permit application in 2001 (Exhibit 6). This 2001 TDM plan included measures to encourage carpooling and transit use by offering free carpool parking and reduced rate transit passes, by providing a bicycle and pedestrian route between the Community College and the High School, and charging a higher fee to park on site for Single Occupancy vehicles, among other measures. However, the applicant stated that there is no current TDM plan in place at the High School, and the City has no record that one has been completed. Staff finds that the applicant has neither met applicable standards nor the intent of the Comprehensive Plan with the proposed parking plan. See discussion in Chapter 17.52.020 for conditions and findings.

The applicant has requested to not add bicycle parking at the high school to bring the site up to current standards. Bicycle parking is an essential part of providing multi modal travel options and encouraging multi modal travel. While the applicant points out that the bicycle parking is currently underutilized, staff finds that providing cover and/or better security for some of the bicycle parking may improve usage. See discussion in Chapter 17.52.040 for conditions and findings.

The High School campus contains an informal gravel pathway that connects to the neighboring Clackamas Community College campus. This pathway is used as the most direct route for students, staff, and visitors to access the nearest Trimet bus stop and the walking trails and amenities on the college campus. This pathway is unimproved with lighting.
The applicant has not identified this pathway on their pedestrian circulation plan. See findings and conditions in 17.62.050.A.9.

Policy 12.6.1
Provide a transportation system that serves existing and projected travel demand.
The applicant provided the following response to this Comprehensive plan section:
"The goal of the new Transportation Maintenance Facility is to meet the needs of current and future projected bus routes."
In addition, the applicant will contribute to Transportation System Plan projects including the extensions of Meyers Road and Loder Road.

Policy 12.6.4
Identify and prioritize improved connectivity throughout the city street system.
The applicant provided the following response to this Comprehensive plan section:
"Meyers Road will be extended westward."
In addition, ROW will be dedicated for Loder Road. These two road extensions will improve connectivity in the area.

Goal 13.1 Energy Sources
Conserve energy in all forms through efficient land-use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities.
The applicant provided the following response to this Comprehensive plan section:
The proposed new Transportation Maintenance Facility will be designed to meet or exceed current Oregon Energy Codes. In addition, photovoltaic solar panels will be included.

17.65.60 Detailed Development Plan
B. Approval Criteria. The Community Development Director shall approve an application for detailed development plan approval only upon findings that:
All development standards and impact mitigation meet the requirements of the approved General Development Plan, including conditions of approval.
Any other applicable zoning regulations that are not addressed in the General Development Plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan are contained in 17.65.070.
The detailed development plan conforms with the standards contained in Chapter 17.62, unless adjusted as provided in 17.65.070.
C. Duration of Detailed Development Plan. Unless substantial expenditures have been made to implement the approved detailed development plan, defined as the submittal to the city of engineered plans for approval, a detailed development plan shall expire twenty-four months from the notice of decision date. The date of final approval includes the resolution of all appeals. Upon the receipt from the applicant of a written request and payment of the required fee prior to the expiration dated of the Detailed Development Plan, the Community Development Director may, on a one-time basis, grant a 12-month extension.

Finding: Complies as Proposed. The detailed development plan is consistent with the General Development Plan and with Chapter 17.62. See findings in 17.62 and 17.65.070.

17.65.070 Adjustments to Development Standards.
Purpose. In order to implement the purpose of the City's master plan process, which is to foster the growth of major institutions and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning process. These include, but are not limited to, items such as: dimensional standards of the of the underlying zone, Site Plan and Design Review criteria, residential design standards, and standards for land division approval.
Procedure. Requests for adjustments shall be processed concurrently with a General Development Plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.
Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:
1. To allow a primary or accessory use that is not allowed by the regulations;
2. To any regulation that contains the word "prohibited";
3. As an exception to a threshold review, such as a Type III review process; and
4. Any exception to allow a use not identified as a permitted or conditional use in the underlying zone.

Finding: Complies as Proposed. The following adjustments are requested. Adjustments 5, 6, and 9 are handled through their respective code sections and will be addressed elsewhere in this report.

1) Adjustment to 17.62.065.D.3 for installation of 30 foot high light poles in bus storage area in order to provide sufficient lighting with minimal shading between buses.
17.62.065.D.3: 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.

2) Adjustment to 17.62.050.21.b for use of modified (vinyl coated) chain link fencing at north, east and west perimeters of the developed Site area. Consider modified chain link fencing fronting Meyers Road with suitable landscape screening.
17.62.050.21.b: The following materials shall be prohibited in visible locations unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.
iv. Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).

Section 17.62.050.A.21 prohibits chain link fencing in visible locations, but allows the Community Development Direct to approve the material if integrated into the overall design. Fencing along Meyers Road and along the existing High school Avenue will be visible. The Planning Commission may consider an adjustment for chain link fencing in areas of the site that are not visible, namely the eastern and northern edges of the site, and may find that the chain link is integrated into the overall site design for the visible edges of the site. See additional findings below.

3) Adjustment to 17.62.055.C.5 and D.1 to allow building to be set back from Street frontage/Meyers Road as shown on accompanying site plan.

17.62.055.C.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.

17.62.055.D.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.

4) Adjustment to 17.62.055.I.1 to relax any building façade transparency requirements along High School Avenue (should it become the Loder Road extension); limit transparency requirements to frontage along Meyers Road only.

17.62.055.I.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.

Adjustment 5) Allow one bus entrances/exit and one bus exit only off Meyers Road as illustrated on accompanying Site Plan. See attached Site Plans for bus traffic patterns.

Adjustment 6) Meyers Road Extension to match existing Meyers Road ROW width.

Adjustment 7) Bicycle ridership at the High School has, since its construction, been low, due perhaps to both Oregon City's rainy climate and its students' general disinterest in this mode of transportation. Given the historic underutilization of the existing bicycle parking spaces at the High School, applicant requests that the City not require additional spaces to meet the existing nonconforming Zoning Code requirements at this time. Applicant proposes a phased approach to increasing bicycle parking spaces as popularity of this option of travel increases and bicycle parking demand is demonstrated.

Adjustment 8) Maximize the quantity of vehicle parking spaces in order to better satisfy parking demand at the Site(s) and address Neighborhood complaints/concerns.

Adjustment 9) Permit adjustment to Section 17.49.155 as described in ADDENDUM A – NROD APPLICATION AND RESPONSES TO CHAPTER 17.49

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;
Finding: Complies with Conditions.

Adjustment	Code	Purpose
1	17.62.065.D.3	Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort; Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky
2	17.62.050.21.b	Conserve the city's natural beauty and visual character
3	17.62.055.C.5 17.62.055.D.1 17.62.050.A.2.a	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
4	17.62.055.I.1	Promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians
5	12.04.195	This is a modification requested through 12.04.007.
6	12.04.180	This is a modification requested through 12.04.007.
7	17.52.040.B	To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security.
8	17.52.020.A	Maximum parking standards are meant to reduce the amount of land used for parking and to avoid reliance on the automobile.
9	17.49.155	This is an alternative requested through 17.49.

Adjustment #1
This adjustment equally meets the intent of the standard. The standard allows poles up to 35 feet in parking lots greater than 5 acres. The facility proposed is similar in size, use, and character to a parking lot, and is located well over 100 feet from any residential uses. The applicant states the use of 30 foot poles will result in fewer poles required overall. Staff finds that the 30 foot poles will not cause glare or excessive brightness to neighboring residents, and will have the same impact as a larger number of shorter poles, as long as they are full-cut off. The applicant shall provide details in the final lighting plan to demonstrate that the 35 foot lights are full-cut off. **The applicant can meet this standard through Condition of Approval 38.**

Adjustment #2
The applicant provided the following explanation for this adjustment:

"Allowing use of modified (vinyl coated) chain link fencing at north, east and west perimeters of the developed Site area can be mixed with decorative elements to provide an attractive character comparative to other decorative fencing alternatives. Enhanced landscaping along perimeter fencing (at East, South and West) will include shrubbery to further mute the appearance of the fencing."

The northern and western edges of the site are not visible from public areas or rights of way, and staff supports the use of vinyl coated chain link fencing (decorative or non decorative), screened by the proposed landscaping on these edges. On the southern and eastern edges of the transportation facility, staff finds that decorative elements within a vinyl coated chain link fence may be appropriate as integrated into the overall design of the site, including proposed landscape screening. The landscaping, once mature, will likely obscure a majority of the fencing. The Meyers Road frontage will be the most visible frontage, being that it will be across the street from the future Glen Oak Park. Although staff is satisfied with the applicant's use if decorative elements and landscaping along the Meyers Road frontage, should the Planning Commission wish to require a different material or enhanced decorative elements on the fencing, staff recommends that the Meyers Road frontage be prioritized.

Adjustment #3

The applicant provided the following explanation for this adjustment:
"Allowing the building to be set back from Street frontage/Meyers Road is necessitated in order to:
a. Isolate secured bus/vehicle storage areas from the public/staff parking.
b. Provide dual sided ingress/egress of vehicles at shop areas.
c. Provide public domain with staff parking and front entrance to office areas at south portion of the site. Also, relieve parking congestion on High School Avenue due to simultaneous sporting events on the High School sports fields. Special events parking could be available to the City Parks Department during non-employee use.
The geometry of the site precludes a solution that positions the building at a closer setback."

The underlying zone requires a 20 foot minimum setback, but 17.62.055 requires institutional buildings to be built to the street, superseding the setbacks required in the zone. Chapter 17.62.055 also requires corner lots to have buildings built at the corner with entrances at or near the corner. The dedication of ROW for Loder Road makes this a corner site. The applicant also proposes to place the parking lot in front of the building, meaning the requirements in 17.62.055 along with 17.62.050.A.2.a all need to be adjusted, if the proposed site design is to be approved.

The purpose of these standards is generally to create pedestrian-friendly environments. In this case, the applicant proposes decorative fencing and landscaping along the edge of the site. Staff finds that the intent of the zone and the overall function of the site, as explained by the applicant, create a situation in which landscaping and other elements may be appropriate to enrich the pedestrian environment, rather than relying upon the building placement and orientation. Although the building is institutional and is thus required to meet design requirements in 17.62.055, staff does note that the Campus Industrial District would not require industrial buildings to meet the standards in 17.62.055. In addition, the zone further exempts multiple building developments from meeting the standards in 17.62.055, no matter their use. The requirement to place parking next to or behind buildings rather than in front (OCMC 17.52.050.A.2.A), however, applies to every building that is reviewed through site plan and design review, including industrial buildings that would be developed along Meyers Road in the

future. In this particular case, the applicant has proposed that the parking lot in front of the building be open to the public after hours and serve the adjacent athletic fields and park, in order to both justify its placement in front of the building and to mitigate its impact. If the Planning Commission agrees with the applicant's reasoning, staff recommends the following mitigation:

1. enhanced landscaping along the southern and eastern edges of the site
2. proposed decorative fencing
3. the addition of other pedestrian elements such as benches, public art, or other elements suggested by the applicant or the Planning Commission
4. The corner at the intersection of Meyers Road and the future Loder Road shall be particularly emphasized with decorative elements, public art, enhanced landscaping and/or other features of interest

Staff has written a condition of approval to require this mitigation, should the Planning Commission decide to permit the proposed site layout.
The applicant can meet this standard through Condition of Approval 39.

Adjustment #4
The applicant points out that High School Avenue is not currently a public right of way, so the eastern side of the building should not be considered to be facing a street. However, this decision includes a condition that the applicant dedicate right of way along High School Avenue for the future alignment of Loder Road, which will ultimately result in the east side of the building facing a street. The façade of the building is not proposed to be close to the street (see adjustment #3), and will not have an immediate impact on the pedestrian environment. The eastern façade contains garage door openings with glazing, with an overall transparent percentage of 51%. Considering the setback of the building and the mitigation that is required for adjustment #3, it appears the intent of the standard has been met.

Adjustment #7
This adjustment does not equally meet the intent of the standard. The applicant states that existing bicycle parking spaces at the High School are (and always have been) sufficient in number and very underutilized. Other transportation options have been more acceptable to students. Applicant proposes phasing the addition of more bicycle parking spaces as the need for them is demonstrated. Staff supports the phasing in of additional bicycle parking spaces, but also recommends covering some of the existing spaces along with implementation of a Transportation Demand Management plan that reduces reliance on vehicles in favor of other modes. See discussion in 17.65.050.C.6 and 17.52.040.

Adjustment #8
This adjustment does not equally meet the intent of the standard. The applicant states that maintaining the existing parking on the High School Site will avoid increasing neighborhood concerns regarding on-street parking demands on streets neighboring the High School. Provision of new parking at the Transportation Maintenance Facility Site will alleviate parking demands generated by High School Play Field events and potential parking needs for future City Park events/activities. Staff finds that the existing parking lots are not fully utilized and does not agree that auto parking should be maximized to the extent requested. See discussion in 17.65.050.C.6 and 17.52.020.

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;
Finding: Complies with Condition. The overall purpose of the zone does not refer to aesthetics or design. The overall purpose of the Campus Industrial zone is:
The campus industrial district is designed for a mix of clean, employee-intensive industries, and offices serving industrial needs. These areas provide jobs that strengthen and diversify the economy. The uses permitted on campus industrial lands are intended to improve the region's economic climate and to protect the supply of sites for employment by limiting incompatible uses within industrial and employment areas and promoting industrial uses, uses accessory to industrial uses, offices for industrial research and development and large corporate headquarters.

In response to this criteria, the applicant states:
"The proposed Transportation Maintenance Facility will be compatible with the neighboring Campus Industrial development to the west and is well buffered to the north. The staff/visitor parking at the facility is easily accessed by the public off-hours from the east and will aid in alleviating parking demand by visitors to events on the High School play fields. A future City Park is planned for development to the south of the Transportation Maintenance Facility (across the Meyers Road extension) and park visitors too can use the facility's staff/visitor parking on off-hours. The staff/visitor parking is located at the intersection of Meyers Road and High School Avenue in order to be easily visible and accessible to would-be users. Finally, with the staff/visitor parking nearest to Meyers Road, users of that end of the future Glen Oak Park will have more visual openness as they look in that direction versus the view of an industrial building directly across from the park."

Staff finds that the cumulative effect of the adjustments requested result in a project that is compatible with the overall purpose of the zone, if the applicant complies with the recommended conditions of approval. The detailed development plan is consistent with other campus industrial uses that are expected to be developed along the Meyers Road extension. The proposal will result in a site that serves as a transition between the future industrial uses and the high school campus.
The applicant can assure that the cumulative effect of the requested adjustments complies with the intent of the Campus Industrial zone through compliance with Conditions of Approval 38 and 39.

3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;
Finding: Complies as Proposed. The adjustments requested do not impact the City's Goal 5 resources.

4. Any impacts resulting from the adjustment are mitigated; and
Finding: Complies with Condition. See findings in 17.65.070.1.

5. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.
Finding: Complies as Proposed. The adjustments requested do not impact the City's Goal 5 resources. The applicant's proposal protects the wetland and fully mitigates the minor disturbance to the wetland buffer area on site. The applicant has submitted a Natural Resource Overlay District review (NR 14-10).

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

Finding: Complies as Proposed. See findings in 17.65.050.C.6. The adjustments requested do not affect the project's consistency with the Comprehensive Plan.

17.65.090 Regulations that Apply
An applicant is entitled to rely on land use regulations in effect on the date its General Development Plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a General Development Plan is approved, and so long as that General Development Plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its General Development Plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved General Development Plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.
Finding: Complies as Proposed. The applicant did not request that future detailed development plans be subject to today's code.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

Application. The application for the minor site plan and design review shall contain the following elements:
1. The submittal requirements of Chapter 17.50.
2. A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in Section 17.62.035(C) below.
3. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
4. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
5. Additional submittal material may be required by the Community Development Director on a case-by-case basis.
Finding: Complies as Proposed. The applicant submitted a narrative, drawings, photos, and code responses and the application was deemed complete on March 24, 2015.

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:*
A. The modification will result in a development that better meets design guidelines; and
B. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.
Finding: The applicant is seeking adjustments through the Master Plan adjustment process pursuant to 17.65.070. The applicant has also requested modifications to design standards in 17.62.055 with a supplemental narrative submitted subsequent to the public notice mailing. These modifications are addressed in their respective code sections.

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. A pre-application conference was held on October 9, 2014.

17.62.050 Standards.
A. All development shall comply with the following standards:
17.62.050.A.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. The total site landscaping for the campus, including the wetland and the ball fields, is 57%. The detailed development plan includes 41% landscaping, which includes the wetland and 50ft buffer, and buffer and screening landscaping throughout the site. The applicant indicates that nuisance plants will be removed.

17.62.050.A.1.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. Reduction of landscaped areas is not being requested.

17.62.050.A.1.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: Complies as Proposed. The applicant proposes to preserve and enhance the NROD on site. See section 17.49 for more information.

17.62.050.A.1.c. The landscaping plan shall be prepared by a registered landscape architect and 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. The landscaping plans have been prepared by an Oregon State registered landscape architect from Walker Macy. The landscape will comprise a mix of trees, shrubs and groundcovers. Within 3 years from final completion of the project, 100% of the landscape area will be covered by growing plant material. No mulch will be used on the project unless it is under the canopy of shrubs or within two feet of a trees trunk. All plants shall be selected from the Oregon City approved plant material list.

17.62.050.A.1.d. For properties within the Downtown Design District, or for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the ten percent requirement.
Finding: Not applicable. The site is not within the downtown design district.

17.62.050.A.1.e. Landscaping shall be visible from public thoroughfares to the extent practicable.
Finding: Complies as Proposed. Landscaping at the High School Portion of the Site is visible from Beavercreek Road and Meyers Road. Landscaping at the Transportation Maintenance Site will be visible along the Meyers Road extension, from the High School playfields, High School Avenue.

17.62.050.A.1.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: Complies as Proposed. Landscaping area calculations do not include interior parking lot landscaping.

17.62.050.A.2. Vehicular Access and Connectivity
17.62.050.A.2.a. Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.
Finding: Staff/visitor parking is located at front of building; the applicant has requested an adjustment. See findings in 17.65.070.

17.62.050.A.2.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: Complies with Condition. One-way ingress and one-way egress of buses and emergency vehicles is proposed on south end of the site along Meyers Road.
Ingress/egress of staff/visitor parking occurs off the less trafficked private drive portion of High School Avenue/future Loder Road. There is currently a gated entry along the private drive portion of High School Avenue. The applicant shall either eliminate the gate or move the gate to the north to allow the public to access the parking lot after hours. The gate shall be completely removed when

Loder Road is constructed. **The applicant can meet this standard through Condition of Approval 40.**

17.62.050.A.2.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.
17.62.050.A.2.d. Sites abutting an alley shall be required to gain vehicular access from the alley unless deemed impracticable by the community development director.
17.62.050.A.2.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. Alleys are not required in the CI zone.

17.62.050.A.2.f. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.
Finding: Complies as Proposed. Proposed driveways on Meyers Road are 30 feet wide. There are no planned streets on the adjacent park site. Proposed driveways on Loder Road are between 24 and 30 feet wide. There are no planned streets on the adjacent high school site. There are no planned or aligned streets to line up to.

17.62.050.A.2.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: Complies as Proposed. Adjacent sites are not currently developed. The western boundary of the property is fenced to secure the School District's fleet. No pedestrian connections are proposed other than the public sidewalk on Meyers.

17.62.050.A.2.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.
17.62.050.A.2.i. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.
Finding: Not Applicable. No access easements are proposed. Access is made available with construction of extension of Meyers Road which provides access for vehicles, bicycles and pedestrians.

17.62.050.A.2.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 dead end streets are proposed.

17.62.050.A.2.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: Complies as Proposed. The 10.5 acre site is located in the Campus Industrial District, where industrial uses require large contiguous sites. The applicant does not require an internal street network. Streets connecting to the north are undesirable due to the large wetland on the north edge of the site. Streets connecting south and west are unnecessary because of the adjacent uses (athletic fields and future park) that have no internal streets to connect to. Streets connecting to the west are not necessary because of the adjacent Campus Industrial zone and the likely desire for a large contiguous site. For these reasons: the zoning, the size and shape of the site, and the adjacent uses and features, no public streets are required in this instance.

17.62.050.A.2.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.
17.62.050.A.2.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. No parking garages are proposed.

17.62.050.A.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 Constriction (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 Transportation and Maintenance Facility employs a modern architectural design variety of exterior materials. A combination of painted concrete, smooth and textured colored concrete masonry, metal siding in three surface profiles, aluminum framed storefronts and windows, and glazed overhead doors (at shop areas) will be used to provide an engaging composition and a finished appearance.

17.62.050.A.4. Grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.
Finding: Complies with Condition. See section 15.48 of this report.

17.62.050.A.5. Development subject to the requirements of the Geologic Hazard overlay district shall comply with the requirements of that district.
Finding: Not Applicable. The site is not within the Geologic Hazard Overlay district.

17.62.050.A.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: See section 13.12 of this report for the applicability of detention and treatment requirements.

Under existing conditions the storm water flow overland across open fields. A small portion of the flow goes north the existing wetlands, and most of the flows west to the neighboring property and eventually to a small tributary of Caulfield Creek.

The proposed improvements includes two separate storm drainage systems which are the on-site storm flow, and the public storm water flow on the Meyers Road extension along the property frontage. For the majority of the site the storm water is redirected to the wetlands along the northern boundary of the site. Treatment is proposed through CDS swirl concentrators produced by Contech, and detention will be provided with two ponds. The flow will be discharged to the wetlands. Based

upon an evaluation by wetland scientists the additional flow to the wetland and the point discharge will not negatively impact the wetlands. This entire system is proposed to be a private facility.

The applicant shall record a maintenance covenant and access easement agreement that provides the City the right to access and monitor the private stormwater quality and detention facilities. The applicant shall provide the City with a yearly report that indicates the monitoring and maintenance that has been conducted on the stormwater quality and detention facilities.

The storm water flow from Meyers Road is proposed to flow into a storm water swale in the planter strip, which will provide treatment and a small amount of detention. The discharge from the swale will be piped to Caulfield Creek on the City Park property. A public easement for storm water will be required across the Park property.

The street is proposed to be a crown section and eventually there will be swales on both sides. However, only a half street plus 10-feet will be constructed as part of this project. Therefore, there will be street storm run-off that is not collected or treated. A temporary swale on the south side of the street would be required.

It appears that portions of the public storm drainage pipe in the street section will actually be on Park property. Public easements will be required.

The preliminary storm water report evaluated downstream impacts and found that they will be negligible. However, at the discharge points there will need to be erosion control measures taken to reduce velocity and mitigate erosion.

Per section 12.04.180 of this report the extension of Loder Road will be High School Avenue north of Meyers Road, which will be required to be dedicated as a public street per the conditions-of-approval. Public storm drainage detention and treatment will be required for High School Avenue. The storm drainage facilities may affect the street alignment, the existing storm facility on the applicant's property, or may affect the proposed storm facilities for the transportation facility. Therefore, a preliminary storm report is required for the future improvements of High School Avenue. The actual storm improvments for High School Avenue shall be constructed when the street improvements are constructed.

A final storm water report shall be required as part of the public facilities design and shall be submitted to the City with the design. This shall include a preliminary evaluation of the storm facilities for the future High School Avenue improvements.

The applicant has proposed a storm drainage system appears to meet the City code requirements with a few modifications.

The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10.

17.62.050.A.7. Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, Chapter 17.52.

Finding: See analysis in Chapter 17.52.

17.62.050.A.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 analysis in Chapter 12.04.

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

17.62.050.A.9.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.

17.62.050.A.9.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.

17.62.050.A.9.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.

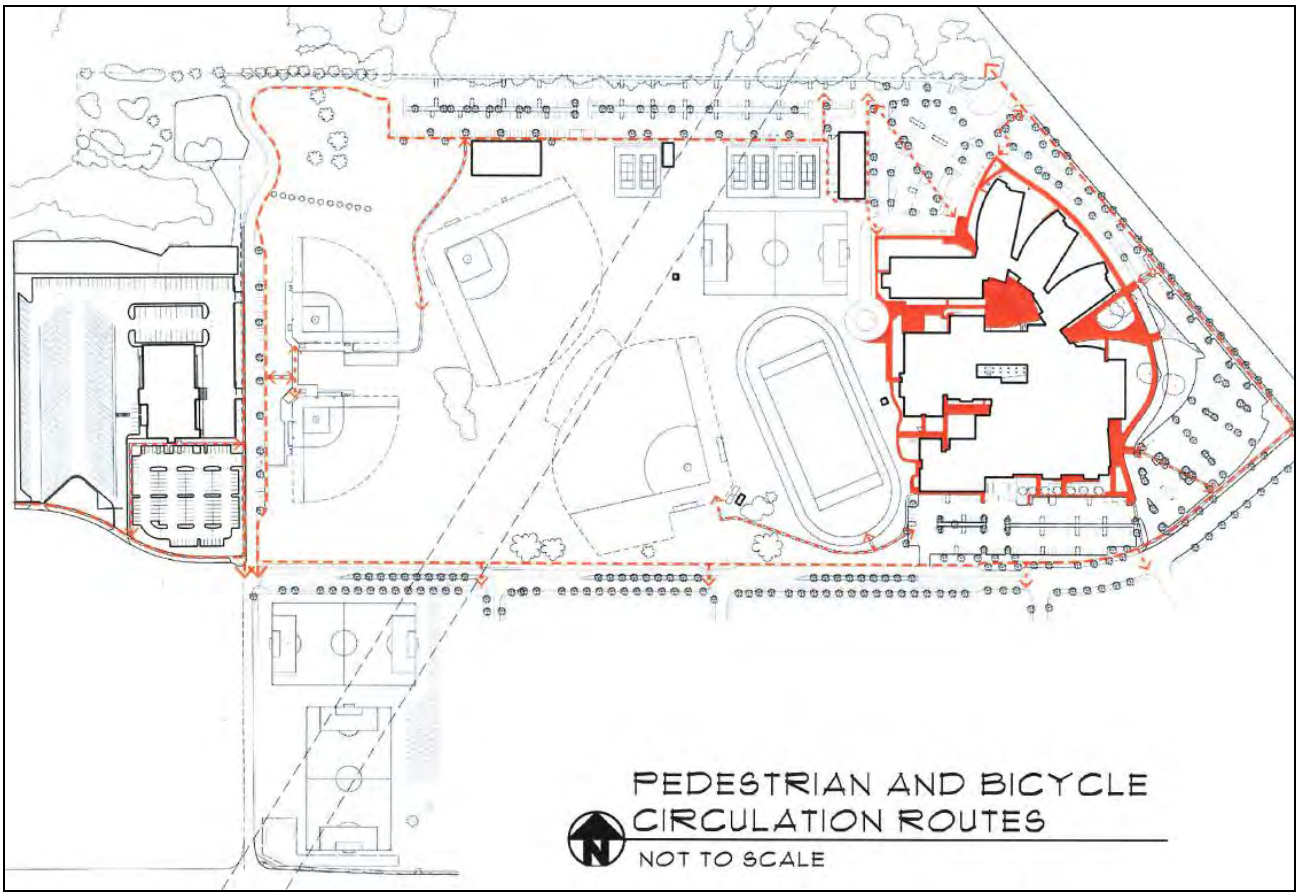
17.62.050.A.9.d. The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.

17.62.050.A.9.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.

17.62.050.A.9.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 submitted a pedestrian circulation plan that includes connections to all main building entrances. Many of the pathways on the high school campus are existing and some are of substandard width (see Chapter 17.58 Nonconforming Uses, Structures, and Lots). Within the detailed development plan area, the pathways are 7 feet in width and connect the main south entrance to the public rights of way on Meyers and Loder Roads. The applicant shall install a pedestrian path to connect the southeast corner of the parking lot to the sidewalk at the intersection of Meyers and Loder Road. If park and athletic field users are to park in the lot, there should be a direct connection from the lot to the crosswalks at the intersection so these users can easily access the street. **The applicant can meet this standard through Condition of Approval 41.** Walkway linkages are not required to vacant industrial land, thus no additional pedestrian circulation is required. It is noted that the pedestrian circulation plan includes a walkway along the eastern edge of the transportation site. The applicant shall only be required to include a walkway up to the northern edge of the public parking lot on the eastern side of the transportation site. If the applicant chooses to eliminate the walkway farther north of that point, a painted crosswalk across existing High School Lane and future Loder Road shall be required. **The applicant can meet this standard through Condition of Approval 42.**

The High School campus contains an informal gravel pathway that connects to the neighboring Clackamas Community College campus. This pathway is used as the most direct route for students, staff, and visitors to access the nearest Trimet bus stop and the walking trails and amenities on the college campus. A site visit confirmed that this pathway is unimproved with lighting.
The applicant has not identified this pathway on their pedestrian circulation plan. The Master Plan shall address the pathway from CCC to the site and include plans to upgrade it pursuant to OCMC 12.044.199 – Pedestrian and Bicycle Accessways, or an alternative approved through a future detailed development plan, to provide safe and secure walking and bicycling connection between these two important community sites. A public access easement shall also be recorded for this path. The applicant shall propose an improvement to this pathway and implement it in one of the phases of this Master Plan, or no later than five years from the notice of decision of this land use application. **The applicant can meet this standard through Condition of Approval 43.**



17.62.050.A.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 owner shall be responsible for maintenance.

17.62.050.A.11. Site planning shall conform to the requirements of OCMC Chapter 17.41 Tree Protection
Finding: See analysis in Chapter 17.41.

17.62.050.A.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: A portion of the site is within the Natural Resources Overlay District, see findings in Chapter 17.49.

17.62.050.A.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 compliance with these standards.

17.62.050.A.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: Complies with Conditions.

Water – There is existing 8 inch water line on Meyers Road, and on the public portion of High School Avenue (south of Meyers Road). The applicant proposes to extend an 8 inch water line along the Meyers Road extension. Portions of the water line are in the Park property, so easements will be required until such time as the land is dedicated for right-of-way.

The water master plans call for the water line along Meyers road to be 12-inch. The water master plan also calls for a 12 inch water line on High School Avenue.

The 12-inch water line on High School Avenue shall be designed and constructed at the time that the street improvements are constructed.

Appropriately sized domestic water service and fire service lines shall be provided, and they shall both have approved backflow prevention assemblies.

The Community Services Department, Parks and Recreation Division, may required a water service line on Meyers Road. The applicant shall coordinate with the Parks and Recreation Division during design and construction to provide an appropriately sized water service if required.

During the design the applicant shall coordinate with the Clackamas Fire District #1 with regard to fire flow requirements and fire hydrant locations.

Sanitary Sewer – The nearest sanitary sewer is an 8 inch pipe on Quaking Aspen Avenue. The pipe elevation is too high to serve the proposed facility by gravity. There is also a 12 inch pipe on Glen Oak Road. While this pipe may be able to serve the proposed facility by gravity, there is no direct access to it.

The applicant has proposed to install a private single service pump station and force main that would cross the School district property and connect to the pipe on Quaking Aspen Way. A gravity service

line would be installed from the facility to the west end of the property near Meyers road. In the future when the sanitary sewer is extended up Meyers Road, the School District would disconnect the private pump station, and connect to the new gravity line. The private force main would either be filled, plugged and abandoned, or removed per City requirements at the time.

It is City policy that private force mains do not discharge directly to the City collection system. Therefore, a private manhole would be located on the applicants property near Quaking Aspen Avenue, and then flow by gravity to the City manhole.

Per section 12.04.180 of this report the extension of Loder Road will be High School Avenue north of Meyers Road, which will be required to be dedicated as a public street per the conditions-of-approval. Therefore, the proposed service main would cross the public right-of-way which is not allowed. However, this would be allowed as a temporary service until the gravity main on the future extension from Highway 213 along Meyers Road is constructed.

The applicant shall execute an agreement with the City for the operation and maintenance of the private system within the dedicated right-of-way of High School Avenue and Meyers Road.

The recently adopted Sanitary Sewer mater Plan show a future main extension crossing the applicants property near the north west corner. In order to accommodate the future extension the applicant shall provide a 25-foot wide sanitary sewer easement for the construction, operation and maintenance of a sanitary sewer. The easement shall be located along the northern boundary of tax lot 01300 from the western property line to the right-of-way of the realigned High School Avenue.

The applicant has proposed a sanitary sewer system appears to meet the City code requirements with a few modifications.

The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 2, 3, 4, 11, 12, 13, 14, 15, 16, 17 and 18.

17.62.050.A.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.

When approving land use actions, Oregon City requires all relevant intersections to be maintained at the minimum acceptable level of service (LOS) upon full build-out of the proposed land use action. The minimum acceptable LOS standards are as follows:

a. For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of critical movements.

b. For signalized intersections within the Regional Center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0.

c. For unsignalized intersection throughout the city a LOS "E" or better for the poorest approach and with no movement serving more than twenty peak hour vehicles operating at worse than LOS "F" will be tolerated for minor movements during a peak hour.

Finding: See analysis in Chapter 12.04.205.

17.62.050.A.16. If Tri-Met, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, bus landing pad or transit stop connection be constructed at the time of development, the review authority shall require such improvement, using designs supportive of transit use.

Finding: Complies as Proposed. The application was transmitted to Trimet. No specific recommendations were given, however, Trimet staff stated: "we do want to stay apprised of the master plan process and roadway infrastructure development here. As you mention, improved connectivity amongst the college, high school and future housing development should increase the functional utility of our current service, and offer the potential to modify future service at TriMet's discretion."

17.62.050.A.17. All utility lines shall be placed underground.

Finding: Complies with Conditions. All utility lines (water, gas, sewer, power, telephone, etc.) will be placed underground. The applicant shall coordinate with PGE in regard to street light placement and design. Before final construction design plan approval, the applicant shall submit a plan of the PGE work order to construct the street lights. Prior to issuing building permits, the applicant shall submit PGE's final acceptance of the street lights. A 10 foot wide PUE shall be provided along the street frontages prior to design approval.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 20 and 32.

17.62.050.A.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. The applicant stated that existing facilities were designed to meet ADA accessibility standards, and new proposed facilities will also be designed in compliance with ADA Guidelines. The Building Department will review all building plans for compliance with ADA standards.

17.62.050.A.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. This is not a residential development.

17.62.050.A.20. Screening of Mechanical Equipment:

17.62.050.A.20.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: Complies as Proposed. The proposed new Transportation Maintenance Facility will employ roof top units screened by building wall parapets.

17.62.050.A.20.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 80 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 equipment is proposed.

17.62.050.A.20.c. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least 80 percent of the view. Placement and type of screening shall be determined by the Community Development Director.

Finding: Complies as Proposed. An emergency generator will be screened from view from Meyers Road by fencing and landscaping. The generator is located behind the proposed fence for the bus storage area.

17.62.050.A.21. Building Materials

17.62.050.A.21.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.*
- *ii. Basalt stone or basalt veneer*
- *iii. Narrow horizontal wood or composite siding (generally 5 inches wide or less); wider siding will be considered where there is a historic precedent.*
- *iv. Board and baton siding*
- *v. Other materials subject to approval by the Community Development Director.*
- *vi. Plywood with battens or fiber/composite panels with concealed fasteners and contagious 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 with Condition. The proposed new Transportation Maintenance Facility will employ a combination of exterior building materials including painted tilt-up concrete, colored concrete masonry (in a composition of split faced and ground faced textures), pre-finished flat and patterned metal panels. The applicant also proposed a covered storage area and a future covered storage area in sections of the bus storage area. No details about the materials used for such covered storage areas were provided. Prior to issuance of building permits, the applicant shall provide the details about the coverings and ensure that they meet building materials standards in OCMC 17.62.050.A.21. **Staff determined that it is likely and reasonable that the applicant can meet this standard through Condition of Approval 44.**

17.62.050.A.21.b. Prohibited materials. The following materials shall be prohibited in visible locations 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).*
- *ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than 10 percent of the building façade*
- *iii. Corrugated fiberglass.*
- *iv. Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).*
- *v. Crushed colored rock/crushed tumbled glass.*
- *vi. Non-corrugated and highly reflective sheet metal.*

Finding: Prohibited materials listed are not proposed except for the inclusion of black vinyl coated chain link fencing required for security of the bus/van/equipment vehicle storage area. See section 17.65.070 for findings regarding this proposed adjustment.

17.62.050.A.21.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 façade 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 3 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: Complies as Proposed. No EIFS is being used at the new Transportation Maintenance Facility. Concrete masonry is proposed to be a combination of split faced and ground faced colored units. At the front façade, the building exterior is a combination of two patterns of pre-finished metal siding and aluminum storefront. The east façade facing Loder Road is primarily metal and glazing. The applicant has requested a modification to this standard, stating:

> "To help meet the District's desire for low maintenance materials, 3 types of metal siding have been juxtaposed on the building's front façade to introduce variety in lieu of moldings and trim that would be inconsistent with the clean look of the building.
> The introduction of masonry at the ground level would be inconsistent with that clean look and would provide no additional durability or permanence. Instead, the general metal wall panel type has been interrupted with a second type of metal panel at the base of window to add an alternative form of visual interest. (These panels and the windows are recessed from the plane of the main wall panels.)
> The material selections at the various portions of the building define use. Metal siding was selected at office areas. Concrete and concrete masonry are being used at high impact maintenance portions of the building."

The use of quality materials and modern architecture meet the intent of the building materials standards. Staff finds that the design better meets the standard.

17.62.050.A.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: Complies with Conditions. As demonstrated within this report, the proposal will comply with the standards of the Oregon City Municipal Code with conditions. **Staff determined that it is likely and reasonable that the applicant can meet this standard through all Conditions of Approval.**

17.62.055 Institutional and Commercial Building Standards.
17.62.055.C. Relationship between zoning district design standards and requirements of this section.

17.62.055.C.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 as Proposed. The proposed Transportation Maintenance Facility is located on property within the Campus Industrial (CI) zone. Its design is in keeping with the industrial nature of the zone. It will be constructed of a combination of durable materials often found on industrial campuses, including tilt-up concrete, concrete masonry, and metal siding. These materials are compatible with building materials used at the existing High School portion of the site.

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

Finding: Complies as Proposed. The design is not standardized or a prototype.

17.62.055.C.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: Complies as Proposed. Because the function of the existing High School facility and the function of the proposed new Transportation Maintenance Facility differ and because the two facilities are not in close proximity, the characteristics, architectural vocabulary and massing are not completely shared. Each is designed to suitably reflect its function. Both the High School and the proposed Transportation Maintenance Facility do employ certain shared elements:

- Split faced colored concrete masonry
- Aluminum storefront systems
- Metal siding panels

17.62.055.C.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. There is no conflict.

17.62.055.C.5. On sites with 100 feet or more of frontage at least 60 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 17.62.055(D). For sites with less than 100 feet of street frontage, at least 50 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 17.62.055(D).

Finding: The proposed Transportation Facility site has over 100 feet of frontage on two sides. The applicant has requested an adjustment to this standard. See adjustments discussion in 17.65.070.

17.62.055.D. Relationship of Buildings to Streets and Parking.

17.62.055.D.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 5 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 20 square feet of landscaping or planter boxes for each tenant façade fronting on the activity area
g. Outdoor cafe
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. The applicant has requested an adjustment to this standard. See adjustments discussion in 17.65.070.

17.62.055.D.2. The front most architecturally significant façade 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. The most architecturally significant façade is oriented toward Meyers Road, which is the major street. The entrance faces Meyers and is connected to the sidewalk by a 7-foot walkway. The entrance is clearly defined, and marked by a vertical expansion of glass storefront running the full height of the facility.

17.62.055.D.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 Section17.62.055.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. The primary entranceway is clearly defined and framed by a sheltering element and includes four elements: canopies, overhangs, display windows and projections. A vertical and horizontal portico-like entrance canopy element, clad in smooth metal panels and modestly projecting from the front plane of the building, to "announce" the main entrance to the facility. The horizontal element represents a modern geometric alternative to corniced parapets. The applicant states that peaked roof forms or arches are not necessary to add emphasis to this entrance element. Its smooth texture is in obvious contrast to the surrounding textured metal panel wall plane and adequately and clearly defines the front entrance.

17.62.055.D4. 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 project.

17.62.055.D5. 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: Complies as Proposed. No trellises, canopies and fabric awnings will project into the setback.

17.62.055.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 25 feet of the corner of the building. Additionally, one of the following treatments shall be required:
17.62.055.E.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 25 feet of the corner of the building.

17.62.055.E.2. Chamfer the corner of the building (i.e. cut the corner at a 45-degree angle and a minimum of 10 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. The applicant has requested an adjustment to this standard. See adjustments discussion in 17.65.070.

17.62.055.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 14feet floor to floor Where appropriate, the exterior façade 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. No commercial use is proposed, and the site is not within the MUC or NC zone.

17.62.055.G. Variation in Massing
17.62.055.G.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 street facing facades of the building include substantial variation.

17.62.055.G.2. Horizontal masses shall not exceed a height: width ratio of 1:3 without substantial variation in massing that includes a change in height and projecting or recessed elements.

Finding: Complies as Proposed. The longest horizontal mass of the proposed new Transportation Maintenance Facility is at the East and West Elevations and conforms to the height:width ratio: 24'-6" high x 70 feet wide; which is less than 1:3.

17.62.055.G.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. Massing variations at the proposed new Transportation Maintenance Facility are the product of differentiation between office and meeting uses at the south end of the building versus the shop activities to the north. The main entrance at the south end of the building effectively dominates the façade by virtue of its fully glazed tower-like presence.

17.62.055.H. Minimum Wall Articulation.
17.62.055.H.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. The facades contain a change in texture and color, and windows, that break up the mass of the building.

17.62.055.H.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. The east façade, facing Loder Road contains projections of 27 feet and 19 feet, making up 22% of the total length. The depth of these projections is 9 feet, or 4% of the length. The south façade facing Meyers Road is 137 feet in length and has projections of 11 feet and 17 feet, or 23 percent.

17.62.055.H.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 Condition. The applicant has proposed sunshades on the south and east façades for over 60% of the façade length. The south (front) façade is 137 feet in length, with 72 feet of transparency at the pedestrian level, or 52%. The applicant states that window shapes have been carefully employed to differentiate the office areas from the horizontal entrance element. The recessed office windows run in horizontal bands and have projecting sun shades, whereas the entrance element glazing is vertical in shape. Prior to issuance of permits, the applicant shall demonstrate that the ground floor of the north façade contains arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length. **Staff determined that it is likely and reasonable that the applicant can meet this standard through Condition of Approval 45.**

17.62.055.H.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. Proposed building facades employ a variety of repeating colors and textures, including flat and patterned metal panels, smooth painted tilt-up concrete, and ground faced and split faced concrete masonry.

17.62.055.H.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. Proposed glazed aluminum in between the windows reflects the regularity of bays within the building. Vertical glazing treatment further identifies shop bays at east and west facades.

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

Finding: Complies as Proposed. Color, texture and material changes occur horizontally along the facades, every 30 feet or less.

17.62.055.I. Façade Transparency.

17.62.055.I.1. Transparent windows or doors facing the street are required. The main front elevation shall provide at least sixty percent (60%) windows or transparency at the pedestrian level. Facades on corner lots shall provide at least sixty percent (60%) windows or transparency on all corner-side façades. All other side elevations shall provide at least thirty percent (30%) transparency. The transparency is measured in lineal fashion. For example, a one-hundred-foot long building elevation shall have at least sixty feet (60% of 100 feet) of transparency in length. Reflective, glazed, mirrored or tinted glass is limited to ten percent (10%) of the lineal footage of windows on the street facing façade. Highly reflective or glare-producing glass with a reflective factor of .25 or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen (15) 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. The applicant has requested an adjustment to this standard for the eastern façade of the building. See findings in 17.65.070. The west façade contains over 30% transparency as required. The south (front) façade is 137 feet in length, with 72 feet of transparency at the pedestrian level, or 52%. The applicant did not provide information about the reflectivity of glass used. Prior to issuance of building permits, the applicant shall demonstrate that the requirements for façade transparency on the front façade are met. **Staff determined that it is likely and reasonable that the applicant can meet this standard through Condition of Approval 46.**

17.62.055.I.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 20 feet of a Right of Way shall be utilized as display windows with a minimum display depth of 36 inches.

Finding: Not Applicable. No false window or door openings are required or proposed at side or rear elevations facing walkways.

17.62.055.J. Roof Treatments.

17.62.055.J.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.*

Finding: Complies as Proposed. The applicant has proposed a parapet and sunshades at south, east and west office windows. Coping height at the main entry to the building is raised to make entrance more prominent.

17.62.055.J.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 75 feet.

Finding: Not Applicable. The project is not mixed use.

17.62.055.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. No drive through is proposed.

17.62.065 Outdoor Lighting

17.62.065.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 project must meet the standards in this section.

17.62.065.B.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 as Proposed. The applicant submitted a lighting plan and photometric plan.

17.62.065.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.

17.62.065.D. Design and Illumination Standards

General Outdoor Lighting Standard and Glare Prohibition

17.62.065.D.1. Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 foot-candles of light as measured at the property line. In no case shall exterior lighting add more than 0.5

footcandle to illumination levels at any point off-site. Exterior lighting is not required except for purposes of public safety. However, if installed, all exterior lighting shall meet the following design standards:
Finding: Complies as Proposed. Outdoor lighting is primarily provided to enhance security.

17.62.065.D.2. Any light source or lamp that emits more than 900 lumens (13 watt compact fluorescent or 60 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. All fixtures shall utilize one of the following bulb types: metal halide, induction lamp, compact fluorescent, incandescent (including tungsten-halogen), or high pressure sodium with a color rendering index above 70.
Finding: Complies with Condition. The applicant did not provide enough detail in the lighting plan to verify that this standard has been met. The applicant shall provide a final lighting plan that addresses all standards in 17.62.065.D. **Staff determined that it is likely and reasonable that the applicant can meet this standard through Condition of Approval 47.**

17.62.065.D.3. The maximum height of any lighting pole serving a multi-family residential use shall be 20 feet. The maximum height serving any other type of use shall be 25 feet, except in parking lots larger than five acres, the maximum height shall be 35 feet if the pole is located at least 100 feet from any residential use.
Finding: The applicant has requested an adjustment to this standard. See findings in 17.65.070.

17.62.065.D.4. Lighting levels

Table 1-17.62.065. Foot-candle Levels

Location	*Min*	*Max*	*Avg*
Pedestrian Walkways	*0.5*	*7:1 max/min ratio*	*1.5*
Pedestrian Walkways in Parking Lots		*10:1 max/min ratio*	*0.5*
Pedestrian Accessways	*0.5*	*7:1 max/min ratio*	*1.5*
Building Entrances	*3*		
Bicycle Parking Areas	*3*		
Abutting property	*N/A*	*.05*	

Finding: Complies with Condition. The applicant submitted a photometric plan which shows lighting levels at some edges of the site to be greater than 0.5 foot candles. The entryway lighting also appears to be less than 3 foot candles. Prior to issuance of permits, the applicant shall submitted a revised photometric plan that meets OCMC 17.62.065.D.4. **Staff determined that it is likely and reasonable that the applicant can meet this standard through Condition of Approval 48.**

17.62.065.D.5. Parking lots and other background spaces shall be illuminated as unobtrusively as possible while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize pedestrian scale lighting that defines the space without glare.
Finding: Complies with Condition. The applicant did not provide enough detail in the lighting plan to verify that this standard has been met. The applicant shall provide a final lighting plan that addresses all standards in 17.62.065.D. **Staff determined that it is likely and reasonable that the applicant can meet this standard through Condition of Approval 47.**

17.62.065.D.6. Any on-site pedestrian circulation system shall be lighted to enhance pedestrian safety and allow employees, residents, customers or the public to use the walkways at night. Pedestrian walkway lighting through parking lots shall be lighted to light the walkway and enhance pedestrian safety pursuant to Table 1.
Finding: Complies with Condition. The applicant did not provide enough detail in the lighting plan to verify that this standard has been met. The applicant shall provide a final lighting plan that

addresses all standards in 17.62.065.D. **Staff determined that it is likely and reasonable that the applicant can meet this standard through Condition of Approval 47.**

17.62.065.D.7. 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. Lamps shall include a high-pressure sodium bulb with an unbreakable lens.
Finding: Not applicable. No pedestrian accessways are proposed.

17.62.065.D.8. Floodlights shall not be utilized to light all or any portion of a building facade between 10:00 pm and 6:00 am.
17.62.065.D.9. Lighting on automobile service station, convenience store, and other outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.
17.62.065.D.10. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.
17.62.065.D.11. In no case shall exterior lighting add more than 1 foot-candle to illumination levels at any point off-site.
Finding: Complies with Condition. The applicant did not provide enough detail in the lighting plan to verify that these standards have been met. The applicant shall provide a final lighting plan that addresses all standards in 17.62.065.D. **Staff determined that it is likely and reasonable that the applicant can meet this standard through Condition of Approval 47.**

17.62.065.D.12. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
17.62.065.D.13. 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.
17.62.065.D.14. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
17.62.065.D.15. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
17.62.065.D.17. 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: 80 feet.
ii. Maximum permitted illumination at the property line: 0.5 foot-candles.
Finding: Complies with Condition. The applicant did not provide a response to these criteria. Prior to issuance of building permits, the applicant shall provide a written response demonstrating compliance with 17.62.065.D.12 through D.15. **The applicant can meet this standard through Condition of Approval 47.**

17.62.080 Special Development Standards along Transit Streets.
17.62.080.B. Applicability. Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.
Finding: Not Applicable. No frontage streets are currently transit streets.

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 with Condition. The applicant states that the proposed refuse/recycling area will be large enough to contain 1 large bin for refuse and 1 small bin for recycling sized to meet the owner's needs. If needed, space to the east of proposed area is available for future expansion and landscape screening would need to be extended to match/conform to item C below. The refuse/recycling area will be located adjacent to the southeast corner of the building behind the fenced compound/vehicle storage area and additional landscape screening to prevent visibility from Meyers Road. Landscape screening is proposed to screen view of trash area from Meyers and Loder Roads. The applicant did not provide information about the materials proposed for the refuse area. Prior to issuance of permits, the applicant shall provide documentation ensuring that the refuse area is designed with sturdy materials, which are compatible to the primary structure. **The applicant can meet this standard through Condition of Approval 50.**

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.010 Applicability.
The construction of a new structure or parking lot, or alterations to the size or use of an existing structure, parking lot or property use shall require site plan review approval and compliance with this chapter. This chapter does not apply to single- and two-family residential dwellings.

Finding: Applicable. The project includes construction of a new structure.

***17.52.20** Number of Automobile Spaces Required.*
17.52.020.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 1,000 square feet gross leasable area unless otherwise stated.

Table 17.52.020

LAND USE	*PARKING REQUIREMENTS*	
	MINIMUM	*MAXIMUM*
Multi-Family: Studio	*1.00 per unit*	*1.5 per unit*
Multi-Family: 1 bedroom	*1.25 per unit*	*2.00 per unit*
Multi-Family: 2 bedroom	*1.5 per unit*	*2.00 per unit*
Multi-Family: 3 bedroom	*1.75 per unit*	*2.50 per unit*
Hotel/Motel	*1.0 per guest room*	*1.25 per guest room*
Welfare/Correctional Institution	*1 per 7 beds*	*1 per 5 beds*
Senior housing, including congregate care, residential care and assisted living *facilities; nursing homes and other types of group homes;*	*1 per 7 beds*	*1 per 5 beds*
Hospital	*2.00*	*4.00*
Preschool Nursery/Kindergarten	*2.00*	*3.00*
Elementary/Middle School	*1 per classroom*	*1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium /assembly room/stadium*
High School/College/Commercial School for	*0.20 per # staff and*	*0.30 per # staff and students*

Adults	*students*	
Auditorium/Meeting Room/Stadium	*.25*	*0.5 per seat*
Retail Store/ Shopping Center/Restaurants	*4.10*	*5.00*
Office	*2.70*	*3.33*
Medical or Dental Clinic	*2.70*	*3.33*
Sports Club/Recreation Facilities	*Case Specific*	*5.40*
Storage Warehouse/ Freight Terminal	*0.30 per gross sq-ft*	*0.40 per gross sq-ft*
Manufacturing/ Wholesale Establishment	*1.60 per gross sq-ft*	*1.67 per gross sq-ft*
Light Industrial/ Industrial Park	*1.3*	*1.60*

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.*
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.*
3. *Where calculation in accordance with the following 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.*
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 trucks used in conducting the business or use.*
5. *A Change in Use within an existing building located in the MUD Design District is exempt from additional parking requirements. Additions to an existing building or new construction in the District are required to meet the minimum parking requirements in Table 17.52.020.*

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

Finding: Complies with Condition.

Overall parking for the Campus

The high school campus was approved in 2001 through a Conditional Use permit with 1,000 parking spaces and appears to have received approval for another 40 through revisions or later site plan approvals. The City's parking requirements have changed since the high school was approved, making the parking count nonconforming. The applicant provided the number of students at 2,500 and the number of staff at 250. The applicant shall provide documentation to verify the total enrollment, number of staff, and projected future enrollment and shall provide a revised parking count if these numbers are different from those provided. As provided, these students and staff levels would result in a parking ratio of 550 minimum to 825 maximum parking spaces for the high school as a whole.

Currently, the high school contains 1,038 parking spaces, which makes it nonconforming based on today's code. The applicant proposes to add 138 parking spaces for the Transportation Facility, for a total of 1,176 spaces. The applicant proposes to reduce the parking on the high school site in future phases of the Master Plan by 55 spaces through the addition of landscaping islands. This work will bring the total down to 1,121 spaces by the end of the Master Planning period.

The applicant provided a parking calculation that separated out the athletic fields, and provided a suggested minimum and maximum ratio based on the ITE manual. However, the City considers the athletic fields to be part of the high school campus. These fields do not increase the parking demand on site because they operate after high school hours. While the school is in session, the fields are not

available for public use. John Replinger, the City's transportation engineer, concurred in his review letter, stating,

> *"The assumption of overlap of peak demand for school parking and athletic field parking does not seem well supported. On the contrary, many of the users of athletic fields during weekday afternoons would seem to be student-athletes from the same school who do not have to travel to and park at the site. When athletic competitions or practices involve those from other schools, the travel time for the visitors would likely provide plenty of time for the majority of the host school's students to depart."*

Thus, the City will not count the athletic fields separately from the high school parking ratio as desired by the applicant.

The applicant has requested to maximize on-site parking in order to address concerns of neighbors that on-street parking is being used by high school students, and to provide convenient parking for athletic field users. There are documented parking issues at the high school, including parents and students parking in the bicycle lane on Meyers Road, and neighborhood concerns about students parking on the street within the adjacent neighborhood. However, the applicant states that the existing parking lots at the High School are not fully utilized – the farthest spaces past the tennis courts are usually empty. Thus, it seems that students are parking in the neighborhood and the bike lanes out of convenience, rather than due to lack of on-site parking.

The City's transportation consultant, John Replinger, has the following comments regarding the amount of parking requested by the applicant:

> "I recommend that the applicant and the city review the assumptions and refine the parking proposal to come to an agreement on a reduced number of spaces that is more supportive of regional and city goals. I further recommend that the OCSD commit to a transportation demand management program focused on the maintenance facility to help achieve the broader transportation goals and reduce the need for parking at that site."

The applicant proposed a Transportation Demand Management (TDM) Plan with its original Conditional Use permit application in 2001 (Exhibit 6). The proposed 2001 TDM plan included measures to encourage carpooling and transit use by offering free carpool parking and reduced rate transit passes, by providing a bicycle and pedestrian route between the Community College and the High School, and charging a higher fee to park on site for Single Occupancy vehicles, among other measures. The applicant stated that there is no current TDM plan in place at the High School, and the City has no record that one has been completed.

The applicant does propose to reduce overall parking in future phases of the development plan by 55 stalls through the addition of landscaping islands. This strategy is a good one, but does not reduce parking enough to reach the level permitted by current code.

The applicant has neither met applicable standards nor the intent of the Comprehensive Plan with the proposed parking plan. The applicant shall produce a Transportation Demand Management and Parking Management Plan that reflects current traffic and parking issues. The applicant shall either present a TDM scope of work and contract for City staff approval prior to issuance of building permits, or post a performance guarantee for such a study prior to issuance of building permits. The TDM plan shall include reporting requirements and enforcement mechanisms to ensure that the school district follows the recommendations in the plan.

Transportation Facility Parking

The applicant submitted a parking calculation for the transportation facility using gross square footage of the building, while OCMC 17.52.020 is based on net leasable area. According to the building plans, the transportation facility is proposed to have 12,257 square feet of light industrial (shops and maintenance) space, 5,379 space feet of office space, and 7,680 square feet of storage areas.

Use	Square feet	Parking ratio per 1000 sf
light industrial/shops	12257	1.3 to 1.6
office	5379	2.7 to 3.3
storage	7680	0.3 to 0.4

Use	Minimum Parking Spaces	Maximum Parking Spaces
light industrial	15.93	19.61
office	14.52	17.75
storage	2.30	3.07
TOTAL	**33**	**40**

To account for parking needs for the bus drivers themselves, the applicant suggests a parking ratio of 0.5 spaces per driver at a minimum, and 1 space per driver at a maximum. This ratio is based on the City of Hillsboro requirement for vehicle storage uses, as Oregon City does not provide such a parking ratio in its code. Oregon City does have a parking standard for storage or warehouse uses, which is 0.3 to 0.4 spaces per 1000 square feet of space. This ratio could be applied using the total square footage of outdoor bus storage proposed. Staff estimates the total storage area, including all drive aisles, at 153,000 square feet. Using the storage ratio, the parking permitted would be 43 minimum and 61 maximum spaces. The applicant provided the number of bus drivers to be 81; and using the applicant's proposed ratio the number of parking spaces would be 41 minimum and 81 maximum. The table below shows the resulting parking counts using both methods.

	OPTION 1 **Parking permitted using OCMC Storage ratio**	**OPTION 2** **Parking permitted using Hillsboro employee ratio**
Building area	33-40	33-40
Bus storage area	43-61	41-81
Total (min to max)	76-101	71-121

Staff has provided two options above that limit the parking to 101 to 121 spaces, rather than the 138 requested. These two options consider the Transportation Facility on its own, but when examined holistically with the entire Master Plan area, there are other factors to consider and shared parking opportunities:

The overall Master Plan area is overparked, both according to current maximum allowed parking and current parking underutilization.

The Transportation Facility building is approximately 1,050 feet, or 0.2 miles walking distance (a four minute walk) from the parking lot north of the ball fields, which according to the applicant is usually somewhat empty. While the school district wishes for its staff to be able to park closer to their workplace, staff is not convinced that providing a parking space for every single employee on site, and then some, is justifiable or desirable. If the parking lot is full, staff could park in the underutilized lot 0.2 miles away, or park on-street along Meyers Road.

Again, a Transportation Demand Management Study and Plan would greatly assist staff and the applicant in making decisions about parking. In the absence of such a study, staff recommends that the Planning Commission limit the amount of parking provided at the Transportation Facility.

That being said, the applicant has proposed that the parking lot serve not just the school district's Transportation Facility, but also the athletic fields and future park use. The current concept plan for the park includes a modest parking lot and on-street parking on potentially three sides of the park. The soccer field does not have a dedicated parking area and the school district has stated that users often park illegally on grass on the edge of the field. The softball fields are served by parking lining High School Avenue and the parking lot on the north edge of the site. The parking along High School Avenue will eventually be replaced with the Loder Road extension, which will have on-street parking on one side that will effectively reduce that parking by half. The park and the softball fields appear to be fairly well served by parking; the soccer field users may see the most benefit from this additional parking lot proposed by the applicant.

If the Planning Commission agrees that the applicant should maximize parking, staff recommends using one of the calculations provided in the table, or some combination thereof, with no more than 121 spaces in the new parking lot. If the Planning Commission does not agree with the applicant's argument for maximizing parking, staff recommends using Option 1 as a starting point, and points out that the number of total planned employees at the facility (approximately 91) is still less than the maximum number of parking stalls permitted in Option 1.

The applicant can meet this standard through Conditions of Approval 51 and 52.

17.52.020.B.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 overlay (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.

Finding: Complies as Proposed. The applicant does not propose to use shared parking to meet its requirement. The applicant does intent to make the new parking lot a public lot for use by the community after operating hours.

17.52.020.B.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:

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.*

17.52.020.B.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. The applicant does not propose to utilize on street parking to meet its parking requirements.

17.52.020.C. Reduction of the Number of Automobile Spaces Required.
Finding: Not Applicable. The applicant has not requested a reduction.

***17.52.030** Standards for Automobile Parking.*
17.52.030.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: Complies as Proposed. A driveway to the parking lot is provided on High School Avenue/Loder Road.

17.52.030.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: Complies as Proposed. The applicant proposes to pave the parking lot with asphalt.

17.52.030.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: See section 17.62.050A6 for an evaluation of the storm system and proposed conditions of approval.

17.52.030.D. Dimensional Standards.
17.52.030.D.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 35% 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.
17.52.030.D.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 degree	*Standard* *Compact*	*9'* *8'*	*17.3'* *14.9'*	*11'* *11'*	*18'* *16'*	
45 degree	*Standard* *Compact*	*8.5* *8.5*	*19.8'* *17.0'*	*13'* *13'*	*12.7'* *11.3'*	*1.4*
60 degree	*Standard* *Compact*	*9'* *8'*	*21'* *17.9'*	*18'* *16'*	*10.4'* *9.2'*	*1.7*
90 degree	*Standard*	*9'*	*19.0'*	*24'*	*9'*	*1.5*

	Compact	*8'*	*16.0'*	*22'*	*8'*	

All dimensions are to the nearest tenth of a foot.

Finding: Complies as Proposed. The applicant did not propose an alternative plan. New parking for staff and visitors of the Transportation Maintenance Facility are 90 degree standard sized spaces and are 9 feet wide x 19 feet long. Perimeter parking stalls are 17'-6" long with a 1'-6" overhang into the landscaped area/sidewalk. In addition required ADA accessible parking spaces are provided complying with ADA and Building Division dimensional requirements. Compact spaces are not proposed. Aisle widths are 24 feet minimum.

17.52.030.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 with Condition. The applicant proposed 6 carpool/vanpool spaces for the new transportation facility. With 138 spaces proposed, 5% amounts to 7 required carpool and vanpool spaces. The applicant shall modify the final plans to reflect the required number of carpool/vanpool spaces, no less than 5% of the total parking spaces provided at the transportation facility. **The applicant can meet this standard through condition of approval 53.**

A non-conforming condition exits at the High School parking lot due to the lack of carpool/vanpool marked spaces. The 2001 site plan approval required 40 carpool and vanpool spaces (see Exhibit 7). A site inspection revealed that these spaces are not currently provided. The applicant shall provide 40 carpool/vanpool spaces at the high school as part of this detailed development plan. The applicant proposes to bring the existing parking lot at the high school up to conformance in Phase 2 of the proposed Master Plan, by striping a total of 43 spaces as carpool/vanpool; however, 43 spaces is not quite 5% of the proposed total parking**.** The number of carpool/vanpool spaces provided by the end of the Master Plan period shall equal at least 5% of the total parking provided on site. **The applicant can meet this standard through conditions of approval 54 and 55.**

17.52.040 *Bicycle Parking Standards*

17.52.040.B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the Community Development Director is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in Section 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the Site Plan and Design, Conditional Use, or Master Plan review process.

TABLE A Required Bicycle Parking Spaces*

Where two options for a requirement are provided, the option resulting in more bicycle parking applies. Where a calculation results in a fraction, the result is rounded up to the nearest whole number.

USE	***MINIMUM BICYCLE PARKING***	***MINIMUM BICYCLE PARKING – COVERED*** *– The following percentage of bicycle parking is required to be covered*
Multi-family (three or more units)	*1 per 10 units (minimum of 2)*	*50% (minimum of 1)*
Institutional		
Correctional institution	*1 per 15 auto spaces (minimum of 2)*	*30% (minimum of 1)*
Nursing home or care facility	*1 per 30 auto spaces (minimum of 2)*	*30% (minimum of 1)*

USE	***MINIMUM BICYCLE PARKING***	***MINIMUM BICYCLE PARKING – COVERED*** *– The following percentage of bicycle parking is required to be covered*
Hospital	*1 per 20 auto spaces (minimum of 2)*	*30% (minimum of 1)*
Park-and-ride lot	*1 per 5 auto spaces (minimum of 2)*	*50% (minimum of 1)*
Transit center	*1 per 5 auto spaces (minimum of 2)*	*50% (minimum of 1)*
Parks and open space	*1 per 10 auto spaces (minimum of 2)*	*0%*
Public parking lots	*1 per 10 auto spaces (minimum of 2)*	*50% (minimum of 1)*
Automobile parking structures	*1 per 10 auto spaces (minimum of 4)*	*80% (minimum of 2)*
Religious institutions, movie theater, auditorium or meeting room	*1 per 10 auto spaces (minimum of 2)*	*30% (minimum of 1)*
Libraries, museums	*1 per 5 auto spaces (minimum of 2)*	*30% (minimum of 1)*
Preschool, nursery, kindergarten	*2 per classroom (minimum of 2)*	*50% (minimum of 1)*
Elementary	*4 per classroom (minimum of 2)*	*50% (minimum of 1)*
Junior high and High school	*2 per classroom (minimum of 2)*	*50% (minimum of 2)*
College, business/commercial schools	*2 per classroom (minimum of 2)*	*50% (minimum of 1)*
Swimming pools, gymnasiums, ball courts	*1 per 10 auto spaces (minimum of 2)*	*30% (minimum of 1)*
Retail stores and shopping centers	*1 per 20 auto spaces (minimum of 2)*	*50% (minimum of 2)*
Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental	*1 per 40 auto spaces (minimum of 2)*	*0%*
Bank, office	*1 per 20 auto spaces (minimum of 2)*	*50% (minimum of 1)*
Medical and dental clinic	*1 per 20 auto spaces (minimum of 2)*	*50% (minimum of 1)*
Eating and drinking establishment,	*1 per 20 auto spaces (minimum of 2)*	*0%*
Gasoline service station	*1per 10 auto spaces (minimum of 2)*	*0%*

* *Covered bicycle parking is not required for developments with two or fewer stalls.*

Finding: Complies with Condition. Other than the office portion of the use, the proposed transportation facility use is not specifically mentioned in Table A, thus the bicycle parking requirements shall be the same as the use which, as determined by the community development director, is most similar to the use not specifically mentioned. Staff finds that the office use is most similar, thus one bicycle parking space per 20 auto spaces are required. With 138 auto spaces, 7 bicycle parking spaces are required. The applicant has proposed 8 bicycle parking spaces at the new Transportation Maintenance Facility, with 4 covered.

There are currently a total of 96 uncovered bicycle parking spaces at the High School. The plans show 40 of these spaces near the front entrance of the school, 20 near a back entrance, with the rest spread throughout the site at athletic facilities. The 2001 site plan and conditional use approval

from the Planning Commission required the school district to phase in 190 bicycle parking spaces over time, in various areas of the campus.

The applicant states that the bicycle parking is underutilized; and has proposed to retain the existing spaces and to monitor bicycle ridership and to phase in additional spaces as demand increases to a level where more spaces are needed. No data on mode share or utilization of bicycle parking was provided or is available. There could be various reasons for underutilization of bicycle parking, including low bicycle mode share, but also including security concerns and lack of cover from the elements.

The school district originally proposed in 2001 to phase in 190 bicycle parking spaces, but has not done so. Staff finds that data is needed to assess whether 190 are truly needed at this time, and recommends that the applicant collect this data through a TDM plan as discussed below. Instead of requiring immediate provision of 190 spaces, staff recommends that the existing bicycle parking be upgraded to increase its utility and convenience. The applicant shall propose a method to enhance the existing bicycle parking near the high school entrance by covering and/or better securing at least 50% the 60 racks that are near the building entrances. Approval from community development director of the method of covering shall be required; and implementation of this improvement shall be required as part of this detailed development plan. **The applicant can meet this standard through Condition of Approval 56.**

The applicant proposed a Transportation Demand Management (TDM) Plan with its original Conditional Use permit application in 2001 (Exhibit 6). The 2001 TDM plan includes measures to encourage carpooling and transit use by offering free carpool parking and reduced rate transit passes, by providing a bicycle and pedestrian route between the Community College and the High School, and charging a higher fee to park on site for Single Occupancy vehicles, among other measures. The applicant stated that there is no current TDM plan in place at the High School, and the City has no record that one has been completed.

Staff finds that a Parking Study or TDM plan would benefit the school district in finding a solution for bicycle parking, to better assess the demand and possibly increase utilization through better design, placement, or incentives. The applicant shall produce a Transportation Demand Management and Parking Management Plan that reflects current traffic and parking issues. The applicant shall either present a TDM scope of work and contract for City staff approval prior to issuance of building permits, or post a performance guarantee for such a study prior to issuance of building permits. The TDM plan shall include reporting requirements and enforcement mechanisms to ensure that the school district follows the recommendations in the plan. **The applicant can meet this standard through Condition of Approval 52.**

17.52.040.C. Security of Bicycle Parking
Bicycle parking facilities shall be secured. Acceptable secured bicycle parking area shall be in the form of a lockable enclosure onsite, secure room in a building onsite, a covered or uncovered rack onsite, bicycle parking within the adjacent right-of-way or another form of secure parking where the bicycle can be stored, as approved by the decision maker. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue inconvenience and, when in the right-of-way shall comply with clearance and ADA requirements.
17.52.040.D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure or a stationary rack to which the bicycle can be locked. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue inconvenience.

Finding: Complies with Condition. The applicant has proposed two stationary bicycle racks anchored to the ground; one rack for 4 bicycles will be provided in front of main entry at the south side of the building and one rack for 4 bicycles will be provided within the fenced compound area just outside the Drivers Break underneath a roof overhang at the west side of the building. The applicant shall submit details about the location, style, and security of the bicycle parking prior to issuance of permits. **The applicant can meet this standard through Condition of Approval 57.**

Location of Bicycle Parking
17.52.040.D.1. Bicycle parking shall be located on-site, in one or more convenient, secure and accessible location. The City Engineer and the Community Development Director may permit the bicycle parking to be provided within the right-of-way provided adequate clear zone and ADA requirements are met. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings. If a building has two or more main building entrances, the review authority may require bicycle parking to be distributed to serve all main building entrances, as it deems appropriate.
Finding: Complies with Condition. Bicycle racks at the Transportation Maintenance Facility shall be located adjacent to the main entry on the south side of the building, as well as on the west side of the building outside Drivers Break Room underneath a roof overhang. The applicant shall submit details about the location, style, and security of the bicycle parking prior to issuance of permits. **The applicant can meet this standard through Condition of Approval 57.**

The existing bicycle racks at the High School are located at 6 locations, 2 along the front of the High School entry to the east facing Beavercreek Road, 1 adjacent to the northwest entry, 1 adjacent to the ROTC/Shop Building, 1 adjacent to the tennis courts along parking lot #1 to the north, and 1 adjacent to the softball fields at the west end of the site along High School Ave.

17.52.040.D.2 Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign must be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space unless approved by the community development director.
Finding: Complies with Condition. The applicant states the racks will be clearly visible flanking the main building entrance and Drivers Break Room entry at the west side of the building. The applicant shall submit details about the location, style, and security of the bicycle parking prior to issuance of permits. **The applicant can meet this standard through Condition of Approval 57.**

17.52.040.D.3. All bicycle parking areas shall be located to avoid conflicts with pedestrian and motor vehicle movement.
- *a. Bicycle parking areas shall be separated from motor vehicle parking and maneuvering areas and from arterial streets by a barrier or a minimum of five feet.*
- *b. Bicycle parking areas shall not obstruct pedestrian walkways; provided, however, that the review authority may allow bicycle parking in the right-of-way where this does not conflict with pedestrian accessibility.*

Finding: Complies as Proposed. Physical separation of the bicycle parking area from motor vehicle parking and maneuvering areas and from streets is in excess of 5 feet either by a sidewalk, landscaped area, or both. High School bicycle parking areas are separated from motor vehicle parking and maneuvering areas and from streets by a minimum of 6'-0" wide sidewalk/landscaped area.

17.52.040.D.4. Accessibility.
- *a. Outdoor bicycle areas shall be connected to main building entrances by pedestrian accessible walkways.*
- *b. Outdoor bicycle parking areas shall have direct access to a right-of-way.*
- *c. Outdoor bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or 50 feet, whichever is less, unless otherwise determined by the community development director, city engineer, or planning commission.*

Finding: Complies with Condition. It is not clear if the racks to be located at the break room area will have direct access; a fence is proposed separating the sidewalk from the break area. The applicant shall provide a means of access through the fence that is accessible by all employees or shall reconfigure the bicycle parking to have direct access to pedestrian pathways. **The applicant can meet this standard through Condition of Approval 58.**

17.52.060 Parking Lot Landscaping.
17.52.060.A. Development Standards
17.52.060.A.1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.
Finding: Complies as Proposed: The applicant submitted a landscaping plan for the parking lot. Proposed landscaping is uniformly distributed.

17.52.060.A.2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.
Finding: Complies as Proposed: The applicant's landscape plan meets this standard.

17.52.060.A.3. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade.
Finding: Complies with Condition. The tree varieties proposed for the parking lot include only maple trees. The applicant shall add coniferous tree(s) to provide a mix of species. **The applicant can meet this standard through condition of approval 59.**

17.52.060.A.4. Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List;
Finding: Complies as Proposed. All trees are proposed as 2 inch minimum caliper size or 6-8 ft. in height for evergreen trees and will be planted according to American Nurseryman Standards.

17.52.060.A.5. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the Community Development Director, that can demonstrate adequate maintenance.
Finding: Complies as Proposed. All landscaped areas are proposed to be irrigated by an automatically computer controlled irrigation system.

17.52.060.A.6. All plant materials, including trees, shrubbery and ground cover should be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City Native Plant List are strongly encouraged and species found on the Oregon City Nuisance Plant List are prohibited.
Finding: Complies as Proposed. The applicant states that all the plant varieties are horticulturally appropriate for this site and after a period of establishment, all plants would tolerate periods of drought. Other than the deciduous trees, all plants will provide year round greenery. Flowering plants have been avoided on this site since the litter from flowers or subsequent seed pods create litter that would increase the maintenance of the site.

17.52.060.A.7. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of Chapter 10.32, Traffic Sight Obstructions.
Finding: Complies as Proposed. The applicant proposes that the trees in the parking areas will be branched at 6 ft. and have been off-set from streetlights, hydrants and intersection in response to the clearance distance parameters.

17.52.060.A.8. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.
Finding: See analysis in Chapter 13.12 of this report.

17.52.060.B. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots shall include a 5-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the Community Development Director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.

Finding: Complies as Proposed. Five-foot minimum landscaped buffers are proposed abutting the Meyers Road right-of-way and Loder Road right of way.

17.52.060.B.1. The perimeter parking lot are shall include:

- *a. Trees spaced a maximum of thirty-five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;*
- *b. Ground cover, such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within 3 years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and*
- *c. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.*

Finding: Complies with Condition. The applicant proposes trees spaced every 30 feet along the Loder Road edge of the site. The Meyers Road edge contains Maples spaced at 15 feet. The applicant proposed shrubs and groundcover that appear to meet this standard. The applicant shall provide a final landscaping plan that contains an example with detail for each proposed "landscaping zone" to ensure that the shrubs and groundcover meet the standard. **The applicant can meet this standard through condition of approval 60.**

17.52.060.C. Parking Area/Building Buffer. Parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:

1. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) abutting either side of a parking lot sidewalk with:

- *a. Trees spaced a maximum of thirty-five feet apart;*
- *b. Ground cover such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and*
- *c. An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or*

2. Seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells.

Finding: Complies with Condition. An 11'-6" wide landscaped planter will be provided between the building and the parking lot sidewalk to the south. It appears that trees are proposed only along a portion of the buffer area. The applicant shall provide trees along the entire building buffer, spaced at 35 feet maximum. The applicant proposed shrubs and groundcover that appear to meet this standard. The applicant shall provide a final landscaping plan that contains an example with detail for each proposed "landscaping zone" to ensure that the shrubs and groundcover meet the standard. **The applicant can meet this standard through condition of approval 60.**

17.52.060.D. Interior Parking Lot Landscaping. Surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site landscaping required by Section 17.62.050(1) unless otherwise permitted by the dimensional standards of the underlying zone district. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage.

Finding: Complies as Proposed. The applicant proposes interior lot landscaping of 8,851 square feet, or 15% of the total parking lot area.

Interior parking lot landscaping shall include:
17.52.060.D.a. A minimum of one tree per six parking spaces.
Finding: Complies as Proposed. The applicant proposes 24 interior landscaping trees; 23 are required for the 138 parking spaces.

17.52.060.D.b. Ground cover, such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.
17.52.060.D.c. Shrubs spaced no more than four feet apart on average.
Finding: Complies with Condition. The applicant proposed shrubs and groundcover that appear to meet this standard. The applicant shall provide a final landscaping plan that contains an example with detail for each proposed "landscaping zone" to ensure that the shrubs and groundcover meet the standard. **The applicant can meet this standard through condition of approval 60.**

17.52.060.D.d. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of 10 feet in length.
Finding: Complies as Proposed. The applicant proposes no more than 8 contiguous spaces. All landscaping islands are at least 6 feet wide and 10 feet in length.

17.52.060.D.e. Pedestrian walkways shall have shade trees spaced a maximum of every thirty-five feet in a minimum three-foot by five-foot tree wells; or

Trees spaced every thirty-five feet, shrubs spaced no more than four feet apart on average, and ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.

Finding: Complies with Condition. The landscaping plan does not meet this standard. The applicant shall provide 2" caliper trees every 35 feet along the pedestrian walkway on the west side of the parking lot. **The applicant can meet this standard through condition of approval 61.**

17.52.70. Alternative landscaping plan.
Finding: Not Applicable. The applicant did not propose an alternative plan.

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 owner shall maintain the parking lot.

***17.52.090** - Loading Areas*
17.52.090.B. Applicability.
Section 17.52.090 applies to uses that are expected to have service or delivery truck visits with a 40-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.
17.52.090.C. Standards.
17.52.090.C.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.
17.52.090.C.2. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.
17.52.090.C.3. The City Engineer and decision maker, through Site Plan and Design Review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:

a. *Short in duration (i.e., less than one hour);*
b. *Infrequent (less than three operations daily between 5:00 a.m. and 12:00 a.m. or all operations between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);*
c. *Does not obstruct traffic during peak traffic hours;*
d. *Does not interfere with emergency response services; and*
e. *Is acceptable to the applicable roadway authority.*

Finding: Complies with Condition. The applicant did not respond to this criterion. Prior to issuance of permits, the applicant shall confirm that the loading code section 17.52.090 is not applicable or provide documentation showing compliance with loading requirements. **The applicant can meet this standard through Condition of Approval 62.**

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.
Finding: Applicable.

12.04.007 Modifications.
The review body may consider modification of this standard resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

A. *The modification meets the intent of the standard;*
B. *The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;*
C. *The modification is consistent with an adopted plan; and*
D. *The modification is complementary with a surrounding street design; or, in the alternative,*
E. *If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.*

Finding: Complies with Conditions. A modifications to the standards for the Meyers Road extension are shown in the application. This street is classified as a minor arterial in an industrial zone. The applicant has requested a reduction in the right-of-way and the pavement width which essentially reduced the number of lanes from 5 to 3. Staff finds that this is reasonable (with some modifications as depicted in section 12.04.180) as it would generally match the existing conditions of the developed portion of Meyers Road, and provides the service required. The City is also undergoing a Concept Planning process for the Meyers Road extension, which will include a 3-lane road as well. The modification that is approved in this staff report may not match the final Meyers Road concept plan exactly.

Per section 12.04.180 of this report the extension of Loder Road will be High School Avenue north of Meyers Road, which will be required to be dedicated as a public street per the conditions-of-approval. The street section required in the conditions-of-approval is essentially a reduction in the right-of-way

and the pavement width which essentially reduced the number of lanes from 3 to 2. Staff finds that this is reasonable as it would match the existing conditions of the public portion of High School Avenue, and provides the service required.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 22 and 28.

12.04.010 Construction specifications—Improved streets.
All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.
Finding: Complies as proposed.

12.04.020 Construction specifications—Unimproved streets.
Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer and approved by the city commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.
Finding: Not Applicable. There are no unimproved streets.

12.04.025 - Street design—Driveway Curb Cuts.
12.04.025.A. One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single or two-family residential property with multiple frontages.
Finding: Complies with Conditions. The applicant has proposed to have two driveways on Meyers Road approximately 200-feet apart in order to facilitate school bus movement. Due to the size and length of the vehicles, this is acceptable.

The driveway closest to High School Avenue is shown as two-way. However, the proposed curve in the street and the landscaping there create a potential safety issue with regard to sight distance. The applicant must demonstrate that the site design will provide adequate sight distance in order for both ingress and egress to be allowed at this driveway.

The applicant has proposed three driveways on High School Avenue. As proposed this would not fall under the driveway cut section of the report as it is proposed that this section of High School Avenue would be private. However, as a COA High School Avenue will be a public street. Two of these driveways serve one parking lot and are approximately 220-feet apart. The third driveway serves a separate parking lot at the intersection of Meyers Road and High School Avenue, and is approximately 160-feet from the nearest driveway. This parking lot is proposed to have a dual function of serving the City Park. Staff finds that having a separate driveway for the parking lot that will be partially used by the Park is reasonable.

It is not clear from the information provided that two driveways are required for the second parking lot. Therefore, a single driveway will be provided for the northern parking lot unless the applicant provides sufficient data that provides justification for the second driveway in the parking lot. .

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 27 and 30.

12.04.025.B. With the exception of the limitations identified in 12.04.025.C, all driveway curb cuts shall be limited to the following dimensions.

Property Use	*Minimum Driveway Width at sidewalk or property line*	*Maximum Driveway Width at sidewalk or property line*
Single or Two-Family Dwelling with one Car Garage/Parking Space	*10 feet*	*12 feet*
Single or Two-Family Dwelling with two Car Garage/Parking Space	*12 feet*	*24 feet*
Single or Two-Family Dwelling with three or more Car Garages/Parking Space	*18 feet*	*30 feet*
Non Residential or Multi-Family Residential Driveway Access	*15 feet*	*40 feet*

The driveway width abutting the street pavement may be extended 3 feet on either side of the driveway to accommodate turn movements. Driveways may be widened onsite in locations other than where the driveway meets sidewalk or property line (for example between the property line and the entrance to a garage).

Finding: Complies as proposed.

12.04.025.C. The decision maker shall be authorized through a Type II process, unless another procedure applicable to the proposal applies, to minimize the number and size of curb cuts (including driveways) as far as practicable for any of the following purposes:

1. *To provide adequate space for on-street parking;*
2. *To facilitate street tree planting requirements;*
3. *To assure pedestrian and vehicular safety by limiting vehicular access points; and*
4. *To assure that adequate sight distance requirements are met.*
    a. *Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements.*
    b. *Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the "R-5" Single –Family Dwelling District or "R-3.5" Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements.*

Finding: NA

12.04.025.D. For all driveways, the following standards apply.
1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet and preferably twenty feet back into the lot as measured from the current edge of street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.
2. Driving vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or city-approved temporary driveway approach is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.
3. Placing soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.
4. Any driveway built within public street or alley right-of-way shall be built and permitted per city requirements as approved by the city engineer.

Finding: Complies as Proposed.

12.04.025.E. Exceptions. The public works director reserves the right to waive this standard, if it is determined through a Type II decision including written findings, that it is in the best interest of the public to do so.

Finding: Acknowledged.

12.04.030 Maintenance and repair.

The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.

Finding: Acknowledged.

12.04.031 Liability for sidewalk injuries.

A. The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.

B. If the city is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty that this ordinance imposes, the person shall compensate the city for the amount of the damages paid. The city may maintain an action in a court of competent jurisdiction to enforce this section.

Finding: Acknowledged.

12.04.032 Required sidewalk repair.

A. When the public works director determines that repair of a sidewalk is necessary he or she shall issue a notice to the owner of property adjacent to the sidewalk.

B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the city may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.

C. The public works director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the public works director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

D. The person serving the notice shall file with the city recorder a statement stating the time, place and manner of service or notice.

Finding: Acknowledged.

12.04.033 City may do work.

If repair of the sidewalk is not completed within ninety days after the service of notice, the public works director shall carry out the needed work on the sidewalk. Upon completion of the work, the public works director shall submit an itemized statement of the cost of the work to the finance director. The city may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the public works director for the health, safety and general welfare of the residents of the city.

Finding: Acknowledged.

12.04.034 Assessment of costs.

Upon receipt of the report, the finance director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.

Finding: Acknowledged.

12.04.040 Streets--Enforcement.

Any person whose duty it is to maintain and repair any sidewalk, as provided by this chapter, and who fails to do so shall be subject to the enforcement procedures of Chapters 1.16, 1.20 and 1.24. Failure to comply with the provisions of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Acknowledged.

12.04.050 Retaining walls--Required.

Every owner of a lot within the city, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so

constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.
Finding: NA. No retaining walls are proposed.

12.04.060 Retaining walls--Maintenance.
When a retaining wall is necessary to keep the earth from falling or sliding onto the sidewalk or into a public street and the property owner or person in charge of that property fails or refuses to build such a wall, such shall be deemed a nuisance. The violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
Finding: NA. No retaining walls are proposed.

12.04.070 Removal of sliding dirt.
It shall be the duty of the owner of any property as mentioned in Section 12.04.050, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.
Finding: Acknowledged.

12.04.080 Excavations--Permit required.
It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.
Finding: Complies with conditions.

Portions of the work will be in the public ROW and will require impacts to public facilities. The applicant shall obtain appropriate Public Works permits before construction begins.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 3 and 4.

12.04.090 Excavations--Permit restrictions.
The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.
Finding: Acknowledged.

12.04.100 Excavations – Restoration of Pavement
Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the city for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to put the street or alley in as good condition as it was before it was so broken, dug up or disturbed, and shall remove all surplus dirt, rubbish, or other material from the street or alley.
Finding: Complies with conditions.

The applicant has proposed work in the public ROW that will require pavement restoration. This includes new pipe lines, catch basin adjustments and curb replacement. The applicant shall restore the pavement in accordance with the City pavement cut standards and meet the Full Standard for all cuts.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 4 and 19.

12.04.110 Excavations--Nuisance--Penalty.
Any excavation in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
Finding: Acknowledged.

12.04.120 Obstructions – Permit Required
12.04.120.A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B of this section, in any public street or alley in the city, without obtaining approval for a right-of-way permit from the commission by passage of a resolution.

1. *The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.*
2. *The applicant shall submit at least the following information in the permitting process in order to allow the commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:*
   a. Site plan showing right-of-way, utilities, driveways as directed by staff;
   b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;
   c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
   d. Alternative routes if necessary;
   e. Minimizing obstruction area; and
   f . Hold harmless/maintenance agreement.
3. *If the commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the city engineer shall issue a right-of-way permit with any conditions deemed necessary by the commission.*

Finding: NA. No obstructions requested.

12.04.120.B. Temporary Obstructions.

1. *A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.*
2. *The city engineer, or designee, is authorized to grant a permit for a temporary obstruction.*
3. *The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.*
4. *The applicant shall submit, and the city engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the city engineer:*

a. Site plan showing right-of-way, utilities, driveways as directed by staff;
b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;
c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
d. Alternative routes if necessary;
e. Minimizing obstruction area; and
f. Hold harmless/maintenance agreement.

5. *In determining whether to issue a right-of-way permit to allow a temporary obstruction, the city engineer may issue such a permit only after finding that the following criteria have been satisfied:*

a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;
b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;
c. No alternative locations are available that would not require use of the public right-of-way; and
d. Any other factor that the city engineer deems relevant.

6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.
Finding: Not applicable.

12.04.120.C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the commission.
Finding: Not applicable.

12.04.130 Obstructions--Sidewalk sales.
A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.
B. The city commission may, in its discretion, designate certain areas of the city to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided.
Finding: Not applicable.

12.04.140 Obstructions--Nuisance--Penalty.
Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
12.04.150 Street and alley vacations--Cost.
At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by city commission resolution shall be paid to the city.
Finding: Not applicable.

12.04.160 Street vacations--Restrictions.
The commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.
Finding: Not applicable.

12.04.175 Street Design--Generally.
The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:
A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with section 12.04 shall be required to preserve the objectives of street extensions.
Finding: Complies with conditions. The applicant has proposed the extension of Meyers Road in a reasonable fashion that located the ROW along the boundary between the Park property and the School property.

Per the Transportation System Plan the extension of Loder Road is shown to connect to Meyers Road in the general vicinity of the proposed development. The applicant has shown a proposed extension of Loder Road that crosses into the Community College site, crosses wetlands and reconnects with Meyers Road in a location that would encumber the neighboring property. This does not appear to be a reasonable routing. City staff indicated in the pre-application conference that the most logical location for the extension of Loder Road would be along the existing alignment of the private portion of High School Avenue. The dimension of the ROW and street section are discussed in section 12.04.180 of this report.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 22, 23, 24, 28, 29 and 31.

12.04.180 Street Design.
All development regulated by this Chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The standards provided below are maximum design standards and may be reduced with an alternative street design which may be approved based on the modification criteria in 12.04.007. The steps for reducing the maximum design below are found in the Transportation System Plan.
Table 12.04.180 Street Design
To read the table below, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Major Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A
	Industrial	88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	N/A
	Residential	85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft. Lanes	N/A

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Shared Space			N/A
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Shared Space			N/A

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5' foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5' foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of 20 feet and a minimum pavement width of 16 feet. If alleys are provided, garage access shall be provided from the alley.

Finding: complies with conditions.

Meyers Road - Meyers Road is a minor arterial in an industrial designation. The applicant has proposed a street section as follows for the entire street: 92-foot ROW, two 5 foot sidewalks, two 10 foot planter strips, two curbs, 60-foot pavement that consists of two 7 foot parking lanes, two 6 foot bike lanes, two 11 foot travel lanes and one 12 foot turning lane. This is a reduction of two travel lanes, and as discussed in the modifications section 12.04.007 it is reasonable. However, the travel lanes should be 12 foot wide to meet the standards. This would make the ROW and pavement 2 foot wider.

The City has begun the process of developing the Meyers Road Concept Plan and is interested in preserving flexibility in the proposed new section of Meyers Road. In order to preserve flexibility to potentially match the future Concept Plan, the total ROW of the street should be 100 foot, and a 3 foot buffer of pavement would be added between the bike lane and the travel lane.

The applicant has proposed to construct a half street plus 10 feet. This would require a 60 foot ROW dedication and 44 foot of pavement. The improvements would include: a 5 foot sidewalk, 7 foot parking lane, 6 foot bike lane with a 3 foot buffer, one and a half 12 foot travel lanes plus 10 foot of pavement.

The applicant may request adjustments to the Meyers Road cross section in order to better match the Myers Road concept plan as it is developed.

Depending upon the schedule of the proposed project and the Meyers Road Concept Plan development, the applicant may have the opportunity to discuss changes to the street improvements based upon the Concept Plan.

The property line does not match the proposed alignment of the street, so some of the improvements will actually be on Park property. The applicant will be required to obtain an agreement that is either ROW dedication or an easement from the Community Services Department, Parks and Recreation Division, both for construction and permanent facilities (street and utilities) until such time as the ROW is fully dedicated by the Parks and Recreation Division.

Initially the street should be striped for the parking, bike lane and two travel lanes. It will need to be restriped when the remainder of the street is constructed.

The applicant has also shown curb extensions on Meyers Road at the intersection of High School Avenue. In order for the curb extensions to be acceptable, the applicant will need to show that bus traffic moving south on High School Avenue can make the right hand turn onto Meyers Road without impinging upon the center turn lane.

High School Avenue - High School Avenue would be classified as a collector street in an industrial designation. High School Avenue will be required to be dedicated as a public street as part of this application in order to meet the requirements of the Transportation System Plan. Apart from the horizontal design, final design and construction of the public street is not required at this time as the extension of Loder Road has not been constructed yet. The final design and construction shall be completed within five years of the notice of decision of this staff report, or as defined a development agreement between the City and the applicant. This condition shall be superseded by any development agreement for the design and construction of Loder Road entered into by the City of Oregon City and the applicant.

The horizontal design of the street will need to be done concurrently with the other street improvements required for the development such that the right-of-way dedication can be made.

Staff finds that only two travel lanes are required. It is also reasonable to make the sidewalk curb tight due to the nature of the land use on either side of the street. It is also reasonable delete the parking lane on the west side of the street for two reasons. First, the proposed facility will be adding parking that may be utilized by the public. Second, it is preferable from a safety standpoint as it eliminates pedestrians crossing mid-block to get to the school grounds. There is also a mixed use trail required along Loder Road. The applicant has requested that the sidewalk on the west side of the street be placed in an easement. Street trees would be located behind the sidewalk.

Therefore the street would include a ROW dedication of 54 foot. The location shall be based upon the horizontal design, but shall be generally located where the street is now. This is sufficient room to provide two travel lanes, parking on one side and pedestrian travel. The final street section shall be determined by the City when the final design is begun.

Where the road alignment curves at the north end of the property, the parking lane on the east side of the street can be deleted should the applicant wish.

It is likely that the pavement on the existing private portion of High School Avenue to be dedicated as public ROW does not meet City standards regarding material and section requirements. The pavement section will need to be reconstructed.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 2, 3, 4, 22, 23, 25, 28, 31, 33 and 34.

12.04.185 Street Design--Access Control.
A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the City as a City controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.
B. The City may grant a permit for the adjoining owner to access through the access control.
C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Finding: Complies with conditions. The proposed improvements include a half street along Meyers Road. The applicant shall provide access control to the City for ingress and egress to the adjacent property. The applicant shall include access control language on the construction plans.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1 and 21.

12.04.190 Street Design--Alignment.
The centerline of streets shall be:
A. Aligned with existing streets by continuation of the centerlines; or
B. Offset from the centerline by no more than five (5) feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

Finding: Complies with conditions. The applicant has proposed that the extension of Meyers Road connect at the existing intersection with High School Avenue, and that the centerline match the existing centerline.

High School Avenue will be required to be dedicated as a public street as part of this application in order to meet the requirements of the Transportation System Plan. The reconstruction and dedication of High School Avenue should be aligned with the centerline of the existing public portion of High School Avenue at the intersection With a maximum of a 5-foot offset. The west curb line of High School Avenue shall be 12-feet from the centerline.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 24 and 29.

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

Finding: Applies as proposed.

12.04.195 Spacing Standards.
12.04.195.A. All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every 330 feet. The spacing standards within this section do not apply to alleys.

Finding: Complies as proposed. The proposed length of the Meyers Road extension is approximately 520 feet which is slightly less than the maximum block length.

12.04.195.B. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 12.04.195.B.

Table 12.04.195.B Minimum Driveway Spacing Standards

Table 12.04.195.B Minimum Driveway Spacing Standards		
Street Functional Classification	***Minimum Driveway Spacing Standards***	***Distance***
Major Arterial Street	*Minimum distance from a street corner to a driveway for all uses and* *Minimum distance between driveways for uses other*	*175 ft.*

Table 12.04.195.B Minimum Driveway Spacing Standards		
Street Functional Classification	***Minimum Driveway Spacing Standards***	***Distance***
	than single and two-family dwellings	
Minor Arterial Street	*Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings*	*175 ft.*
Collector Street	*Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings*	*100 ft.*
Local Street	*Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings*	*25 ft.*
The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.		

Finding: Complies as proposed. The distances between drives and between the intersection and the first driveway on Meyers Road both exceed 175 feet. The distances between drives and between the intersection and the first driveway on High School Avenue both exceed 100 feet.

12.04.199 Pedestrian and Bicycle Accessways

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding three-hundred-and-thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

Finding: There are no existing accessways on site. Refer to 17.62.050.A.9 for more findings and conditions.

12.04.205 Mobility Standards.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection D below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the Transportation System Plan or as otherwise identified by the City Transportation Engineer.

A. For intersections within the Regional Center, the following mobility standards apply:

1. *During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.*
2. *During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.*

3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.

B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

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

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

1. *For signalized intersections:*

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

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

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

a. *For unsignalized intersections, during the peak hour, all movements serving more than 20 vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than 20 vehicles during the peak hour.*

D. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205 / OR 99E Interchange
I-205 / OR 213 Interchange
OR 213 / Beavercreek Road
State intersections located within or on the Regional Center Boundaries

1. *In the case of conceptual development approval for a master plan that impacts the above references intersections:*

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

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

2. *Development which does not comply with the mobility standards for the intersections identified in 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.*

Finding: Complies with Condition. The applicant submitted a traffic impact analysis (TIA) dated February 23, 2015 from Lancaster Engineering (Exhibit 4). The TIA found that no intersection operations are significantly impacted by the proposed expansion of the library. The TIA states:

Based on the operational analysis, the study area intersections currently operate acceptably and are projected to continue operating acceptably under year 2016 and year 2020 traffic conditions either with or without the addition of site trips from the proposed transportation maintenance facility. No operational mitigations are necessary or recommended in conjunction with the proposed development.

The TIA was reviewed by the City's transportation engineering consultant, John Replinger of Replinger and Associates. His review letter (Exhibit 5) states:

The TIS indicates that maintenance facility will cause only minor increases in traffic during the AM and PM peak hours. During these key periods, the effect of the additional traffic is minimal. The operational analysis indicates the mobility standards will be met at all locations with the development in year 2016 and year 2020. I concur that no off-site mitigation is required.

Some items normally addressed in a TIS were lacking and should be provided. These consist of: recent AM and PM peak hour traffic counts at the intersections of High School Avenue/Meyers Road and High School Avenue/Glen Oak Road; an operational analysis of these two intersections under current conditions; and estimates of AM and PM peak period traffic forecast at each proposed site access.

The applicant shall provide these counts and studies prior to issuance of building permits. If these studies result in recommended safety improvements, the applicant shall make these improvements prior to a Certificate of Occupancy for the transportation facility.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 63.

12.04.210 Street design--Intersection Angles.
Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the city engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

Finding: Complies with conditions. The proposed extension of Meyers Road is shown at 90-degrees. In order to address geometry requirements for the curves, the intersection angle can be reduced to 84-degrees. The reconstructed portion of High School Avenue should connect to the intersection at 90-degrees.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 24 and 29.

12.04.215 Street design--Off-Site Street Improvements.
During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the city's applicable planned minimum design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.

Finding: Complies with conditions. See section 12.04.180 for a discussion.

12.04.220 Street Design--Half Street.
Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access Control may be required to preserve the objectives of half streets.
When the remainder of an existing half-street improvement is made it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter,

landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the City's "Moratorium Pavement Cut Standard" or as approved by the City Engineer.

Finding: Complies with conditions. The extension of Meyers Road is proposed to be a half street. See section 12.04.180 for a discussion.

12.04.225 Street Design--Cul-de-sacs and Dead-End Streets.
The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the Community Development Director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of 25 dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end roads shall include pedestrian/bicycle accessways as required in this Chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.
Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with Fire District and City adopted street standards. Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way / easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.

Finding: NA. There are no cul-de-sacs or permanent dead-ends proposed.

12.04.230 Street Design--Street Names.
Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the City and shall be subject to the approval of the City.

Finding: Not applicable. No new streets are proposed.

12.04.235 Street Design--Grades and Curves.
Grades and center line radii shall conform to the standards in the City's street design standards and specifications.

Finding: Complies with conditions. The Meyers Road extension will have curves and the speed limit will be 30 mph. The intersection of Meyers Road and High School way will be "stop" controlled which slows traffic down upon approaching and moving through the curves. Therefore, a modification to the industry standards for urban streets per AASHTO as shown in the policy on Geometric Design of Highways and Street will be acceptable. The curve radius shall be 400 feet or more.

The northern end of High School Avenue that is to be dedicated and reconstructed as a public street has multiple curves that do not appear to meet standard design. When reconstructed these curves shall meet industry standard per AASHTO as shown in the policy on Geometric Design of Highways and Street. The street may be realigned to delete some of the curves.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1 and 31.

12.04.240 Street Design--Development Abutting Arterial or Collector Street.
Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has

arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

Finding: Complies as proposed. The development does abut an arterial street, however there are no residential properties to protect.

12.04.245 Street Design--Pedestrian and Bicycle Safety.

Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic.

All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the City Engineer.

Finding: Complies as Proposed. There streets, as described in 12.04.180, provide for safe bicycle and pedestrian crossing and meet this standard. The final design of the intersection of Meyers Rad and future Loder Road will be determined through the design and construction plan review process.

12.04.255 Street design--Alleys.

Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet.

Finding: NA. There are no alleys proposed.

12.04.260 Street Design--Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary in Chapter 12.04 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

Finding: NA. There are no transit facilities along the proposed extension of Meyers Road.

12.04.265 Street design--Planter Strips.

All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within 10 feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

To promote and maintain the community tree canopy adjacent to public streets, trees shall be selected and planted in planter strips in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining healthy and attractive trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction.

Finding: Complies with conditions. The applicant has proposed planter strip with standard widths. The applicant has also proposed to use the planter strip along the extension of Meyers Road for storm water detention and treatment. Trees planted in the planter strip will need to be selected such that they are appropriate for a storm water facility.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1 and 26.

12.04.270 Standard Construction Specifications.
The workmanship and materials for any work performed under permits issued per this chapter 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 Street Design Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.
Finding: Acknowledged.

12.04.280 Violation--Penalty.
Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
Finding: Acknowledged

CHAPTER 13.12 STORMWATER CONVEYANCE, QUANTITY AND QUALITY

13.12.050 *Pursuant to each of the subsections below, proposed activities may be required to meet the performance standards for stormwater conveyance, stormwater quantity or stormwater quality.*
13.12.050.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.
Finding: Applicable. There will be storm water collection in the public right of way.

13.12.050.B. Stormwater Quantity Control. The stormwater quantity control requirements of this chapter shall apply to the following proposed activities, uses or developments:

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 seven-year period;*
2. *Activities that create more than two thousand square feet of impervious surface, cumulated over any given seven year period; or*
3. *Redevelopment of a commercial or industrial land use that will disturb more than five thousand square feet of existing impervious surface. This five thousand square foot measurement cumulates over any given seven year period;*
4. *An exemption to the stormwater quantity control requirements of this chapter will be granted in the following circumstances:*
    a. *The development site discharges to a stormwater quantity control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater, or,*
    b. *The development site discharges to one of the following receiving bodies of water: 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*

Finding: Applicable. There will be more than 2,000 square feet of new impervious area.

13.12.050.C. Stormwater Quality Control. The stormwater quality control requirements of this chapter shall apply to the following proposed activities, uses or developments:

1. *Category A. Activities subject to general water quality requirements of this chapter:*
   a. The construction of four or more single-family residences;
   b. 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 seven year period; or
   c. Activities that create more than eight thousand square feet of new impervious surface for other than a single-family residential development. This eight thousand square foot measurement will be considered cumulative for any given seven year period;
   d. An exemption to the stormwater quantity control requirements of this subsection will be granted if the development site discharges to a stormwater quality control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater.
2. *Category B. 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 contained in the Public Works Stormwater and Grading Design Standards:*
   a. Fuel dispensing facilities;
   b. Bulk petroleum storage in multiple stationary tanks;
   c. Solid waste storage areas for commercial, industrial or multi-family uses;
   d. Loading and unloading docks for commercial or industrial uses; or
   e. Covered vehicle parking for commercial or industrial uses.
3. *Category C. Clackamas River Watershed. In addition to any other applicable requirements of this chapter, any development that creates new waste discharges and whose stormwater runoff may directly or indirectly flow into the Clackamas River is subject to additional requirements associated with Oregon Administrative Rules (OAR) 340-41-470 (Thee Basin Rule).*

Finding: Applicable. There will be more than 8,000 square feet of new impervious area.

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 management 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. Unless otherwise exempted by Section 13.12.050(B), the plan and report includes adequate stormwater quantity control facilities, so that when the proposed land development activity takes place, peak rates and volumes of runoff:
1. Do not exceed the capacity of receiving drainage conveyance facilities;
2. Do not increase the potential for streambank erosion; and
3. Do not add volume to an off-site closed depression without providing for mitigation.
D. Unless otherwise exempted by Section 13.12.050(C), the proposed development includes:
1. Adequate stormwater quality control facilities, so that when the proposed land development activity takes place, the temperature and overall pollution level of stormwater runoff is no greater than the water entering. When no water enters a project, then stormwater runoff shall be compared to rain samples; and
2. Stormwater quality control facilities which:
a. Are in compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements;
b. Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures; and
c. Minimize any increase in nonpoint source pollution.
E. 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.
F. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams. The postdevelopment peak stormwater discharge rate from a development site for the

two year, twenty-four hour duration storm event shall not exceed fifty percent of the two year, twenty-four hour predevelopment peak runoff rate.

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

Finding: Complies with conditions. See section 17.62.050A6 of this report for a discussion.

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 with Condition. The street tree variety proposed is Cadastris lutea, or Yellow Wood. The species is not on the Oregon City Street Tree list. The applicant shall provide evidence that a neighboring jurisdiction's City's street tree list that includes the proposed street tree is species, or choose a different species from the City's adopted list. Trees on Loder Road will be placed behind the sidewalk; trees on Meyers will be placed in the 10-foot planter strip. **The applicant can meet this standard through condition of approval 64.**

12.08.015.A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.

Finding: Complies with Condition. The applicant has proposed 13 trees along Meyers Rd, evenly spaced. The applicant shall provide the frontage length of Meyers and ensure that the final street tree plan includes one for every 35 feet on frontage.

The applicant will dedicate right of way for Loder Road, and the City intends that the street trees will be placed behind the sidewalk or curb, if no sidewalk is provided. The trees will be on private property but will serve as street trees on the west side of future Loder Road. A total of 23 trees are proposed along the Loder Road frontage. These trees also meet the applicant's screening requirements and perimeter parking lot landscaping requirements. The applicant shall provide the frontage length along Loder Rd. and ensure that the final street tree plan includes one for every 35 feet on frontage. **The applicant can meet this standard through condition of approval 65.**

12.08.015.B. The following clearance distances shall be maintained when planting trees:
1. Fifteen feet from streetlights;
2. Five feet from fire hydrants;
3. Twenty feet from intersections;
4. A minimum of five feet (at mature height) below power lines.

Finding: The final placement shall be reviewed prior to issuance of building permits.

12.08.015.C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.

Finding: Complies as Proposed. The street trees are proposed at 2" caliper measured at six inches about the root crown.

12.08.015.D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.
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. The property owner agrees to the requirements of this chapter and to include the maintenance of the planting strips and the street trees.

12.08.035 Public tree removal.

Finding: No public trees are proposed for removal.

12.08.040 Heritage Trees and Groves.

Finding: No heritage trees are existing or proposed on site.

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: Complies with conditions. Grading activities will entail more than 10 cy of earth. Therefore, a grading permit is required and is part of the overall construction plan package for public improvements and site grading.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 3 and 4.

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: Complies with conditions. It appears that the grading will entail more than 50 cubic yards of earth. Therefore, an engineered grading plan will be required.

The plans show that there will be a retaining wall that is potentially up to 6' tall. It will be located approximately 5' behind the sidewalk along Jefferson Street. The wall could potentially affect the sidewalk. Therefore, a geotechnical report shall be prepared for the project.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 3 and 4.

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: Complies with conditions. There will be substantial grading done on the site. Therefore, an erosion and sediment control plan is required, and the applicant is required to obtain and erosion and sediment control permit.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 3 and 4.

CHAPTER 17.41 TREE PROTECTION STANDARDS

17.41.020 Tree Protection – Applicability.
1. Applications for development subject to Chapter 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 25% on sites greater than 25% 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: Applicable. The application is for Site Plan and Design Review, therefore this section applies.

17.41.030 – Tree Protection - Conflicting Code Provisions.

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

Finding: Applicable. The trees within the boundaries of the property are regulated under this section of code and do not fall under any other protections within the City's development codes.

17.41.040 – Tree Protection – Exemptions.

These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of section 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930.

Farm or forest resources. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The Community Development Director has the authority to modify or waive compliance in this case.

Finding: Not applicable. The project is not exempt.

17.41.050 - Tree Protection – Compliance Options.

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

- *A. Option 1 - Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to section 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.*
- *B. Option 2 – Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to sections 17.41.080-100; or*
- *C. Option 3 – Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to section 17.41.110-120.; or*
- *D. Option 4 - Cash-in-lieu of planting pursuant to Section 17.41.130.*

A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.

The Community Development Director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:

- *(1) Preclude achieving 80% of minimum density with reduction of lot size; or*
- *(2) Preclude meeting minimum connectivity requirements for subdivisions.*

Finding: Complies as Proposed. The applicant has proposed to mitigate for trees removed through a combination of planting on-site and off-site through Option 1 and Option 4.

17.41.060 - Tree Removal and Replanting - Mitigation (Option 1).

17.41.060.A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in Chapter 17.04 to the extent practicable. 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 arborculture. At the applicant's expense, the City may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under section 12.08 – Community Forest and Street Trees.

Finding: Complies with Condition. The construction area is defined as right-of-way, public utility easements, and within the building footprint of a building site for any mixed-use, commercial or industrial development. This application is different from the typical development because it is not just a building and parking lot. The major use of the site is bus storage, which is not a building. The Oregon City Municipal Code does not contain a definition for building footprint, building, or building site. Staff has identified two ways for the Planning Commission to interpret the definition of construction area. The Commission may consider the outdoor storage area as the construction area

of the site, in addition to the building footprint. Alternatively, the Commission may interpret the bus storage area to be outside of the construction area.
The staff parking lot and all landscaped areas are not considered part of the construction area. The parking lot is placed in an area of the site that contains no existing trees. The applicant's submittal stated that all trees that are being removed are within the construction area, however, there are many trees that are in landscaped areas along the edge of the site that are not construction areas. The applicant has not indicated that that trees outside of the construction area are preserved to the extent practicable. The applicant shall provide a revised tree removal plan that separates trees in construction area from trees outside of the area, and preserves all trees outside of the construction area to the extent practicable. The applicant's staff parking lot is proposed to be larger than the minimum required. The applicant shall make an attempt to reduce the size of the parking lot and modify the overall site layout to preserve trees. **The applicant can meet this standard through condition of approval 66.**

17.41.060.B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees 6" DBH (minimum 4.5 feet from the ground) or larger on the entire site and either:
(1) Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or
(2) Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.

Table 17.41.060-1
Tree Replacement Requirements
All replacement trees shall be either:
2 inch caliper deciduous, or
6 foot high conifer

Size of tree removed (DBH)	*Column 1 Number of trees to be planted. (If removed Outside of construction area)*	*Column 2 Number of trees to be planted. (If removed Within the construction area)*
6 to 12"	*3*	*1*
13 to 18"	*6*	*2*
19 to 24"	*9*	*3*
25 to 30"	*12*	*4*
31 and over"	*15*	*5*

Finding: Finding: Complies with Condition.
The site contains 655 trees. The applicant provided an arborist report that assessed the health of each tree and identified trees that are dead, dying, diseased, and hazardous. Of the total 655 trees, 218 are in poor health, dead, dying, diseased, or hazardous and are not required to be mitigated. Of the remaining 437 trees, the applicant has proposed to remove 358 trees and preserve 79 trees. All proposed tree preservation is within the 50 foot buffer of the wetland area. The tree mitigation calculation provided by the applicant is based on the assumption that the entire site is considered a construction area. Thus, the applicant shall re-calculate the required mitigation planting after submitted a revised tree removal plan with the construction area properly defined.

It appears that additional tree preservation may be possible especially if site design is modified. The applicant shall submit a revised tree mitigation plan with the final calculations. **The applicant can meet this standard through condition of approval 66.**

17.41.070 – Planting Area Priority for Mitigation (Option 1).
Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050(A) shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

A. *First Priority. Replanting on the development site.*
B. *Second Priority. Off-site Replacement Tree Planting Locations. If the Community Development Director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and must be approved by the Community Development Director.*

Finding: Complies with Conditions. Under the current tree removal proposal, 791 trees are required as mitigation, or 1582" inches. The applicant proposes to plant 273 trees at the subject site. An additional 124 trees are proposed elsewhere on the High school campus. Holcomb Elementary, an OCSD school in the Park Place neighborhood, is proposed to receive 113 new trees as mitigation. The school district planted 24 trees at Eastham campus as part of the City's Arbor Day celebration.
The remaining mitigation trees are proposed to be planted at the future City park across the street. However, there is no schedule for the construction of this park, so the timing of planting is unknown. The applicant may utilize the park as a mitigation tree planting area only if a written and signed agreement is made with the City Parks and Recreation Department that specifies the contribution of the school district. Prior to issuance of the certificate of occupancy, the school district shall finalize the tree mitigation requirements and shall submit a final tree mitigation plan. **The applicant can meet this standard through conditions of approval 67 and 68.**

17.41.080. Tree Preservation within Subdivisions and Partitions – Dedicated Tract (Option 2).
17.41.090. Incentive for Tree Protection Tracts (Option 2).
17.41.100. Permitted Modifications to Dimensional Standards (Option 2 Only).
Finding: Not applicable. The applicant has not chosen Option 2.

17.41.110. Tree Protection by Restrictive Covenant (Option 3).
Any regulated tree or grove which cannot be protected in a tract pursuant to Section 17.41.080 above shall be protected with a restrictive covenant in a format to be approved by the Community Development Director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the Community Development Director, are determined to be diseased or hazardous.
Finding: Complies with Condition. The applicant shall record a covenant to protect all preserved trees and all mitigation trees with a restrictive covenant. **The applicant can meet this standard through condition of approval 69.**

17.41.120. Permitted Adjustments (Option 3 Only).
A. The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 percent (50%) if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduce less than 3 feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.
B. The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.
C. The Community Development Director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.
Finding: Not applicable. The applicant has not requested adjustments.

17.41.130 - Cash-in-lieu of Planting (Tree Bank/Fund) (Option 4)

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

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

B. The amount of the cash-in-lieu payment into the tree bank shall be calculated as the difference between the value of the total number of trees an applicant is required to plant, including cost of installation and adjusted for Consumer Price Index, minus the value of the trees actually planted. The value of the trees shall be based on the adopted fee schedule.

Finding: Complies with Condition. The applicant shall pay fee in lieu for all trees that are unable to be planted on or off site through Option 1. **The applicant can meet this standard through condition of approval 70.**

17.41.130. Regulated Tree Protection Procedures During Construction.

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

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

1. *Except as otherwise determined by the Community Development Director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.*
2. *Approved construction fencing, a minimum of 4 feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the Community Development Director.*
3. *Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Community Development Director.*
4. *No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.*
5. *The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.*
6. *No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the Community Development Director.*
7. *No machinery repair or cleaning shall be performed within 10 feet of the dripline of any trees identified for protection.*
8. *Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the Community Development Director and pursuant to the approved written recommendations and on-site guidance and supervision of a Certified Arborist.*
9. *The City may require that a Certified Arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.*
10. *The Community Development Director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.*

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

Finding: Complies with Condition. The applicant shall retain a Project Arborist to sign off on the tree protection plan and methods, and shall follow all measures required in 17.41.130. **The applicant can meet this standard though condition of approval 71.**

CHAPTER 17.49 NATURAL RESOURCE OVERLAY DISTRICT

17.49.040 NROD Permit
An NROD permit is required for those uses regulated under Section 17.49.90, Uses Allowed under Prescribed Conditions. An NROD permit shall be processed under the Type II development permit procedure, unless an adjustment of standards pursuant to Section 17.49.200 is requested or the application is being processed in conjunction with a concurrent application or action requiring a Type III or Type IV development permit. Applications for development on properties affected by the NROD shall delineate or verify the exact location of the NROD as part of a Type I or II development review process unless exempted pursuant to section 17.40.080.
Finding: Complies as Proposed. The applicant submitted an NROD application to meet the requirements of this chapter. The report was completed by Pacific Habitat Services, and reviewed by David Evans Associates, the City's natural resource consultants (Exhibit 8). Because the project could not avoid removing a portion of the forest canopy, the applicant has requested an adjustment from standards in section 17.49.155 and addressed the standards of 17.49.200; therefore the application is a Type III review.

17.49.050 Emergencies
Finding: Not Applicable. This is not an emergency.

17.49.060 Consistency and Relationship to Other Regulations
A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the Oregon City Municipal Code, other City requirements, regional, state or federal law, the provisions that provides the greater protection of the resource shall govern.
B. Compliance with Federal and State Requirements.
a. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make application for such approval prior to or simultaneously with the submittal of its development application to the City. The planning division shall coordinate City approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the City pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.
b. The requirements of this chapter apply only to areas within the NROD and to locally significant wetlands that may be added to the boundary during the course of development review pursuant to Section 17.49.035. If, in the course of a development review, evidence suggests that a property outside the NROD may contain a wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the City's comprehensive plan and this code.
Finding: Complies as Proposed. The applicant submitted a wetland delineation, finding that the wetland is approximately 44,906 square feet (1.03 acre) within the study area.
The DSL concurred with the findings of the wetland delineation in December 2014. No jurisdictional wetland would be affected as part of the proposed project. The applicant will submit the DEQ 1200-C NPDES Stormwater Discharge Permit once the City provides Conditions of Approval for the Land Use application.

17.49.[0]80 –Uses allowed outright (Exempted).
Finding: Complies with Condition. The applicant proposes to remove invasive plants, which is allowed outright. David Evans Associates recommends that the applicant provide a weed/invasive species removal plan and ensure that Personnel hired to remove invasive species must be licensed and trained to use herbicides in the vicinity of water bodies, if such chemicals are to be used. The applicant shall follow these recommendations and submit documentation to demonstrate

compliance to the City before plant removal begins. **The applicant can meet this standard through Condition of Approval 72.**

17.49.090 Uses Allowed Under Prescribed Conditions
The following uses within the NROD are subject to the applicable standards listed in Sections 17.49.100 through 17.49.190 pursuant to a Type II process:
A. Alteration to existing structures within the NROD when not exempted by Section 17.49.080, subject to Section 17.49.130.
B. A residence on a highly constrained vacant lot of record that has less than 3,000 square feet of buildable area, with minimum dimensions of 50 feet by 50 feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in subsection 17.49.120.A.
C. A land division that would create a new lot for an existing residence currently within the NROD, subject to Section 17.49.160.
D. Land divisions when not exempted by Section 17.49.080, subject to the applicable standards of Section 17.49.160.
E. Trails/pedestrian paths when not exempted by Section 17.49.080, subject to Section 17.49.170 (for trails) or Section 17.49.150 (for paved pedestrian paths).
F. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by Section 17.49.080,
G. Roads, bridges/creek crossings Subject to Section 17.49.150 --
H. Utility lines subject toSection 17.49.140 (
Stormwater detention or pre-treatment facilities subject to Section 17.49.155 ().
J. Institutional, Industrial or Commercial development on a vacant lot of record situated in an area designated for such use that has more than 75% of its area covered by the NROD, subject to subsection 17.49.120(B).
K City, county and state capital improvement projects, including sanitary sewer, water and storm water facilities, water stations, and parks and recreation projects.
Finding: Complies as Proposed. The proposed project is categorized as a stormwater facility (I.) and therefore is subject to Section 17.49.155.

17.49.100 General Development Standards
The following standards apply to all Uses Allowed under Prescribed Conditions within the NROD with the exception of rights of ways (subject to Section 17.49.150), trails (subject to Section 17.49.170), utility lines (subject to Section 17.49.140), land divisions (subject to Section 17.49.160), and mitigation projects (subject to Section 17.49.180 or 17.49.190):
A. Native trees may be removed only if they occur within 10 feet of any proposed structures or within 5 feet of new driveways or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;
Finding: Complies as Proposed. The proposed project complies with the general development standards. Native trees are only being removed when they are within 10 feet of the stormwater facility.

B. The Community Development Director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the Natural Resource Overlay District.
Finding: Complies as Proposed. The overall landscaping calculation includes the NROD portion of the site.

C. All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List;
Finding: Complies as Proposed. All vegetation planting identified in the mitigation plan are on the Oregon City Native Plant List except for slender rye (which is also not on the Metro and City of Portland native plant lists). However, a DEA licensed landscape architect has agreed that it is native to the area and a good addition to the identified seed mix.

The applicant's NROD report states that the vegetated corridor adjacent to the wetland has a good combination of trees, shrubs, and ground cover as well as good tree canopy coverage. However, coverage of English hawthorn, sweet cherry (*Prunus avium*), Himalayan blackberry, and English holly is greater than 10 percent, which degrades the otherwise good condition corridor to *marginal* corridor condition overall.

D. Grading is subject to installation of erosion control measures required by the City of Oregon;
Finding: Complies as Proposed. A grading plan has been provided for review as required.

E. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;
F. Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;
Finding: Not Applicable. The applicant is requesting neither a reduction nor an increase in setbacks.

G. Fences are allowed only within the disturbance area;
Finding: Complies as Proposed. A fence will be installed along the edge of the stormwater facility both inside and along the edge of the disturbance, but will not further encroach on the NROD.

H. Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200 watt incandescent light) shall be placed or shielded so that they do not shine directly into resource areas;
Finding: Complies as Proposed. No lighting is proposed near the NROD area.

I. If development will occur within the 100 yr. floodplain, the FEMA floodplain standards of Chapter 17.42 shall be met; and
Finding: Not Applicable. There is no 100-year floodplain on site.

J. Mitigation of impacts to the regulated buffer is required, subject to Section 17.49.180 or 17.49.190.
Finding: Complies as Proposed. A mitigation plan has been provided for impacts to the regulated buffer.

17.49.110 – Width of Vegetated Corridor.
Calculation of Vegetated Corridor Width within City Limits. The NROD consists of a vegetated corridor measured from the top of bank or edge of a protected habitat or water feature. The minimum required width is the amount of buffer required on each side of a stream, or on all sides of a feature if non-linear. The width of the vegetated corridor necessary to adequately protect the habitat or water feature is specified in Table 17.49.110.
Finding: Complies as Proposed. The slope adjacent to the wetland was determined by Pacific Habitat Services, Inc. (PHS) to be less than 25 percent, resulting in a 50-foot wide vegetated corridor according to Table 17.49.110 of the Oregon City NROD code. This was confirmed by a DEA ecologist on April 23, 2015.

17.49.155 Standards for Stormwater Facilities
Approved facilities that infiltrate stormwater on-site in accordance with Public Works Low-Impact Development standards, including but not limited to; vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins, and their associated piping, may be placed within the NROD boundary pursuant to the following standards:
A. The forest canopy within the driplines of existing trees shall not be disturbed.
B. Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.
C. Mitigation is required, subject to Section 17.49.180 or 17.49.190.
D. The storm water facility may encroach up to1/2 the distance of the NROD corridor.
E. The stormwater facility shall not impact more than 1,000 square feet of the NROD. Impacts greater than 1,000 square feet shall be process as a Type III application.

F.. The Community Development Director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the Natural Resource Overlay District.

Finding: Complies as Proposed. Grading for the western detention pond, the installation of sub-surface storm facility piping, and the installation of a stormwater outfall with scour protection/rip rap will result in disturbance of the forest canopy within the dripline of existing trees. An adjustment to standards is requested for this reason. Two new detention ponds are proposed along the southern edge of the NROD. The ponds will treat stormwater from the proposed development, reducing the pre-developed 2-year event by 50 percent. Grading associated with the western pond encroaches into the NROD, impacting an area of approximately 27 square feet and removing four Oregon white oak trees. Although the fill slope from the detention ponds will be re-vegetated the ground surface will be permanently altered.

A 10-inch, subsurface storm drainpipe will be installed between the eastern pond and the stormwater outfall to the west. The installation of this pipe will temporarily disturb approximately 273 square feet of NROD but will not result in the removal of any trees. The width of the disturbance area within the NROD will be ten feet or less. The ground surface will be restored to pre-construction grade and re-vegetated following pipe installation.

The stormwater outfall consists of a rip-rap pad that provides scour protection from stormwater discharge that will be piped from both detention ponds. It is located partially within the NROD and is situated in the lowest area north of the western pond. This permanent feature impacts 25 square feet of NROD and results in the removal of one Oregon white oak tree. The area will not be re-vegetated as the rip-rap substrate precludes plant establishment.

There will be 325 square feet of permanent and temporary impacts, and the proposed stormwater facility will not encroach greater than one-half the distance of the NROD corridor. A mitigation plan has been submitted and is reviewed in more detail in the response to Section 17.49.180.

17.49.180 Mitigation Standards

The following standards (or the alternative standards of Section 17.49.190) apply to required mitigation:

A. Mitigation shall occur at a 2:1 ratio of mitigation area to proposed NROD disturbance area. Mitigation of the removal or encroachment of a wetland or stream shall not be part of this chapter and will be reviewed by the Division of State Lands or the Army Corp of Engineers during a separate review process;

B. Mitigation shall occur on the site where the disturbance occurs, except as follows:

1. The mitigation is required for disturbance associated with a right-of-way or utility in the right-of-way;

2. The mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and

3. An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.

C. Mitigation shall occur within the NROD area of a site unless it is demonstrated that this is not feasible because of a lack of available and appropriate area. In such cases, the proposed mitigation area shall be contiguous to the existing NROD area so the NROD boundary can be easily extended in the future to include the new resource site.

D. Invasive and nuisance vegetation shall be removed within the mitigation area;

E. Required Mitigation Planting. An applicant shall meet Mitigation Planting Option 1 or 2 below, whichever option results in more tree plantings, except that where the disturbance area is one acre or more, Mitigation Option 2 shall be required. All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.

Mitigation Planting Option 1.

Option 1 - Planting Quantity. This option requires mitigation planting based on the number and size of trees that are removed from the site pursuant to Table 17.49.180(E)(1)(a). Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses and ground cover species.

Table 17.49.180(E)(1)(a) – Required Planting Option 1

Size of Tree to be Removed (DBH)	***Number of Trees and Shrubs to be Replanted***
6 to 12"	*2 trees and 3 shrubs*
13 to 18"	*3 trees and 6 shrubs*

19 to 24"	*5 trees and 12 shrubs*
25 to 30"	*7 trees and 18 shrubs*
Over 30"	*rees and 30 shrubs*

Option 1 - Plant Size. Replacement trees shall be at least one-half inch in caliper on average, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees. Oak, madrone, ash or alder may be one gallon size. Conifers shall be a minimum of six (6') in height. Shrubs must be in at least 1-gallon container size or the equivalent in ball and burlap, and shall be at least 12 inches in height at the time of planting. All other species shall be a minimum of four-inch pots;
Option 1 - Plant Spacing. Except for the outer edges of mitigation areas, trees and shrubs shall be planted in a non-linear fashion. Plant spacing for new species shall be measured from the driplines of existing trees when present. Trees shall be planted on average between 8 and 12 feet on center, and shrubs shall be planted on average between 4 and 5 feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted on average between 8 and 10 feet on center.
Option 1 - Mulching and Irrigation. Mulch new plantings a minimum of three inches in depth and 18 inches in diamters. Water new plantings one inch per week from June 30th to September 15th, for the three years following planting.
Option 1 – Plant Diversity. Shrubs shall consist of at least two (2) different species. If 10 trees or more are planted, no more than one-half of the trees may be of the same genus.

Finding: Complies as Proposed. The proposed disturbance area is 325 square feet. The area is heavily vegetated. Therefore, the total proposed mitigation planting area is 43,964 square feet because the plantings will be infilled into existing canopy openings. The areas that will be planted are expected to cumulatively exceed the required two-to-one planting ratio in the NROD area the site.

Option 1 was used to determine mitigation plantings because it resulted in the greatest number of trees and shrubs to be planted: Sixteen (16) replacement trees and thirty (30) replacement shrubs will be planted according to size, spacing, and diversity standards in the NROD area. The plants and shrubs are on the Oregon City Native Plant List. Invasive species will be removed to the maximum extent practicable and bare ground will be planted or seeded with native grasses and ground cover species.

F. Monitoring and Maintenance. The mitigation plan shall provide for a 5-year monitoring and maintenance plan with annual reports in a form approved by the Director of Community Development. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the City's Planning Division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of 80% survival of trees and shrubs of those species planted is required at the end of the 5-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind. Bare spots and areas of invasive vegetation larger than ten (10) square feet that remain at the end the 5 year monitoring period shall be replanted or reseeded with native grasses and ground cover species.
G. Covenant or Conservation Easement. Applicant shall record a restrictive covenant or conservation easement, in a form provided by the City, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land, and permit the City to complete mitigation work in the event of default by the responsible party. Costs borne by the City for such mitigation shall be borne by the owner.
H. Financial Guarantee. A financial guarantee for establishment of the mitigation area, in a form approved by the City, shall be submitted before development within the NROD disturbance area commences. The City will release the guarantee at the end of the five-year monitoring period, or before, upon it's determination that the mitigation plan has been satisfactorily implemented pursuant to this section.

Finding: Complies with Condition. The mitigation plan includes a 5-year maintenance and monitoring plan that includes annual progress reports including survival rates and remedial actions if necessary, submitted to the City's planning division. The applicant shall record a restrictive covenant or conservation easement for the NROD mitigation plantings including a financial guarantee in the form provided by the city, that will require owners and assigns of the property to

comply with the applicable mitigation. **The applicant can meet this standard though condition of approval 73.**

17.49.200 Adjustment from Standards
If a regulated NROD use cannot meet one or more of the applicable NROD standards then an adjustment may be issued if all of the following criteria are met. Compliance with these criteria shall be demonstrated by the applicant in a written report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the City may require the report to be reviewed by an environmental consultant. Such requests shall be processed under the Type III development permit procedure. The applicant shall demonstrate:
A. There are no feasible alternatives for the proposed use or activity to be located outside the NROD area or to be located inside the NROD area and to be designed in a way that will meet all of the applicable NROD development standards;
B. The proposal has fewer adverse impacts on significant resources and resource functions found in the local NROD area than actions that would meet the applicable environmental development standards;
C. The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;
D. Fish and wildlife passage will not be impeded;
E. With the exception of the standard(s) subject to the adjustment request, all other applicable NROD standards can be met; and
F. The applicant has proposed adequate mitigation to offset the impact of the adjustment.
Finding: Complies with Condition. The proposed detention pond grading, storm drainpipe, and stormwater outfall impact areas within the NROD have been minimized to the greatest extent possible while still providing adequate capacity for the stormwater facility. The proposed project largely avoids adverse impacts to NROD resources and their functions within the parcel by minimizing impacts within the NROD. As the affected NROD has dense canopy coverage, completely avoiding forest canopy impacts was not possible. Clearing of vegetation (trees and shrubs) within the NROD shall occur outside of the nesting season in accordance with the Migratory Bird Treaty Act.

The wetland complex/tributary to Caufield Creek that flows through the project area is not mapped as providing habitat for migratory fish (StreamNet 20151). ODFW field verified that fish do not occur in the wetland complex/tributary (ODFW-ODF 19942).

All other NROD standards can be met, and an adequate mitigation plan has been submitted for the project.

The trees that the applicant specified to be planted are large and would require frequent watering during establishment. The reviewing landscape architect and ecologist concur that this size of tree is rarely successfully established because of the intensive watering needs. Instead, the proposed project should include an adjustment from the tree size to plant smaller, and less demanding trees that are more likely to establish successfully. The applicant shall submit a final planting plan that specifies smaller trees than in the original application and includes a temporary irrigation plan prior to the grading permit and ensure frequent watering during establishment. **The applicant can meet this standard though conditions of approval 74 and 75.**

David Evans Associates also recommends the applicant ensure the following measures are taken for the stormwater pond:
1. Provide a detailed stormwater detention pond plan that shows and labels:
    a. The permanent and temporary features designed for the flow between the pond outfall and the wetland.

b. The method of accommodating the flow.
c. The flow control measures in the vegetated corridor.
d. Contour lines between the outfall and the wetland.
e. The trees downslope of the outfall.
f. A planting plan for the detention pond side slopes, outside of the berm, and the pond bottoms.

The stormwater plan must ensure that:

a. The discharge from the outfall into the wetlands occurs at multiple points to slowly recharge
the groundwater.
b. The oak trees will not be negatively affected by increased hydrology at their roots.

2. All undisturbed areas, including remaining trees and their root systems, should be identified and protected from grading and vehicle damage by flags, fencing, or a combination of both.
3. If additional trees are removed additional mitigation will be required in accordance with section 17.49.180.
4. Submit the DEQ 1200-C NPDES Stormwater Discharge Permit prior to grading permit.

CHAPTER 17.58: NONCONFORMING USES, STRUCTURES, AND LOTS

17.58.015 Applicability.
The regulations of this chapter apply only to those nonconforming situations that were lawfully established or that were approved through a land use decision. All nonconforming structures, uses or lots shall have been maintained over time. These situations have lawful nonconforming status. Nonconforming situations that were not allowed when established or have not been maintained over time have no lawful right to continue.
Finding: Applicable: The High school campus is a nonconforming site due to parking requirements.

17.58.040 Lawful Nonconforming Structure.
A structure that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered a lawful nonconforming structure. Notwithstanding development standard requirements in this code, minor repairs and routing maintenance of a lawful nonconforming structure are permitted. The continuation of a lawful nonconforming structure is subject to the following:
Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.
Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.
Expansion. An expansion of a lawful nonconforming structure may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.
Finding: Applicable. An expansion of the site and the use is proposed.

1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it must be found that the criteria identified in section 17.58.060 have either been met, can be met by observance of conditions, or are not applicable.
2. An expansion of a nonconforming structure with alterations that exceed the threshold of Subparagraph C.2.a below shall comply with the development standards listed in Subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.
Thresholds triggering compliance. The standards of Subparagraph C.2.b below shall be met when the value of the proposed exterior alterations or additions to the site, as determined by the Community Development Director, is more then $75,000. The following alterations and improvements shall not be included in the threshold calculation:
Proposed alterations to meet approved fire and life safety agreements;

Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
Alterations required to meet Seismic Design Requirements; and
Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.

Finding: Complies with Condition. The applicant did not provide the value; it appears it exceeds the $75,000 threshold. Prior to issuance of permits, the applicant shall submit documentation that demonstrates the value of the proposed exterior alterations or additions to the site. **The applicant can meet this standard through condition of approval 76.**

Standards that shall be met. Developments not complying with the development standards listed below shall be brought into conformance.
Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;
Minimum perimeter parking lot landscaping;
Minimum interior parking lot landscaping;
Minimum site landscaping requirements;
Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 17.52 Off-Street Parking and Loading;
Screening; and
Paving of surface parking and exterior storage and display areas.

Finding: The pedestrian circulation system, the interior parking lot landscaping, and bicycle parking do not comply with current standards.

Area of required improvements.
(1) Generally. Except as provided in C.2.c(2) below, required improvements shall be made for the entire site. Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant shall meet the following:
The signed ground lease – or excerpts from the lease document satisfactory to the City Attorney – shall be submitted to the Community Development Director. The portions of the lease shall include the following:
- *The term of the lease. In all cases, there must be at least one year remaining on the ground lease; and*
- *A legal description of the boundaries of the lease.*

The boundaries of the ground lease shall be shown on the site plan submitted with the application. The area of the lease shall include all existing and any proposed development that is required for, or is used exclusively by, those uses within the area of the lease; and
iii. Screening shall not be required along the boundaries of ground leases that are interior to the site.
Timing and cost of required improvements. The applicant may choose one of the two following options for making the required improvements:
(1) Option 1. Required improvements may be made as part of the alteration that triggers the required improvements. The cost of the standards that shall be met, identified in Subparagraph C.2.b above, is limited to 10% of the value of the proposed alterations. It is the responsibility of the applicant to document 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. When all required improvements are not being made, the priority for the improvements shall be as listed in Subparagraph C.2.b above.
(2) Option 2. Required improvements may be made over several years, based on the compliance period identified in Table 17.58 – 1 below. However, by the end of the compliance period, the site shall be brought fully into compliance with the standards listed in Subparagraph C.2.b. Where this option is chosen, the following must be met:
Before a building permit is issued, the applicant shall submit the following to the Community Development Director:
- *A Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in Subparagraph C.2.b.*
- *A covenant, in a form approved by the City Attorney, executed by the property owner that meets the requirements of 17.50.150. The covenant shall identify development on the site that does not meet the standards listed in Subparagraph C.2.b, and require the owner to bring that development fully into compliance with this*

Title. The covenant shall also specify the date by which the owner will be in conformance. The date must be within the compliance periods set out in Table 17.58 – 1.
The nonconforming development identified in the Nonconforming Development Assessment shall be brought into full compliance with the requirements of this Title within the following compliance periods. The compliance period begins when a building permit is issued for alterations to the site of more than $75,000. The compliance periods are based on the size of the site (see Table 17.58 – 1 below).
By the end of the compliance period, the applicant or owner shall request that the site by certified by the Community Development Director as in compliance. If the request is not received within that time, or if the site is not fully in conformance, no additional building permits will be issued.
If the regulations referred to by Subparagraph C.2.b are amended after the Nonconforming Development Assessment is received by the Community Development Director, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant shall address the new nonconforming development using Option 1 or 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant and compliance period will be required for the new nonconforming development.

Table 17.58 – 1 *Compliance Periods for Option 2*	
Square footage of site	*Compliance Period*
Less than 150,000 sq. ft.	*2 years*
150,000 sq. ft. or more, up to 300,000 sq. ft.	*3 years*
300,000 sq. ft. or more, up to 500,000 sq. ft.	*4 years*
More than 500,000 sq. ft.	*5 years*

Finding: Complies with Condition. . The applicant has proposed to phase is bicycle parking upgrades as needed and add interior landscaping islands in future phases of the master plan. The applicant shall propose a final nonconforming upgrade plan that meets the requirements of this Chapter. **The applicant can meet this standard through condition of approval 77.**

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

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. A Pre-Application conference was held on **October 9, 2014** with City Staff.

17.50.055 Neighborhood Association Meeting

Finding: Complies as Proposed. The applicant's representatives attended the Two Rivers Neighborhood general membership meeting in February 2015 to present conceptual plans for the proposed office development.

17.50.060 Application Requirements.
Finding: Complies as Proposed. All application materials required are submitted with this narrative.

17.50.070 Completeness Review and 120-day Rule.
Finding: Complies as Proposed. The current 120-day deadline for this application is July 21, 2015 The application was deemed sufficiently complete to process on March 24, 2015.

17.50.080 Complete Application--Required Information.
Finding: Complies as Proposed. The application was submitted on December 23, 2014, deemed sufficiently complete to process on March 24, 2015.

17.50.090 Public Notices.
Finding: Complies as Proposed. Staff provided public notice within 300' of the site via regular mail. The site was posted with a Land Use Notice. Staff provided email transmittal or the application and notice to affected agencies and to the Neighborhood Association requesting comment.

17.50.100 Notice Posting Requirements.
Finding: Complies as Proposed. The applicant signed an affidavit stating site was posted with a sign more than 20 days prior to the public hearing.

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff recommends that the proposed Site Plan and Design Review for a site identified as Clackamas County Clackamas County Map 3-2E-09D- Lots 1200, 1300, 1380, and 1400, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Staff recommends approval of file CP 14-03, DP 14-04, and NR 14-10 with conditions, based upon the findings and exhibits contained in this staff report.

GSB:7071891.1

EXHIBIT 3

INSURANCE/INDEMNITY REQUIREMENTS

1. OCSD shall maintain in force for the duration of this Agreement the insurance coverages specified below. Each policy required by these provisions shall be written as a primary policy, not contributing with or in excess of any coverage, which the City may carry. A copy of each policy or a certificate satisfactory to the City shall be delivered to the City prior to commencement of work.

Unless otherwise specified, each policy shall be written on an "occurrence" form with an admitted insurance carrier licensed to do business in the State of Oregon.

In the event statutory limits of liability of a public body for claims arising out of a single accident or occurrence is increased above the combined single limit coverage requirements specified below, the City shall have the right to require OCSD to increase the its coverages to the statutory limit for such claims, and to increase the aggregate coverage to twice the amount of the statutory limit.

The adequacy of all insurance required by these provisions shall be subject to approval by the City. Failure to maintain any insurance coverage required by this contract shall be cause for immediate termination by the City.

i) Comprehensive General Liability.
OCSD shall maintain a broad form comprehensive general liability insurance policy with coverage of not less than $1,000,000 combined single limit per occurrence, with aggregate of $2,000,000. Coverage shall be for bodily injury, personal injury or property damage. Such policy shall contain a contractual liability endorsement to cover the OCSD's indemnification obligations under this contract. The policy shall also contain an endorsement naming the City, its officers, agents and employees as additional insureds, in a form satisfactory to the City, and expressly providing that the interest of the City shall not be affected by the Contractor's breach of policy provisions.

ii) Comprehensive Automobile Liability.
OCSD shall maintain a comprehensive automobile liability insurance policy with coverage of not less than $500,000 combined single limit per occurrence, with aggregate of $1,000,000 for bodily injury, personal injury or property damage. The coverage shall include both hired and non-owned auto liability. The policy shall also contain an endorsement naming the City, its officers, agents and employees as additional insureds, in a form satisfactory to the City, and expressly providing that the interest of the City shall not be affected by the Contractor's breach of policy provisions.

Each policy shall name the City of Oregon City and its officers, agents, and employees as additional named insureds and each policy shall contain an endorsement entitling the City to not less than 30 days prior written notice of any material change, nonrenewal or cancellation.

2. Indemnity/Hold Harmless - To the fullest extent permitted by law, and except to the

extent otherwise void under ORS 30.140, OCSD shall indemnify, defend (with counsel approved by the City) and hold harmless the City and the City's officers, agents, and employees from and against all liabilities, damages, losses, claims, expenses (including reasonable attorney fees), demands and actions of any nature whatsoever which arise out of, result from or are related to the following:

- Any damage, injury, loss, expense, inconvenience or delay caused by damage to the work prior to acceptance by the City.

- Any accident or occurrence which happens or is alleged to have happened in or about the Project site or any place where the work is being performed, or in the vicinity of either, at any time prior to the time the work is fully completed in all respects.

- Any failure of OCSD to observe or perform any duty or obligation under this Agreement which is to be observed or performed by OCSD, or any breach of any agreement, representation or warranty of OCSD'S work.

- The negligent acts or omissions of OCSD, a contractor, subcontractor or anyone directly or indirectly employed by them or any one of them or anyone for whose acts they may be liable, regardless of whether or not such claim, damage, loss or expense is caused in part by a party indemnified hereunder.

- Any lien filed upon the project or bond claim in connection with the work described in this Agreement.

Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person described in this Exhibit. In claims against any person or entity indemnified under this Agreement by an employee of the OCSD, a contractor, a subcontractor, anyone directly or indirectly employed by them or anyone for whose acts they may be liable, the indemnification obligation under this Agreement shall not be limited by a limitation on amount or type of damages, compensation or benefits payable by or for OCSD under workers' compensation acts, disability benefit acts or other employee benefit acts.

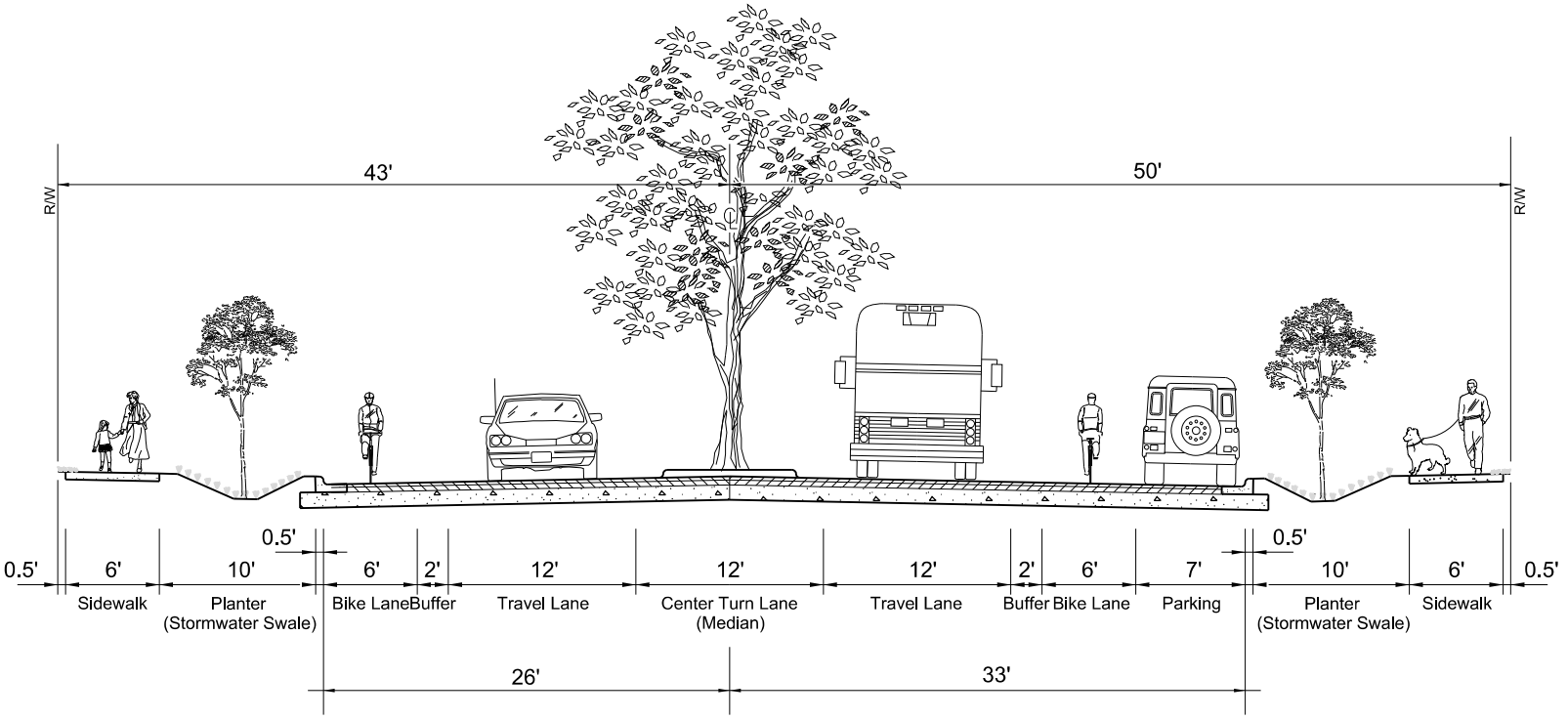
EXHIBIT 4

CITY OF OREGON CITY

MEYERS ROAD EXTENSION ALTERNATIVES

Meyers Road Typical Section

8/19/2015



LOOKING EAST - OR 213 to HIGH SCHOOL AVENUE