



**TYPE III – PLANNING COMMISSION PUBLIC HEARING
SITE PLAN AND DESIGN REVIEW WITH VARIANCE
STAFF REPORT AND RECOMMENDATION WITH CONDITIONS OF APPROVAL
*February 19, 2018***

FILE NUMBER: SP-17-0119: Site Plan and Design Review
VR-17-0011: Variance

Submitted: August 25, 2017
Complete: November 22, 2017
120-Day: March 22, 2018
Extended to: April 21, 2018

DATE & TIME OF 1ST HEARING: Planning Commission
January 26, 2017, 7:00 P.M.

HEARING LOCATION: Commission Chambers, City Hall
625 Center Street, Oregon City, OR 97045

APPLICANT: Kevin Saxton, KASA Architects,
4119 NE Cesar E Chavez Blvd, Portland, Oregon 97211

OWNER: Northwest Housing Alternatives,
2316 SE Willard Street, Milwaukie, Oregon 97222

REQUEST: The applicant submitted a Site Plan and Design Review application for a two-story, 24-unit affordable housing development for veterans and their families. The applicant requests a variance from Site Plan and Design Review code sections.

LOCATION: 314 Pleasant Avenue, Oregon City
Clackamas County Tax APN 2-2E-32CC-04700

REVIEWER: Laura Terway, AICP, Community Development Director
Sang Pau, Development Services

RECOMMENDATION: Approval with Conditions.

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

commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

Conditions of Approval
Planning File SP-17-0119: Site Plan and Design Review
VR-17-0011: Variance

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

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

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

1. The applicant has stated that the design will meet the standard; however, per standard procedure, a condition will be applied to ensure compliance with all Oregon City Public Works standards and design policies. (DS)
2. If the applicant intends to use an existing sanitary sewer service line, it shall be at least 6" in diameter and the applicant shall provide a video inspection report confirming that the lateral is in usable condition. Otherwise, the development shall install a new 6" service lateral connecting to the existing 8-inch sanitary sewer main located within Caufield Street or Pleasant Avenue and provide a two-way cleanout at the ROW line. All additional sewer laterals aside from the one to be utilized shall be abandoned as required per City standards. (DS)
3. The applicant shall locate proposed trees outside of existing and proposed utility easements. (DS)
4. The applicant shall install street lighting as part of improvements to the right-of-way and submit a photometric plan to facilitate the design of street lighting. (DS)
5. The applicant shall place all existing and proposed utility lines underground, including all utilities within the right-of-way which are along the frontage of the development. (DS)
6. The applicant shall provide public improvement plans which include details clarifying how the proposed 25-foot driveway will connect to Myrtle Street which is to have a 20-foot-wide pavement section. **Error! Reference source not found.**(DS)
7. All pavement cut and restoration activities shall be performed in accordance with the City of Oregon City Pavement Cut Standards. (DS)
8. The applicant shall provide dedication to achieve 27-feet of ROW north of the center line of Caufield Street. (DS)
9. Improvements along the entire frontage of Caufield Street shall include, a 16-foot-wide pavement section, 0.5-wide curb with gutter, 5-foot-wide planter strip, 5-foot-wide sidewalk behind the planter strip and 0.5-foot public access. (DS)
10. The applicant shall provide dedication to achieve 31-feet of ROW west of the center line of Pleasant Avenue. (DS)
11. Improvements along the entire frontage of Pleasant Avenue shall include, a 20-foot-wide pavement section (for 12-foot wide travel lane and an 8-foot wide parking strip), 0.5-wide curb with gutter, 5-foot-wide planter strip, 5-foot-wide sidewalk behind the planter strip and 0.5-foot public access. (DS)
12. The applicant shall provide Americans with Disabilities Act (ADA) compliant pedestrian ramps along the development frontage at the intersection of Pleasant Avenue and Caufield Street. An ADA

compliant ramp shall also be constructed on the existing sidewalk on the east side of Pleasant Ave at the intersection of Pleasant Avenue and Caufield Street. (DS)

13. The development shall widen pavement on Myrtle Street to be 20' in width from Pearl Street to the development property and place no-parking signs along Myrtle Street to ensure sufficient space is maintained for waste disposal, sweepers, large emergency vehicles and other large vehicles and include plans which detail how existing driveways serving the homes along Myrtle Street will be incorporated. (DS)
14. The application shall provide an operation and maintenance plan and landscape plan for proposed stormwater facilities. (DS)
15. The engineered drainage report shall clarify assumptions made regarding the hydrologic soil group designation for the soil used for BMP sizing tool since it does not appear to be consistent with the geotechnical report. (DS)
16. The stormwater report and design shall account for stormwater flows from half of the public street along the development's frontage. (DS)
17. The drainage plan and report shall include a design to upsize all undersized storm water pipes which are 1,500 feet downstream of the project site to at least 12" in diameter. (DS)
18. The connection will need to be made with a manhole. (DS)

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

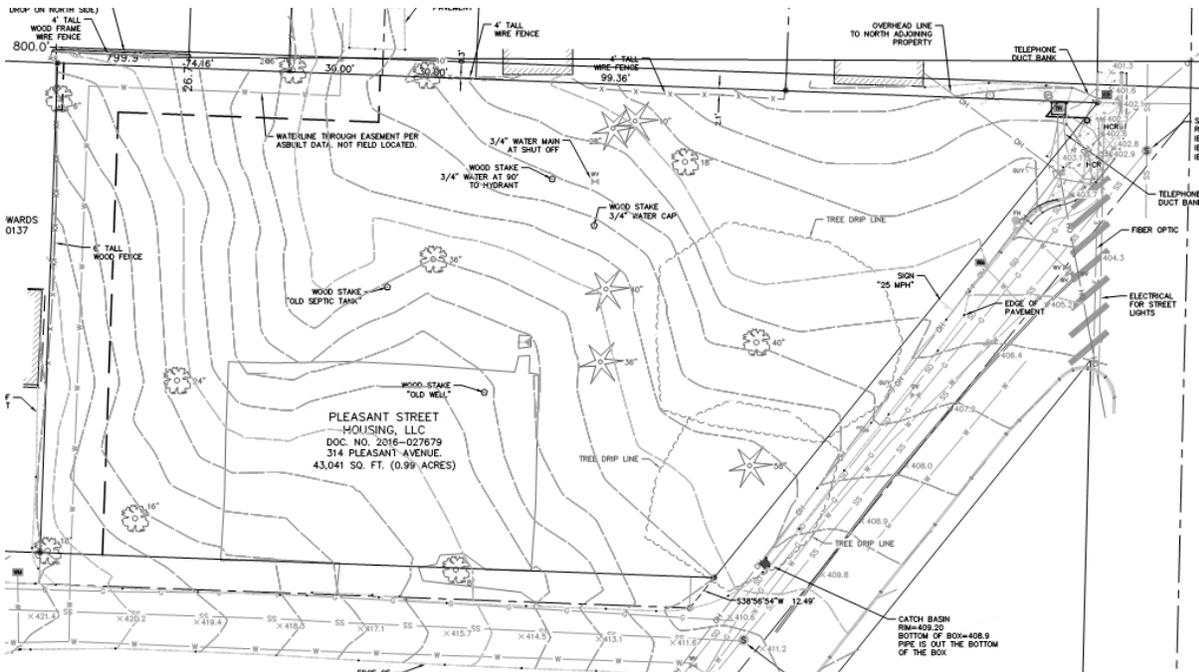
19. Documentation from a lighting specialist that the lighting will not result in more than 0.5 foot-candles on other properties. (P)
20. Landscaping
 - a. The landscape plan approved by a landscape architect. (P)
 - b. The tree mitigation plan shall be approved by a certified arborist, horticulturalist, forester or other environmental professionals with experience and academic credentials in forestry or arboriculture. (P)

I. BACKGROUND:

Existing Conditions

The current site is vacant land. A white oak heritage tree is located near the middle of the Pleasant Avenue frontage.

Figure 1: Existing Conditions – Aerial Image



Project Description

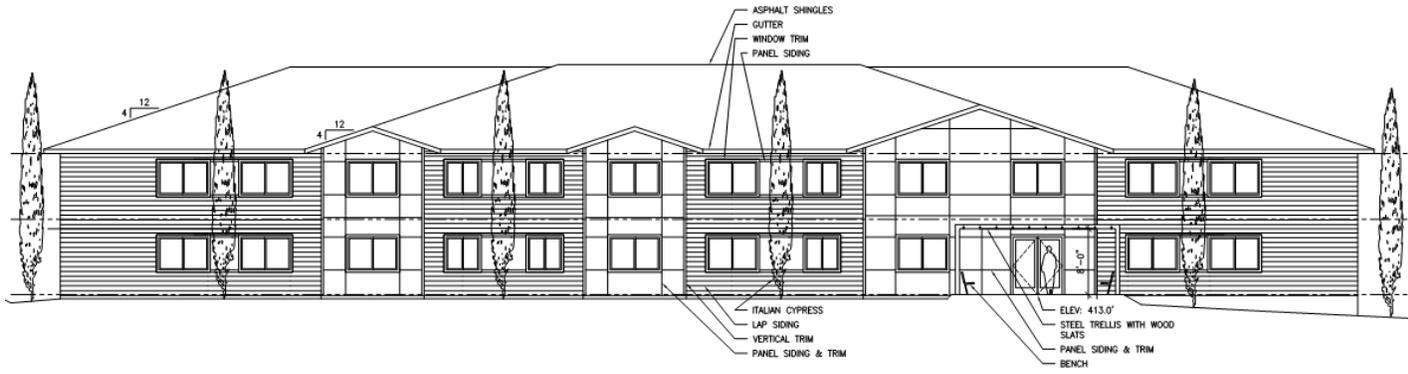
The project consists of a two-story, 24-unit apartment building that will provide affordable housing for veterans and their families. Each floor will consist of 9,015 square feet, for a total building area of 18,030 square feet. The building will consist of the following mix of units: four studio units, twelve 1 bedroom units, and eight 2 bedroom units. In addition the development includes the construction of an associated parking lot, playground, and street improvements.

The proposal includes a variance application for three elements related to building design:

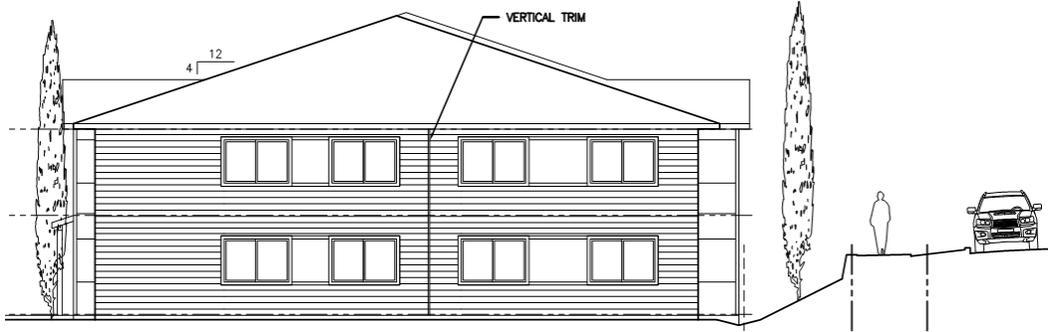
- 17.62.057.G.1 Architectural and Material Standards
- 17.62.057.G.2 Maximum facades width
- 17.62.057.J. Raised Ground Floor



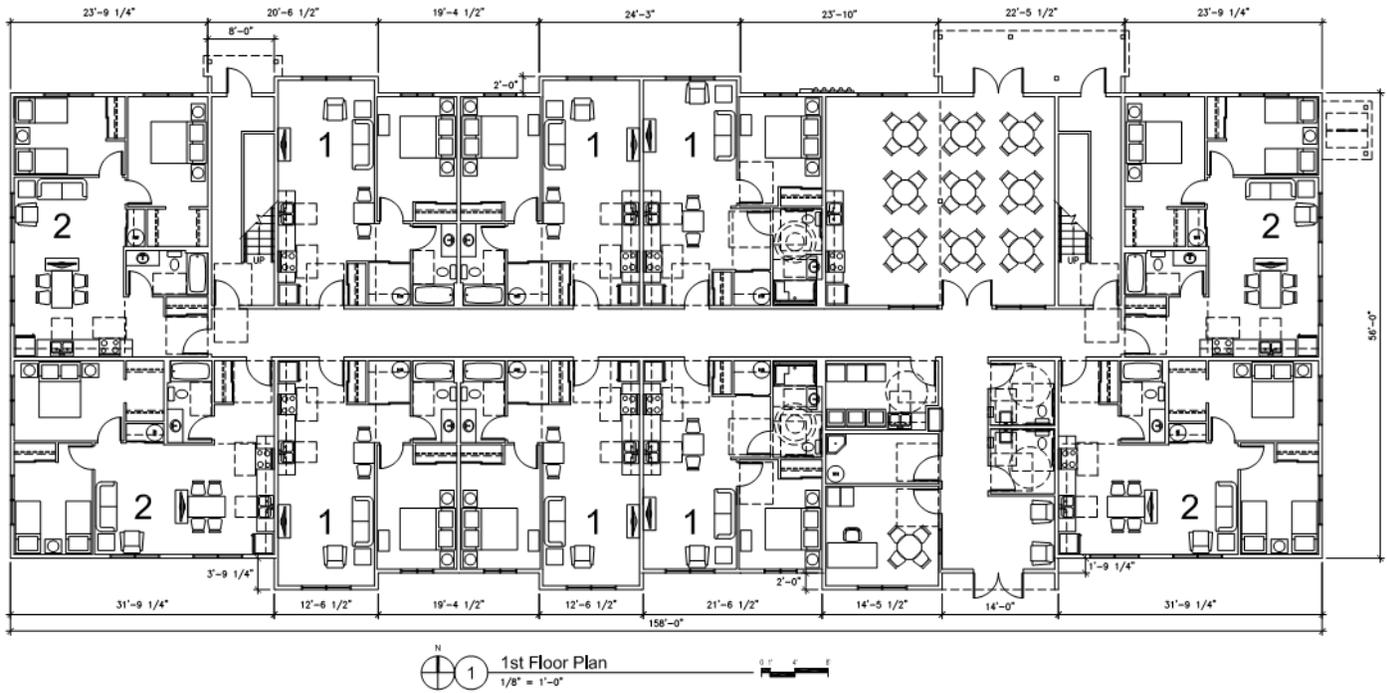
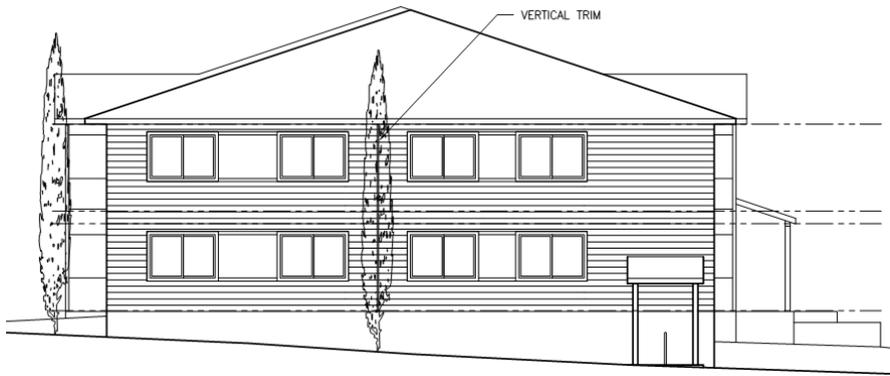
South Elevation

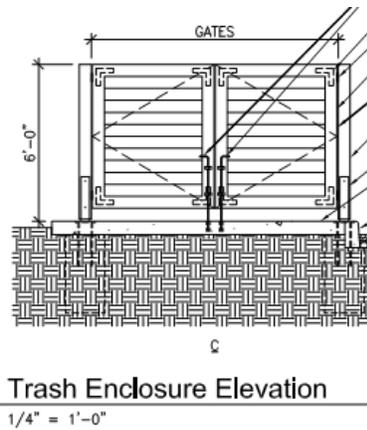
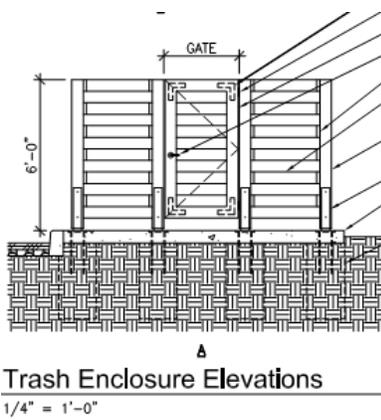
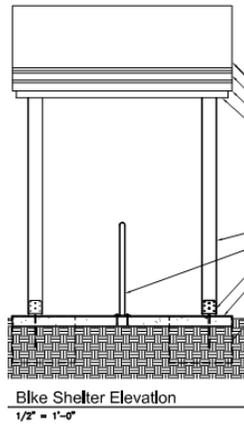
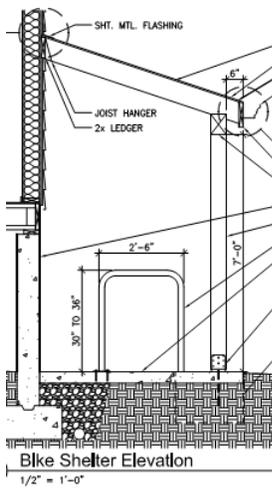
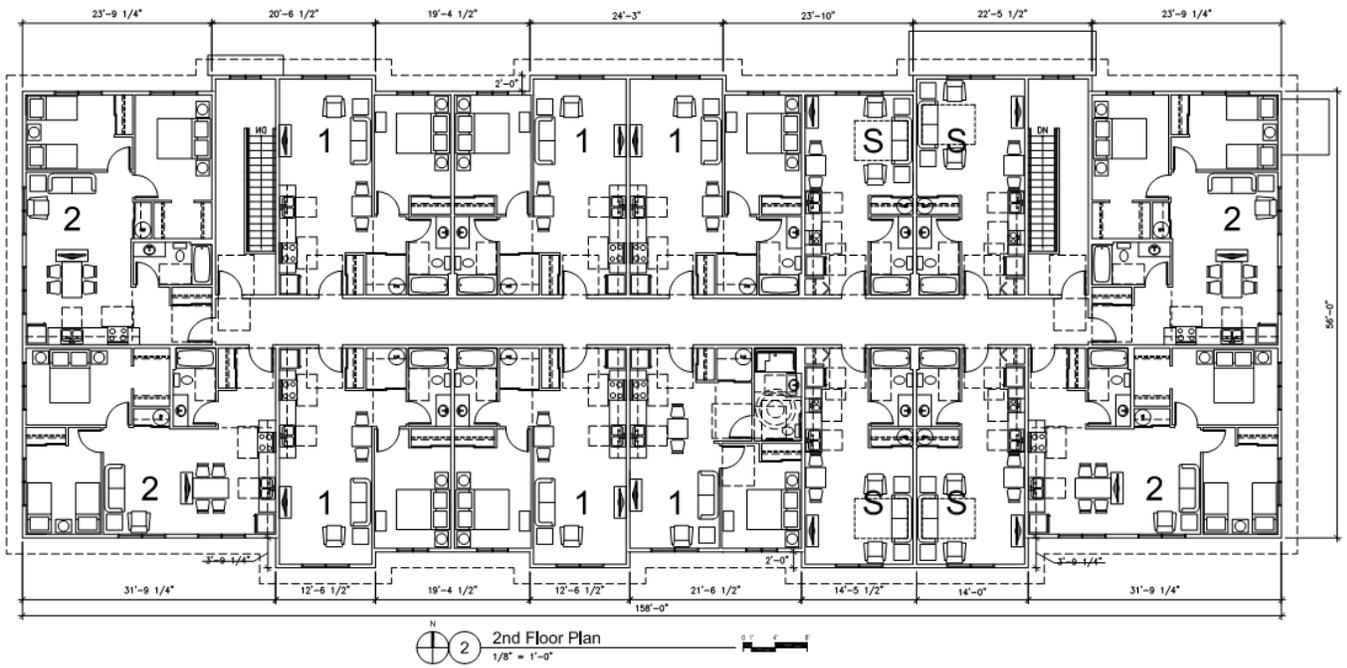


West Elevation



East Elevation





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

12.04 - Streets, Sidewalks, and Public Places
12.08 - Public and Street Trees
13.12 - Stormwater Management
15.48 - Grading, Filling and Excavating
17.29 – “MUC” Mixed Use Corridor District
17.41 – Tree Protection
17.47 - Erosion and Sediment Control
17.50 - Administration and Procedures
17.62 - Site Plan and Design Review
17.52 - Off Street Parking and Loading
17.54.100 – Fences
17.60 - Variances

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

- 2. Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

- 3. 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. Public comments submitted include (Exhibit 3):

Beth Perigo submitted comments identifying concerns related to the geological survey. She identified that there large trees onsite and concern related to groundwater in the area. In addition, concerns were expressed regarding vehicular access, blocking mountain views, the neighborhood.

Response: The comments have been forwarded to the project team as well as the applicant. Findings associated with the relevant criteria are provided within this report.

Wes Rogers submitted comments on behalf of the Oregon City School District stating that the proposal did not conflict with their interests.

Mike Roberts, Building Official for the City of Oregon City submitted comments identifying that the proposal did not conflict with any departmental interests, provided the project complies with the applicable Oregon Specialty Code.

Response: The project will be reviewed by the Building Division for compliance with the applicable standards upon submittal of a building permit.

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

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

II. ANALYSIS AND FINDINGS:

CHAPTER 17.29 “MUC” MIXED USE CORRIDOR DISTRICT

17.29.020 - Permitted uses—MUC-1 and MUC-2.

- A. Banquet, conference facilities and meeting rooms;*
- B. Bed and breakfast and other lodging facilities for up to ten guests per night;*
- C. Child care centers and/or nursery schools;*
- D. Indoor entertainment centers and arcades;*
- E. Health and fitness clubs;*
- F. Medical and dental clinics, outpatient; infirmary services;*
- G. Museums, libraries and cultural facilities;*
- H. Offices, including finance, insurance, real estate and government;*
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;*
- J. Postal services;*
- K. Parks, playgrounds, play fields and community or neighborhood centers;*
- L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;*
- N. Residential units, multi-family;*
- O. Restaurants, eating and drinking establishments without a drive through;*
- P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;*
- Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;*
- R. Seasonal sales, subject to OCMC [Section 17.54.060](#);*
- S. Assisted living facilities; nursing homes and group homes for over fifteen patients;*
- T. Studios and galleries, including dance, art, photography, music and other arts;*
- U. 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;*
- V. Veterinary clinics or pet hospitals, pet day care;*
- W Home occupations;*
- X. Research and development activities;*
- Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;*
- Z. Residential care facility;*
- AA Transportation facilities;*
- BB. Live/work units, pursuant to [Section 17.54.105](#)—Live/work units.*

Finding: Complies as proposed. The proposed 24 unit multi-family development is allowed under sub-section N of this section, Residential Units, multi-family.

17.29.030 - Conditional uses—MUC-1 and MUC-2 zones.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in [Chapter 17.56](#):

- A. Ancillary drive-in or drive-through facilities;*
- B. Emergency service facilities (police and fire), excluding correctional facilities;*
- C. Gas stations;*
- D. Outdoor markets that do not meet the criteria of Section 17.29.020H.;*

- E. Public utilities and services including sub-stations (such as buildings, plants and other structures);*
- F. Public and/or private educational or training facilities;*
- G. Religious institutions;*
- H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;*
- I. Hotels and motels, commercial lodging;*
- J. Hospitals;*
- K. Parking structures and lots not in conjunction with a primary use;*
- L. Passenger terminals (water, auto, bus, train).*

Finding: Not Applicable. The proposed development is a permitted use.

17.29.040 - Prohibited uses in the MUC-1 and MUC-2 zones.

The following uses are prohibited in the MUC district:

- A. Distributing, wholesaling and warehousing;*
- B. Outdoor storage;*
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;*
- D. Correctional facilities;*
- E. Heavy equipment service, repair, sales, storage or rentals (including but not limited to construction equipment and machinery and farming equipment);*
- F. Kennels;*
- G. Motor vehicle and recreational vehicle sales and incidental service;*
- H. Motor vehicle and recreational vehicle repair/service;*
- I. Self-service storage facilities.*

Finding: Not Applicable. The proposed development is a permitted use.

17.29.050 - Dimensional standards—MUC-1.

A Minimum lot areas: None.

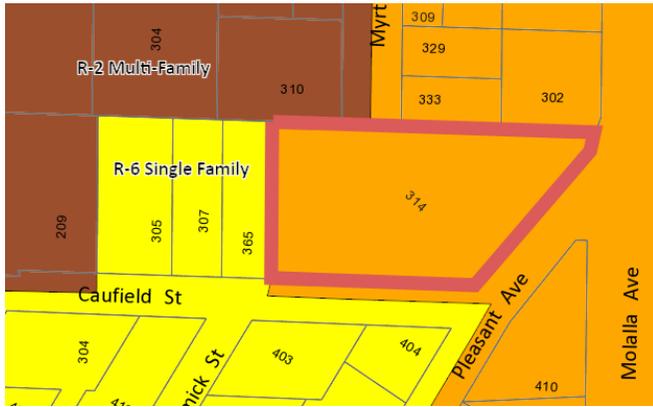
Finding: Not Applicable. The proposed development will not alter the lot size.

B. Maximum building height: Forty feet or three stories, whichever is less.

Finding: Complies as Proposed. The proposed building is two stories and is 23 feet in height.

C. Minimum required setbacks if not abutting a residential zone: None.

Finding: Complies as Proposed. The structure abuts a residential zone on the western and the westernmost 65 feet of the northern property line. The placement of the structure is 44 feet from the western property line and 79.5 feet from the residential zone to the north.



D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.

Finding: Complies as Proposed. Please refer to the finding in 17.29.050.C.

E. Maximum allowed setbacks.

1. Front yard: Five feet (may be extended with Site Plan and Design Review (Section 17.62.055)).

Finding: Please refer to the findings in OCMC 17.62.057.C.

2. Interior side yard: None.

Finding: Complies as Proposed. This standard does not provide a maximum setback.

3. Corner side setback abutting street: Thirty feet provided the Site Plan and Design Review requirements of Section 17.62.055 are met.

Finding: Please refer to the findings in OCMC 17.62.057.C.

4. Rear yard: None.

Finding: Complies as Proposed. This standard does not provide a maximum setback.

F. Maximum lot coverage of the building and parking lot: Eighty percent.

Finding: Complies as Proposed. The proposed development includes 17,755 square feet of impervious surfaces on a 40,108 square foot lot, resulting in a lot coverage of 44%.

G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

Finding: Complies as Proposed. The proposed development includes 19,425 square feet of landscaping on a 40,108 square foot lot, resulting in a landscaping coverage of 48%.

17.29.060 - Dimensional standards—MUC-2.

Finding: Not Applicable. The site is not within the MUC-2 district.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.015 Modifications that will better meet design review requirements.

The review body may consider modification of site-related development standards. These modifications are done as part of design review and are not required to go through the Variance process pursuant to section 17.60.020. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the Variance process pursuant to section 17.60.020. Modifications that are denied through design review

may be requested as Variance through the Variance process pursuant to section 17.60.020. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

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: Not Applicable. The applicant indicated that “the proposed building will require modifications to the design guidelines in the following sections; 17.29.050.E.1, 17.62.057.C, 17.62.057.D, and, 12.04.180”. Staff has reviewed the modification and believes that a Variance is a more appropriate avenue since the modification does not meet the intent of the code. This provision may only apply to the Site Plan and Design Review requirements in OCMC 17.62, and thus the modification for 12.04.180 is reviewed under 12.04.007.

17.62.020 - Preapplication conference.

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

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

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6, R-5 and R-3.5 zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cottage housing development, multi-family and non-residential uses in all zones. No building permit or other permit authorization for development shall be issued prior to site plan and design review approval.

Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval. Site plan and design review shall not alter the type and category of uses permitted in zoning districts.

Finding: Applicable. The applicant proposed development of property in the Mixed Use Corridor District, the application is subject to demonstrate compliance with this chapter.

17.62.035 - Minor site plan and design review.

This section provides for a minor site plan and design review process. Minor Site Plan Review is a Type II decision subject to administrative proceedings described in OCMC [17.50](#) section and may be utilized as the appropriate review process only when authorized by the community development director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

A. Generally. Minor site plan and design review applies to the following uses and activities:

1. Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).

2. Modification to parking lot layout and landscaping or the addition of up to 5 parking spaces.

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

4. Other land uses and activities may be added if the community development director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.

Finding: Not Applicable. The proposed development does not qualify for a Minor Site and Design Review.

17.62.040 - Plans required.

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

17.62.050 - Standards.

A. All development shall comply with the following standards:

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

Finding: Complies as Proposed. The proposed development includes 19,425 square feet of landscaping on a 40,108 square foot lot, resulting in a landscaping coverage of 48%. The applicant indicated that 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.

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: Complies as Proposed. All areas credited toward landscaping are landscaped.

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

Finding: Not Applicable. The subject site is not within the NROD.

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 with condition. The applicant indicated that the landscape plan was prepared by a landscape architect, but the plan did not include a stamp from a landscape architect. The plan include a mix of trees, shrubs and groundcover, the plan and indicated that within three years will cover one hundred percent of the landscape area and 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. Prior to issuance of permits, the applicant shall submit a landscape plan approved by a landscape architect. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

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

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

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

Finding: Complies as proposed. The site landscaping far exceeds the minimum landscaping without acknowledgement of the interior parking lot landscaping.

2. Vehicular Access and Connectivity.

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

Finding: Complies as Proposed. The configuration of the site includes an on-site parking area located behind the front of the structure which is oriented toward Caufield Street.

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 as proposed. The proposal includes a singular vehicular access point located from the terminus of Myrtle Street. The proposed access point is approximately 200 feet south of the intersection of Myrtle Street and Pearl Street. The applicant does not propose access to either Pleasant Avenue or Caufield Street. The access was addressed in a transportation analysis letter prepared by Chris Brehmer, PE of Kittelson and Associates and reviewed by John Replinger, PE, the City's consulting transportation engineer.

Mr. Replinger also wrote:

The engineer also addressed sight distance at the intersection of Peal and Myrtle Streets since this will be the route by which all users will access the site. The engineer measured sight distance for northbound motorists on Myrtle Street for vehicles approaching from the west. Using the standard offset of 14.5 feet from Pearl Street, he measured sight distance to be approximately 185 feet. The limiting factor was the embankment on or adjacent to the property in the southwest quadrant of the intersection. When motorists advance closer to the intersection, sight distance improves. Using a 7-foot offset, sight distance was measured to be approximately 220 feet. In this instance, the limitation is the vertical curve on Pearl Street. The available sight distance is less than the desired 287 feet associated with 26 mph, which was the observed 85th percentile speed on this section of Pearl Street. However, the 220 feet of sight distance exceeds the 160-foot stopping sight distance associated with this speed.

Based in part on the absence of reported crashes at the intersection (see #6, below), the engineer concludes that sight distance at the Pearl/Myrtle intersection is sufficient. I concur.

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

Finding: Complies as proposed. The site is surrounded by streets on two frontages with a third street, Myrtle Street, stubbed into the property. Although no alley has been proposed, access to off-street parking and loading facilities will be from Myrtle Street as discussed in subsection b.

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

Finding: Please refer to the analysis in 17.62.050.A.2.c.

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: Complies as proposed. The layout of the proposed development includes a single driveway.

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

Finding: Complies as proposed. The applicant provided a site plan with a 25-foot wide access driveway that connects to the terminus of Myrtle Street. This location has been approved by the City's consulting transportation engineer.

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

Finding: Not Applicable. The configuration of the subject site limits access to adjacent non-residential properties.

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

Finding: Not applicable. The dedication of a street through the development to provide connections to adjacent sites is impracticable. A new street through the site is not required or proposed.

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

Finding: Not applicable. No easement is proposed or required.

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 temporary dead-end stub street is proposed.

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

Finding: Not Applicable. The subject site is 1.0 acres.

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

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

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

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

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

a. Alterations, additions and new construction located within the McLoughlin Conservation District, Canemah National Register District, and the Downtown Design District and when abutting a designated Historic Landmark shall utilize materials and a design that incorporates the architecture of the subject building as well as the surrounding district or abutting Historic Landmark. Historic materials such as doors, windows and siding shall be retained or replaced with in kind materials unless the community development director determines that the materials cannot be retained and the new design and materials are compatible with the subject building, and District or Landmark. The community development director may utilize the Historic Review Board's Guidelines for New Construction (2006) to develop findings to show compliance with this section.

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

Finding: Complies with condition. The exterior surfaces of the buildings consists of a finished appearance and is not located within a historic district. The sides of the structure are similar to the design on the front façade. With the conditions of approval, the structure will comply with the requirements in the Oregon City Municipal Code and with the conditions of approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: See findings under section 15.48 of this report.

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

Finding: Not applicable. Although the buffer area of the Geologic Hazard overlay district is adjacent to the subject site, the site itself is not within the overlay; therefore, this section does not apply.

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 findings under section 13.12 of this report.

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

Finding: Please refer to the findings under Chapter 17.52.

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

Finding: See findings under section 12.04 of this report.

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

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

Finding: Complies as proposed. The proposed development includes a direct sidewalk leading from the main entrance of the building to the adjacent Caufield Street.

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

Finding: Complies as proposed. The proposed development includes a building entrance facing the adjacent Caufield Street as well as an entrance on the opposing side of the building facing the parking lot. A pedestrian connection between the entranceways is provided.

c. Elevated external stairways or walkways, that provide pedestrian access to multiple dwelling units located above

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

Finding: Not applicable. No exterior walkways which provide connection to dwelling units are proposed on a structure.

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

Finding: Please refer to the analysis in 17.62.050.A.9.b.

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

Finding: Complies as proposed. The proposed design provides a sidewalk connecting the main entranceways onsite to the adjacent properties.

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 as proposed. The onsite pedestrian walkways are hard-surfaced, well drained and a minimum of 5 feet wide. In the locations adjacent to parking spaces, the onsite pedestrian accessway 5 feet, though curb stops are provided.

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

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

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

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

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

Finding: Not Applicable. The subject site is not within the NROD.

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 development proposal assured compliance with this section.

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 condition. The applicant simply states that adequate public water and sanitary sewer facilities sufficient to serve the proposed development will be provided. Staff has reviewed the existing facilities to determine requirements to serve the development. City records show two existing service laterals; these service lines have not been confirmed by the applicant. If the applicant intends to use an existing sanitary sewer service line, it shall be at least 6" in diameter and the applicant shall provide a video inspection report confirming that the lateral is in usable condition. Otherwise, the development shall install a new 6" service lateral connecting to the existing 8-inch sanitary sewer main located within Caufield Street or Pleasant Avenue and provide a two-way cleanout at the ROW line. All additional sewer laterals aside from the one to be utilized shall be abandoned as required per City standards. There is an existing public water main within an easement along the western and northwestern site boundaries. The applicant has submitted a landscape plan which includes placement of trees within the waterline easement which is not allowed. The applicant shall locate proposed trees outside of existing and proposed utility easements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

15. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the city's transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed

development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation. Compliance with [Chapter] 12.04, Streets, Sidewalks and Public Places shall be sufficient to achieve right-of-way and improvement adequacy.

Finding: Complies with condition. The applicant shall install street lighting as part of improvements to the right-of-way and submit a photometric plan to facilitate the design of street lighting. See finding under section 12.04 for additional required of right-of-way improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the transportation system plan.

Finding: Complies as proposed. The subject site is located on a transit route. The application was transmitted to Tri-Met whom did not provide comment.

17. All utility lines shall be placed underground.

Finding: Complies with condition. Although the applicant has proposed to place all utilities underground, it was not clearly indicated on the submitted preliminary plan. The applicant shall place all existing and proposed utility lines underground, including all utilities within the right-of-way which are along the frontage of the development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 indicated that the site includes ADA compliant parking stalls, accessible units as well as pedestrian accessways. Compliance with ADA and accessibility standards will be reviewed upon submittal of a building permit. The applicant indicated that an “accessible ramp will be built to connect the building back entrance to the open common space and play area”.

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. The minimum or maximum density of the Mixed Use Corridor District is not specified in the Oregon City Municipal Code.

20. Screening of Mechanical Equipment:

a. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened. In the event

such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening.

Finding: Not applicable. No rooftop mechanical equipment are proposed. This standard is not applicable. Mechanical equipment will be located in the attic of the building.

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

Finding: Not applicable. No wall-mounted mechanical equipment are proposed.

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

Finding: Not applicable. No ground-mounted mechanical equipment are proposed.

d. All mechanical equipment shall comply with the standards in this section. If mechanical equipment is installed outside of the site plan and design review process, planning staff shall review the plans to determine if additional screening is required. If the proposed screening meets this section, no additional planning review is required.

Finding: Please refer to the analysis within this report.

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

Finding: Not applicable. The development application did not include the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.

21. Building Materials.

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

i. Brick.

ii. Basalt stone or basalt veneer.

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

iv. Board and 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 contiguous aluminum sections at each joint that are either horizontally or vertically aligned.

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

Finding: Complies as proposed. The development application included a material board and architectural plans in Exhibit 2. The primary exterior building material proposed is cementitious lap

siding lap siding with cementitious panel. The trash enclosure consists of a wood frame with wood and the bicycle cover consists of wood beams holding a roofing material similar to the structure.

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 ten percent of the building facade.

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: Complies as proposed. No prohibited materials are identified within the submittal. No fencing is proposed.

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

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

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

3. Exterior Insulation and Finish System (EIFS) and similar toweled 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 special material standards are proposed within the development application

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 condition. The proposal can meet the approval criteria with the conditions of approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.62.055 - INSTITUTIONAL AND COMMERCIAL BUILDING STANDARDS.

A. Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with

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

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

Finding: Not Applicable. The applicant has not proposed an institutional or commercial building. The proposal is for multi-family development only, which is a permitted use within the MUC-1 zone. Compliance with this section is not required. The design standards that apply to multi-family housing are in 17.62.057 - Multi-family standards, see findings below.

17.62.057 - Multi-family standards.

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

Finding: Applies. The development proposal includes construction of a single structure containing 24 units.

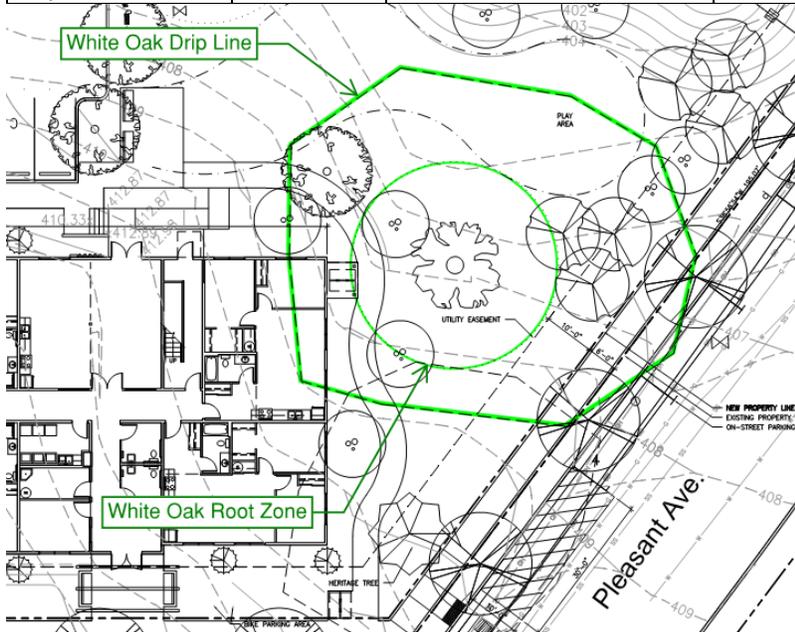
C. Setbacks. Multi-family developments shall be placed no farther than twenty feet from the front property line. A deeper front yard setback may be approved through site plan and design review if the setback area incorporates enhanced pedestrian spaces and amenities, including but not limited to, street furniture, public art or other such deliberately shaped area and/or a feature or amenity that, in the judgment of the community development director, integrates well with adjoining areas. Setbacks may also be increased in order to protect wildlife habitat and water resources pursuant to Section 17.49.100F, and trees and tree groves pursuant to and Section 17.41.120A.

Finding: Complies as Proposed. The design of the development is centered on retention of a large designated heritage tree between the building and the Pleasant Avenue frontage. Aside from retention of the tree, the design mitigated the setback with pedestrian amenities such as a pedestrian accessway and a play area with equipment for children. The applicant provided the following:

The building is setback from Pleasant more than 5 feet in order to preserve a mature white oak that is designated as a heritage tree. The building has been placed as close to the tree as possible. Our arborist has stated that the building can be placed within the drip line of the tree, but must be outside of the root zone of the tree 18 ½ feet from the trunk). Attached is a plan highlighting the root zone and drip line of the tree.
Per 17.62.055.D.1 the five feet maximum setback may be extended. In order to meet this requirement, a play area has been located near the tree.

Street	Frontage	Length of Buildings Reqd. within 5 feet of Frontage in this Standard	Building Length and Distance from Frontage
Caufield Street	214'	214*.5=107'	64' of the Building = 14.2' from Frontage 94' of the Building = 12.5' from Frontage
Pleasant Avenue	178'	178*0.5=89'	Entire Length of 56' of Building = 22.8' to 64.5' from Frontage

Molalla Avenue	19'	None	
Myrtle Street	60'	None	



D. Entrances. Every building abutting a street shall have a street facing front facade. The facade shall be oriented to the street and include windows, doorways, and a structured transition from public to private areas using built elements such as porch features, arbors, low walls, trellis work and/or similar elements integrated with planting.

Finding: Complies as Proposed. The proposed structure abuts the street and the most architecturally significant façade which faces Caufield Street. The façade includes elements such as a pattern of windows, a doorway, as well as a transition area consisting of a bench and a detached steel trellis. The northern elevation includes doorways which include a shed roof.

E. Percentage of Frontage. On sites with one hundred feet or more of street frontage at least fifty percent of the site frontage width shall be occupied by buildings placed within twenty feet from the property line, unless a greater setback is accepted under the provisions of Section 17.62.057C. For sites with less than one hundred feet of street frontage, at least forty percent of the site frontage width shall be occupied by buildings placed within twenty feet of the property line, unless a greater setback is accepted under the provisions of Section 17.62.056D.

Finding: Please refer to the findings in OCMC 17.62.057.C.

F. Pedestrian Circulation.

1. Pathways between dwelling units entrances and the street are required. Such pathways between the street and buildings fronting on the street shall be in a straight line. Exceptions may be allowed by the director where steep slopes prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.

Finding: Complies as proposed. A direct pedestrian pathway is proposed from the main entrance of the building to the adjacent street.

2. The pedestrian circulation system shall connect all main entrances on the site. For townhouses or other residential units fronting on the street, the sidewalk may be used to meet this standard. For multiple-family developments, pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.

Finding: Complies as proposed. The proposed development includes a building entrance facing the adjacent Caufield Street as well as an entrance on the opposing side of the building facing the parking lot. A pedestrian connection between the entranceways is provided.

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

Finding: Not applicable. No external stairways are proposed which would provide access to the dwelling units.

G. Architectural and Material Standards. Building articulation and modulation - multifamily residential buildings and residential portions of mixed-use buildings. An alternative to the standards in subsection G. below may be approved by the community development director if the design is consistent with the intent of the standards and a specific architectural or building use exists that prohibits the full implementation of the standard.

1. Articulation and modulation of buildings is essential in providing the ability for new buildings to be compatible with the surrounding commercial and residential development. All residential buildings and residential portions of mixed-use buildings shall include at least three of the following modulation and/or articulation features at intervals of no more than thirty feet along all facades facing a street, common open space, and common parking areas:

a. Repeating distinctive window patterns at intervals less than the required interval. Vertical building modulation. Minimum depth and width of modulation is thirty-six inches and four feet (respectively) if tied to a change in color or building material and/or roofline modulation. Otherwise, minimum depth of modulation is ten feet and minimum width for each modulation is fifteen feet.

Balconies may not be used to meet modulation option unless they are recessed or projected from the facade and integrated with the building's architecture as determined by the community development director, balconies that appear to be "tacked on" to the facade will not qualify for this option.

b. Horizontal modulation (upper level step-backs). The minimum horizontal modulation for buildings higher than two stories shall be five feet. A dormer- set five feet back from the front facade-is an example of an acceptable horizontal modulation.

c. Articulation of the building's top, middle, and bottom. This typically includes a distinctive ground floor or lower floor design, consistent articulation of middle floors, and a distinctive roofline.

Finding: Please refer to the Variance section of this report for additional analysis.

2. Maximum facades width. Buildings visible from the street must use design techniques to break up long continuous building walls, reduce the architectural scale of the building, and add visual interest. Buildings exceeding one hundred twenty feet in width along the street front shall be divided by a thirty-foot wide modulation of the exterior wall, so that the maximum length of a particular facade is one hundred twenty feet. Such modulation must be at least twenty feet or deeper and extend through all floors. Decks and roof overhangs may encroach up to three feet (per side) into the modulation. The director will consider other design methods that are effective at reducing the perceived width of the building. Examples could include a combination of vertical and/or horizontal building modulation with a change in building materials or finishes, a clear change in building articulation and/or fenestration technique.

Finding: Please refer to the Variance section of this report for additional analysis.

3. Roofline standards.

a. Single purpose residential buildings in residential districts must provide a pitched roof with minimum 6:12 roof pitch. The maximum width of any continuous roofline shall be thirty-five feet for single purpose

residential buildings. Alternative roof designs will be considered provided design elements are included to help the building and its roofline fit into the site's context.

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

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

Finding: Complies as proposed. The applicant submitted a design with gabled roof ends at the bumped out portions of exterior wall to meet the modulation requirements. At these locations, the wall height (as measured from finish grade to top of wall) is less than 20 feet, requiring a minimum of 2 foot tall gables. All of our gabled ends are between 2'9" to 5'3" in height and act to visually segment the roof so that no continuous roof line exceeds 75 feet.

H. Diversity of building types. Multi-building developments of four or more buildings shall be required to provide different architectural designs to provide interest and variety. This is particularly important where multiple buildings front on the same street. Simple changes in building colors or reversal of basic facade designs are not sufficient to comply with this standard. Consider changes in vertical and/or horizontal articulation, fenestration, building materials, architectural style, and/or roof design.

Finding: Not applicable. The proposal includes a single structure.

I. Diversity of unit types. Multifamily buildings with more than twenty-five units are required to provide a diversity of housing types to allow for a range of households and age groups. Unit types are defined as the following:

Studio, one-bedroom, two-bedroom and three-bedroom units or an ADA accessible master bedroom and bathroom (ground floor or elevator access).

1. Developments of twenty-five to fifty units must provide two unit types representing a minimum of ten percent of the total units per unit type.

2. Developments of fifty-one to seventy-five units must provide three unit types representing a minimum of ten percent of the total units per unit type.

3. Developments of seventy-six units and above must provide four unit types representing a minimum of ten percent of the total units per unit type.

Finding: Complies as proposed. With 24 total units on site this section requires two unit types representing a minimum of ten percent of the total units per type. The chart below demonstrates compliance with this standard.

Unit Type	Quantity	Percentage
Studio	4	17%
1 Bedroom Units	12	50%
2 Bedroom Units	8	33%
Total Units on Site	24	

J. Raised Ground Floor.

This is particularly important when dwelling units are within fifteen feet of a sidewalk or common parking area or for buildings in established neighborhoods that have an established pattern with raised dwelling units.

Where ground floor residential uses are permitted on the ground floor in commercial districts, developments shall incorporate a thirteen-foot tall ground floor height to allow future conversion to

commercial uses where desirable. Such projects can utilize a false floor thirty-six inches above the ground for residential uses to increase residents' privacy.

Finding: Please refer to the Variance section of this report for additional analysis.

K. Building Materials.

All multifamily buildings shall be enhanced with appropriate details. Each of the types of details listed below are worth one point. Multifamily buildings must achieve the equivalent of five points worth of architectural details.

- 1. Decorative porch design with distinct design and use of materials.*
- 2. Decorative treatment of windows and doors, such as decorative molding/framing details around all ground floor windows and doors, bay windows, decorative glazing, or door designs, and/or unique window designs.*
- 3. Landscaped trellises or other decorative element that incorporates landscaping near the building entry or entries.*
- 4. Decorative light fixtures with a diffuse visible light source, such as a globe or "acorn" that is non-glaring or a decorative shade or mounting for each building entry on the facade.*
- 5. Brick or stonework covering more than fifteen percent of the facade.*
- 6. Decorative building materials that add visual interest, including:*
 - a. Individualized patterns or continuous wood details.*
 - b. Decorative moldings, brackets, wave trim or lattice work.*
 - c. Other materials with decorative or textural qualities as approved by the director. The applicant must submit architectural drawings and material samples for approval.*
- 7. Decorative roofline design, including multiple gables and/or dormers, decorative parapet or other design that adds distinct visual interest.*
- 8. Decorative railings, grill work, or terraced landscape beds integrated along the facade of the building.*
- 9. Other details that meet the intent of the guidelines as approved by the director.*

Finding: Complies as proposed. The application included the following:

- *1. Decorative porch design with distinct design and use of materials.*
The front entranceway is framed by panel siding and trim, a steel trellis, and benches to create a decorative porch design.
- *2. Decorative treatment of windows and doors, such as decorative molding/framing details around all ground floor windows and doors, bay windows, decorative glazing, or door designs, and/or unique window designs.*
The applicant identified that: "The proposed design utilizes a distinctive window pattern. The windows are grouped in pairs, are separated by a smooth siding panel and are picture-framed to create a larger relief in the lap siding. The window trim will be painted a light color in order to contrast with the siding, and the smooth panel will be highlighted with a blue-tone color".
- *3. Landscaped trellises or other decorative element that incorporates landscaping near the building entry or entries.*
The applicant identified that: "The landscape plan includes landscaping at the trellis consisting of shrubs and ground cover".
- *4. Decorative light fixtures with a diffuse visible light source, such as a globe or "acorn" that is non-glaring or a decorative shade or mounting for each building entry on the facade.*
The applicant identified that: "Decorative light fixtures have been proposed at each building entrance".
- *6a. Individualized patterns or continuous wood details.*
The applicant identified that: "The proposed design includes continuous vertical trim has been placed within the field of lap siding in order to emphasize the window groupings and help reinforce a subtle rhythm along each building façade".
- *6c. Other materials with decorative or textural qualities as approved by the director. The applicant must submit architectural drawings and material samples for approval.*

The applicant identified that: “The proposed design incorporates smooth panel siding at each of the entries (the main entry on the south side and the two entries on the north side). The panels provide a textural interest in the broader field of the façade, emphasize the entries, and will be painted a color that contrasts with the adjacent lap siding”.

L. Window Design.

1. Transparent windows or doors facing the street are required. To meet this requirement, at least fifteen percent of the facade must be transparent. Transparency is measured at the first floor only.

Finding: Complies as proposed. The north, east, and southern facades face a street. The north and south facades are 158 feet in length while the east façade is 56 feet in length. 19.5% of the south and north façades on Caufield Street and 18% of the east façade on Pleasant Avenue are transparent.

2. All windows on all elevations shall recess or project individual windows at least two inches from the facade and incorporate window trim at least four inches in width that features color that contrasts with the base building color. Exceptions will be considered by the community development director where buildings employ other distinctive window or facade treatment that adds visual interest to the building.

Finding: Complies as proposed. The applicant indicated that “each window has been picture framed with trim that is nominally 4 inches wide. The trim has been detailed so that the exterior face of glass of the windows is recessed 2 inches from the face of the trim. Attached is a detail of this condition. I would like to clarify that trim is sold in nominal inch widths, meaning a 4-inch trim is actually 3½ inches wide.

M Common Open Space Requirements.

2. Common Open Space Required. All new multi-family developments in all zones except for the Mixed Use Corridor, Neighborhood Commercial or Mixed Use Downtown Districts, shall set aside a percentage of the net site acreage as common open space for the use and enjoyment of the development's residents. The common open space shall be aggregated into meaningful, quality open spaces. Clustering of buildings is encouraged to minimize small, narrow, unassigned strips in front of and between buildings. Open space areas shall be clearly identified on the development plan. Such designated common open space can be in a natural, undisturbed state, or may be landscaped for more formal courtyards or plazas, or may be developed for active or passive recreation. Phasing shall not be used to circumvent common open space standards.

3. Minimum Amount Required. The minimum amount of common open space (as a percentage of net land area) shall be: Fifteen percent

4. Areas Not Allowed as Part of Common Open Space. The following shall not count toward common open space set-aside requirements:

a. Private lots, yards, balconies and patios dedicated for use by a specific unit;

b. Public right-of-way or private streets and drives;

c. Open parking areas and driveways for dwellings;

d. Land covered by structures except for ancillary structures associated with the use of the open space such as gazebos and picnic shelters or recreation building.

e. Designated outdoor storage areas;

f. Land areas between buildings and parking lots or driveways of less than twenty feet;

g. Required perimeter setbacks; and

h. Detention/retention facilities, including drainage swales, except that detention or retention areas and stormwater management structures or facilities may be used to meet up to one hundred percent of the required common open space amount provided such areas or facilities are accessible and useable, as determined by the city, as year-round community amenities by the residents of the development (e.g., picnic areas, passive recreation areas, playgrounds, ponds for fishing and/or boating, etc.)

5. Required Greenway Linkages. Where a greenway linkage, natural or water resource area or other public park is dedicated to or acquired by the city, the area may be credited toward one-half the

minimum amount of common open space required. The dedicated lands are not to be calculated in the net land area.

6. *Design Criteria for Open Space.* All common open space lands shall meet the following design criteria, as relevant:

[a.] *Connectivity required.* To the maximum extent practicable, common open space shall be organized to create integrated systems of open space that connect with the following types of lands located within or adjacent to the development:

1. *Dedicated public park, greenway, or habitat lands;*
2. *Dedicated school sites;*
3. *Other dedicated open spaces;*
4. *Common open space located adjacent to the development;*
5. *Portions of the regional trail and open space system;*

7 *Compact and Contiguous.* To the maximum extent practicable, common open space land shall be compact and contiguous unless the land is used as a continuation of an existing greenway, trail, or other linear park, or unless specific topographic features require a different configuration. An example of such topographic features would be the provision of open space along a scenic creek.

8. *Accessible to Residents.* Common open space shall be reasonably accessible to all of the residents of the development. The city may require access to be restricted if it would degrade, destroy, or adversely interfere with sensitive environmental or natural areas or with significant historic or cultural resources.

9. *Recreational Facilities.* If an applicant constructs recreational facilities in the common open space as a community amenity, such recreational facilities shall be constructed in accordance with applicable city standards regarding, but not limited to, size, siting, use, materials, and similar matters. The recreational facilities shall be built with long-lasting and sturdy materials. A long-term maintenance schedule may be required to ensure that there is sufficient funding and management set in place for the amenity to be maintained and replaced if needed.

10. *Design Criteria.* Common open spaces, other than those preserved as natural features or areas, should include gardens, courtyards, recreation, or play areas. Required common open space areas over ten thousand square feet of non-natural area shall provide a minimum of five amenities from the list below. Open space of ten thousand feet or less of non-natural area shall provide three amenities.

[a.] *Seasonal planting/community gardening areas.*

[b.] *Large trees.*

[c.] *Seating.*

[d.] *Pedestrian-scaled lighting.*

[e.] *Gazebos or other decorative shelters.*

[f.] *Play structures for children.*

[g.] *On-site community recreation amenities.*

[h.] *Roof gardens or shared patio decks.*

[i.] *An alternative amenity as approved by the community development director.*

11. *Exceptions to the common open space standard may be granted for the following:*

a. *For multi-unit developments of up to twenty-five units (or for the first twenty-five units of a larger project) no common open space shall be required when such developments are within one-quarter mile (measured walking distance) to a public park of three acres or more; and there is a direct, improved, permanent, public, Americans with Disabilities Act (ADA) - accessible, lighted, maintained pedestrian trail or sidewalk between the sites. An exception shall be granted only when the nearby park provides an active and fully improved recreation area.*

b. *For multi-unit developments with required common open space in excess of fifteen thousand square feet, the required open space may be reduced by one-half if access to the public is provided. The qualifying open space area shall be for active use, be maintained by the home owners association and not be within the boundaries of a Water Resource Buffer area.*

Finding: Not applicable. The subject site is within the Mixed Use Corridor district and not subject to this standard. However, an outdoor seating/play area is provided for the residents.

N. Private Open Space.

1. Private Open Space Required. All new multi-family developments in all zones except for the Mixed Use Corridor, Neighborhood Commercial or Mixed Use Downtown Districts, shall set aside a private open space for the use and enjoyment of the development's residents. Private open space is a semi-enclosed area, which is intended for use strictly by the occupants of one dwelling unit. Private open space may include porches, balconies, terraces, roof top gardens, verandas, and decks. Dwellings located at finished grade, or within five feet of finished grade, shall provide a minimum of ninety-six square feet of private open space per dwelling unit, with no dimension less than six feet. Dwellings located more than five feet above finished grade shall provide a minimum of forty-eight square feet with no dimension less than six feet. Ground level private open space shall be visually and physically separated from common open space through the use of perimeter landscaping or fencing.

2. Common And Private Open Space Requirements For Multifamily Dwelling Units In The Mixed Use Corridor, Neighborhood Commercial Or Mixed Use Downtown Districts. All residential development in the Mixed Use Corridor, Neighborhood Commercial or Mixed Use Downtown Districts must provide a portion of the project area for private open space or common open space. Fifty square feet of private or common open space is required for each dwelling unit. The open space may be allocated exclusively for private or common use or may be a combination of the two uses.

a. Common Open Space: Common open space may be provided in the form of decks, shared patios, roof gardens, recreation rooms, lobbies or other gathering spaces created strictly for the tenants and not associated with storage or circulation. Landscape buffer areas may not be used as common open space unless active and passive uses are integrated into the space and its use will not adversely affect abutting properties.

b. Private Open Space: Private open space may be provided in the forms of decks, screened patios, roof gardens or an alternate private space as approved by the community development director.

Finding: Complies as proposed. The proposed project located in an Mixed Use Corridor District, and thus per subsection 2, 50 square feet of open space is required for each dwelling unit. With 24 proposed units 1,200 square feet of open space is required (24*50=1,200). A 690 square feet of indoor community room is located on the ground floor of the building as well as an outdoor common space including a dedicated play area of 2,500 sq ft in the northeast area of the site and lawns located around the site.

17.62.059 - Cottage housing.

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

17.62.065 - Outdoor lighting.

B. Applicability.

1. General.

a. All exterior lighting for any type of commercial, mixed-use, industrial or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.

b. The city engineer/public works director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.

Finding: Applicable. The proposed development includes multi-family development.

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 photometric plan indicating proposed lighting levels in foot-candles along with manufacturer specification sheets for each of the lighting features to be installed on the site.

3. Excepted Lighting.

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

a. Residential lighting for single-family attached and detached homes, and duplexes.

b. Public street and right-of-way lighting.

c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.

d. Temporary lighting for emergency or nighttime work and construction.

e. Temporary lighting for theatrical, television, and performance areas, or for special public events.

f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.

g. Lighting required and regulated by the Federal Aviation Administration.

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

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

Finding: Please refer to the findings within this report.

D. Design and Illumination Standards.

General Outdoor Lighting Standard and Glare Prohibition.

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 footcandles 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 with condition. The development application included a photometric plan which demonstrated compliance with these standards, though did not indicate the lighting levels at all points along the edge of the property. Prior to issuance of a permit associated with the proposed development the applicant shall submit a revised photometric in compliance with the lighting standards in OCMC 17.62.065 identifying that no more than 0.5 foot-candles of lighting from the development may project onto other properties. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

2. Any light source or lamp that emits more than nine hundred lumens (thirteen watt compact fluorescent or sixty watt incandescent) shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property. 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 seventy.

Finding: Complies as proposed. The development proposal provided the cut sheets for the lighting proposed which demonstrate shielded lighting for all fixtures over 900 lumens.

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.*

Finding: Complies as proposed. The maximum height of the lighting is identified as 20 feet.

4. *Lighting levels:*

Table 1-17.62.065. Foot-candle Levels

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

Finding: Complies with condition. The development application included a photometric plan which demonstrated compliance with these standards, though did not indicate the lighting levels at all points along the edge of the property. Prior to issuance of a permit associated with the proposed development the applicant shall submit a revised photometric in compliance with the lighting standards in OCMC 17.62.065 identifying that no more than 0.5 foot-candles of lighting from the development may project onto other properties. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.*

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.*

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: Please refer to the findings in Table 1-17.62.065.

8. Floodlights shall not be utilized to light all or any portion of a building facade between ten p.m. and six a.m.

Finding: Not applicable. No floodlights are proposed.

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.

Finding: Not applicable. No canopy lighting is proposed.

10. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.

Finding: Complies as proposed. The applicant indicated that “the style of light fixtures has been selected to be compatible with the style and character of a residential building”.

11. In no case shall exterior lighting add more than one foot-candle to illumination levels at any point off-site.

Finding: Please refer to the findings in Table 1-17.62.065.

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

Finding: Complies as proposed. The applicant indicated that no outdoor lighting, except for security purposes will be provided.

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.

Finding: Not applicable. No fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform is proposed.

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

Finding: Not applicable. No upward lighting is proposed.

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

Finding: Not applicable. No flickering or flashing lights is proposed.

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

Finding: Not applicable. The applicant has not proposed a wireless site.

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: eighty feet.

ii. Maximum permitted illumination at the property line: 0.5 foot-candles.

Finding: Not applicable. The applicant has not proposed recreational uses.

17.62.080 - Special development standards along transit streets.

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. The proposed application includes construction of multi-family development on a transit street.

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

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

Finding: Complies as proposed. A fully enclosed and visually screened trash and recycling area will be centrally located and accessible by collection vehicles. The trash and recycling area has been sized to accommodate a 3-cubic-yard trash container and (4) 90-gallon recycling containers.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.015 - Planning commission adjustment of parking standards.

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

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

C. Approval criteria for the adjustment are as follows:

1. Documentation: The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.

2. Parking analysis for surrounding uses and on-street parking availability: The applicant must show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the community development director.

a. For the purposes of demonstrating the availability of on street parking as defined in [Section] 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the community development director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required.

Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the community development director.

b. The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:

i. Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and

ii. Vacant on-street parking spaces between three hundred and six hundred feet of the [site] will reduce onsite parking requirements by 0.2 parking spaces.

3. *Function and Use of Site:* The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.

4. *Compatibility:* The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.

5. *Safety:* The proposal does not significantly impact the safety of adjacent properties and rights-of-way.

6. *Services:* The proposal will not create a significant impact to public services, including fire and emergency services.

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

17.52.020 - Number of automobile spaces required.

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

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

Finding: Complies as proposed. The development proposal includes a mix residential unit types as identified below, requiring a minimum of 31 parking stalls. The applicant proposed to construct a 20 stall parking lot in addition to utilizing 7 adjacent on-street parking stalls on Caufield and 4 on Pleasant, for a total of 31 stalls, in compliance with the parking minimum.

Table 17.52.020 Number of automobile spaces required. LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Multi-Family: Studio (4 units)	1.00 per unit (4 stalls)	1.5 per unit (6 stalls)
Multi-Family: 1 bedroom (12 units)	1.25 per unit (15 stalls)	2.00 per unit (24 stalls)
Multi-Family: 2 bedroom (8 units)	1.5 per unit (12 stalls)	2.00 per unit (16 stalls)
	31 stalls	46 stalls

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 above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.*

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

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

Finding: Complies as proposed. The application indicated that parking spaces will be provided for the use of residents, visitors, and employees.

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

Finding: Not applicable. The applicant has not proposed to change the use of an existing building and is not within the Mixed Use Downtown District.

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

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

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

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

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

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

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

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

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

Finding: Complies as proposed. The applicant proposed to utilize 7 adjacent on-street parking stalls in the minimum parking requirements. The stalls are a parallel design and comply with the dimensions identified.

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

1. Transit Oriented Development. For projects not located within the Downtown Parking Overlay District, the community development director may reduce the required number of parking stalls up to twenty-five percent when it is determined that a project in a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred-foot radius) or multi-family development with over eighty units, is adjacent to or within one thousand three hundred twenty feet of an existing or planned public transit street and is within one thousand three hundred twenty feet of the opposite use (commercial center or multi-family development with over eighty units).

2. Reduction in Parking for Tree Preservation. The community development director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a regulated tree

or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition. The amount of reduction must take into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be approved by the community development director. This reduction is discretionary.

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

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

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

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

17.52.030 - Standards for automobile parking.

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

Finding: Complies as Conditioned. The applicant has proposed a driveway with a slope of less than fifteen percent. The City's transportation consultant concurs with the applicant's engineer's analysis which found no safety issues for the proposed ingress and egress location.

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 has proposed Off-street parking spaces and access aisles to be paved with asphalt paving. Pervious pavement has not been identified as a viable option for this site.

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 findings from section 13.12 of this report.

D. Dimensional Standards.

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

dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.

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

PARKING

STANDARD

PARKING ANGLE SPACE DIMENSIONS

A Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
90 degrees	Standard Compact	9' 8'	19.0' 16.0'	24' 22'	9' 8'	1.5

Finding: Complies as Proposed. This section allows for up to 35% of the minimum parking stalls to be compact ($31 \times 0.35 = 10.85$), provided that the remaining 75% of the minimum parking stalls are standard size ($31 \times 0.75 = 23.25$) and all additional stalls may be any size. The applicant proposed 22 standard stalls and 9 compact stalls. The stalls and drive aisle comply with the dimensions in this standard.

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: Not applicable. The proposal does not include 75 or more parking stalls.

17.52.040 - Bicycle parking standards.

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

Finding: Applicable. The proposal included construction of a parking lot and multi-family development.

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.

Required Bicycle Parking Spaces

USE	PROPOSED	MINIMUM BICYCLE PARKING	MINIMUM BICYCLE PARKING - COVERED
Multi-family	24 units	1 per 10 units 2 Required	50% (min. of 1) 1 Required

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

Finding: Complies as proposed. The proposal includes construction of two staple bicycle parking racks with a covered rack near the northeast side of the structure and an uncovered bicycle rack located near the front entranceway.

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.

Finding: Complies as proposed. The development proposal included the design of stationary staple bicycle racks bolted to the ground. The Building Official will verify ADA compliance upon submittal of a building permit.

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: Please refer to the analysis in 17.52.040.C.

Location of Bicycle Parking:

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 as Proposed. As demonstrated on the site plan on sheet A0.1, the bicycle parking is located in front of the building adjacent to Caufield Street and accessible from the adjacent sidewalk.

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 as Proposed. The bicycle parking is located in front of the building adjacent to Caufield Street as well as on the northeast side of the building around the corner from the rear entryway. Both locations are accessible from a hard surfaced pedestrian accessway. The applicant has proposed to install a sign at the main entrance on Caufield stating that additional bike parking is located on the north side of the building.

*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. As demonstrated on the site plan on sheet A0.1, the bicycle parking is located in front of the building, 12 feet from the adjacent to Caufield Street and accessible from the adjacent sidewalk. The bicycle parking is not located near the parking lot and does not obstruct the pedestrian accessway system in or adjacent to the site.

17.52.040.D.4. Accessibility.

a. Outdoor bicycle areas shall be connected to main building entrances by pedestrian accessible walkways.

Finding: Complies as proposed. The bicycle parking location is connected to the adjacent sidewalk which is connected to the main entranceway onsite.

17.52.040.D.4.b. Outdoor bicycle parking areas shall have direct access to a right-of-way.

Finding: Complies as Proposed. The bicycle parking is located 12 feet from the adjacent to Caufield Street and accessible from the adjacent sidewalk.

17.52.040.D.4.c. Outdoor bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or fifty feet, whichever is less, unless otherwise determined by the community development director, city engineer, or planning commission.

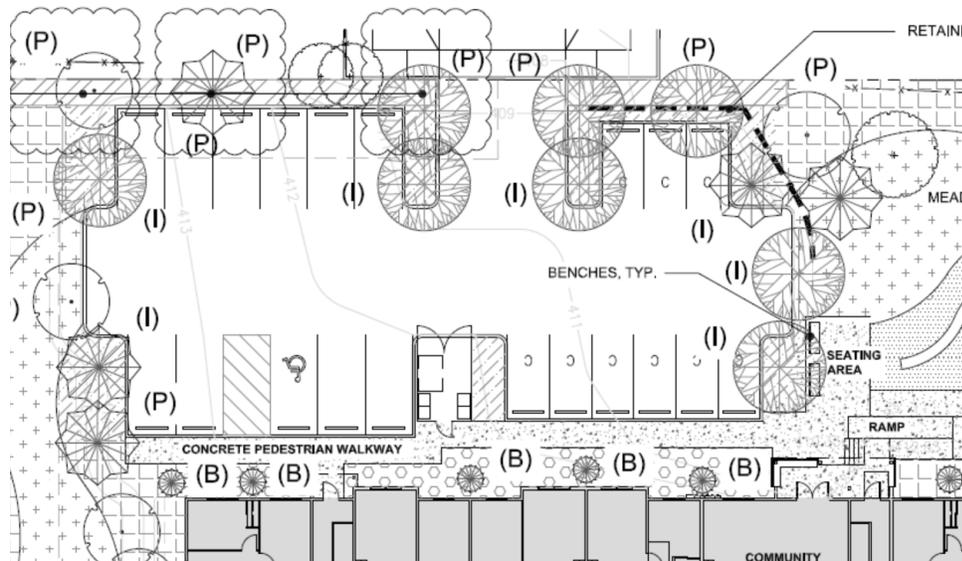
Finding: Complies as proposed. The bicycle parking is located 11 feet from the main entranceway, which is closer than the parking lot in the rear of the structure.

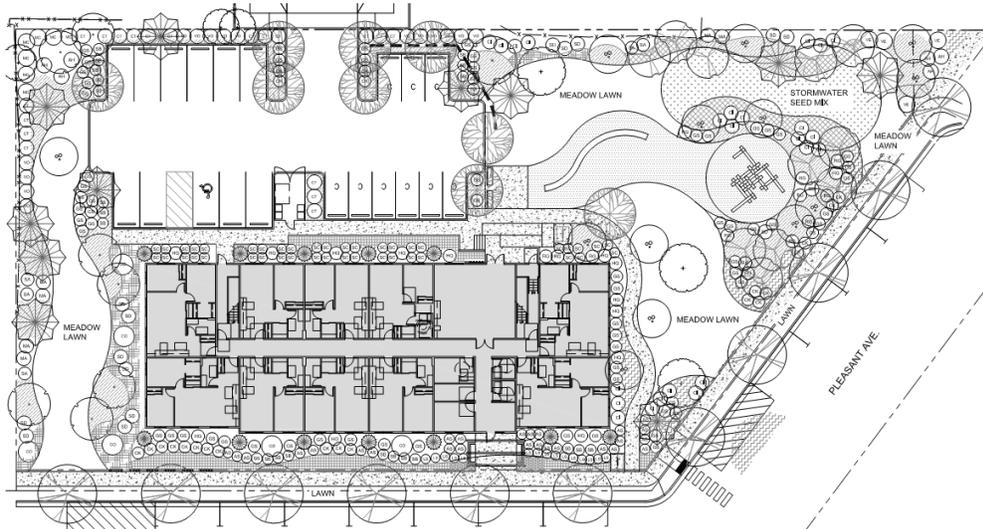
17.52.060 - Parking lot landscaping.

A. Development Standards.

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

Finding: Complies as proposed. The proposed landscaping throughout the parking lot is uniformly distributed.





2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.

Finding: Complies as proposed. All areas in a parking lot not used for parking, maneuvering, or circulation are landscaped with a mix of trees, shrubs, and lawn cover.

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 as proposed. The landscape plan includes a mix of deciduous and coniferous trees spread throughout the parking lot.

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. The tree plan identifies all trees would be a minimum of 2-inches in caliper and installed per the American Nurseryman Standards.

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. The plans indicated that an automatic irrigation system will be installed.

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. No nuisance plants were proposed within the parking lot landscaping.

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: Please refer to the analysis within the traffic study in this report.

8. Landscaping shall incorporate design standards in accordance with [Chapter 13.12](#), Stormwater Management.

Finding: Please refer to the analysis in Chapter 13.12 of this report.

B. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots shall include a five-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. The landscaping plan includes perimeter parking lot landscaping between the parking lot and the properties to the west and north, which are more than 5 feet in width.

1. The perimeter parking lot are[a] 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;

Finding: Complies as proposed. The perimeter parking lot landscaping includes trees placed on either side of the entryway and trees spaced no more than 35 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

Finding: Complies as proposed. The development application indicated compliance with this requirement.

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 as proposed. The landscaping plan included shrubs that are spaced less than 4 feet apart which will grow to 30-42 inches in three to four years.

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:

Finding: Complies as proposed. The applicant has proposed an adequate width parking area/building buffer landscaping.

a. Trees spaced a maximum of thirty-five feet apart;

Finding: Complies as proposed. The parking area/building buffer includes trees spaced at a maximum of 35 feet apart.

b. Ground cover such as wild flowers, spaced a maximum of sixteen-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

Finding: Complies as proposed. The development application indicated compliance with this standard.

c. An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or

Finding: Complies as proposed. The landscaping plan includes shrubs placed no more than 4 feet apart within the parking area/building buffer.

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

Finding: Not applicable. The applicant proposed adequate parking area/building buffer landscaping where applicable in accordance with standard 1.

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. Interior parking lot landscaping shall include:

Finding: Complies as proposed. 855 square feet of the 7,984 square foot parking lot is landscaped (855/7,984=10.7%).

a. A minimum of one tree per six parking spaces.

Finding: Complies as proposed. The site plan includes 20 onsite parking stalls requiring 3 trees within the interior parking lot landscaping (20/6=3.33). The landscape plan included 3 trees within the interior of the parking lot in compliance with the minimum requirement.

b. Ground cover, such as wild flowers, spaced a maximum of sixteen-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.

Finding: Complies as proposed. The development application indicated compliance with this standard.

c. Shrubs spaced no more than four feet apart on average.

Finding: Complies as proposed. The landscaping plan displays shrubs spaced no more than 3 feet on center throughout the interior parking lot landscaping.

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 ten feet in length.

Finding: Complies as proposed. The landscaping plan included no more than eight parking stalls without interior parking lot landscaping of 6 feet in width.

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: Not applicable. No pedestrian walkways are proposed.

E. Installation.

1. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.

2. The site, soils and proposed irrigation systems shall be appropriate for the healthy and long-term maintenance of the proposed plant species.

3. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the city, such as the posting of a surety.

Finding: Complies as proposed. The applicant indicated that all landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards. In addition, irrigation is proposed.

17.52.070 - Alternative landscaping plan.

Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. In such situations, the community development director may approve variations to the landscaping standards of [section 17.52.060](#).

A. General Review Standard. The alternative shall be meet or exceed the intent of this chapter and shall create a safe space for automobiles and pedestrians. The alternative landscaping plan shall be prepared by a licensed landscape architect.

B. Credit for Pervious/Low Impact Development. The community development director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the city's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc).

Finding: Not applicable. The applicant did not propose an alternative landscaping 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 property owner acknowledges responsibility for the maintenance of all parking areas.

17.52.090 - Loading areas.

B. Applicability.

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

Finding: Not Applicable. Loading areas are not proposed or required.

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

12.04.003 - Applicability.

A. Compliance with this chapter is required for all land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements.

B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage, of all single and two-family dwellings. All applicable single and two-

family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter. In addition, the frontage of the site shall comply with the following prioritized standards identified in this chapter:

1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
2. Plant street trees.

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

Finding: Applicable. The applicant applied for a site plan and design review.

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

A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.

B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.

C. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

D. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits.

E. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.

Finding: Compiles as proposed. The applicant acknowledges the City's jurisdiction and management of the public right-of-way and has proposed dedications and frontage improvements on both Caufield Street and Pleasant Avenue.

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 condition. The applicant has requested that the required improvements along Caufield Street be reduced to a local residential street standard. Caufield is roughly 485 feet long and is surrounded by residential zoning except along the frontage of the proposed development. The applicant argues that, as the adjacent site get redeveloped, the street will be improved to a local residential street standard. The applicant has stated that applying the local residential street improvement standard in front of the development will keep the street improvements consistent along the length of the street. A consistent street width will provide safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight since they will not have to navigate a narrowing street width. Staff concurs with the applicant. A condition has been applied specifying the required frontage improvements to Caufield Street in accordance with the Local Residential standard. See discussion in section 12.04.180.

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. The applicant has proposed sidewalks and curbs along Pleasant Avenue and Caufield Street to be constructed to City standards.

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. The fronting streets will be fully improved.

12.04.025 - Street design—Driveway curb cuts.

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.

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

<i>Property Use</i>	<i>Minimum Driveway Width at sidewalk or property line</i>	<i>Maximum Driveway Width at sidewalk or property line</i>
<i>Single or two-family dwelling with one car garage/parking space</i>	<i>10 feet</i>	<i>12 feet</i>
<i>Single or two-family dwelling with two car garage/parking space</i>	<i>12 feet</i>	<i>24 feet</i>
<i>Single or two-family dwelling with three or more car garages/parking space</i>	<i>18 feet</i>	<i>30 feet</i>
<i>Nonresidential or multi-family residential driveway access</i>	<i>15 feet</i>	<i>40 feet</i>

The driveway width abutting the street pavement may be extended three 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).

Figure 12.04.025: Example Driveway Curb Cut

Finding: Complies as conditioned. The development is a multi-family and the applicant has proposed a driveway to Myrtle Street that is 25 feet wide. The applicant shall provide public improvement plans which include details clarifying how the proposed 25-foot driveway will connect to Myrtle Street which is to have a 20-foot-wide pavement section. The plan shall also address impacts to and modifications of the existing driveways along Myrtle Street. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: Complies as proposed. The applicant did not propose more than one driveway per frontage, and staff has not identified the need to further limit the number of curb cuts.

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. The applicant has proposed a driveway on Myrtle Street to have a concrete approach that connects it to the street and will be constructed to meet the above standards.

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: Not applicable. The applicant has not requested a waiver from adhering to the City's driveway standards.

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: Complies as Proposed. The owner of land abutting the street where a sidewalk has been constructed will be responsible for maintaining the sidewalk and curb in good repair.

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: Not Applicable. This is not a criterion for this development.

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: Not Applicable. The applicant has not proposed and is not required to repair a sidewalk.

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: Not Applicable. This is not a criterion for this development because no sidewalk repair is required.

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: Not Applicable. This is not a criterion for this development because no sidewalk repair is required.

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: Not Applicable. This is not a criterion for this development because no sidewalk repair is required.

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: Not Applicable. No retaining walls proposed adjacent to ROW.

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: Not Applicable. No retaining walls proposed adjacent to ROW.

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: Not Applicable. This is not a criterion for this development. There are no existing retaining walls along the frontage of the property to be maintained by the property owner or dirt falling on or sliding into the ROW or adjacent property.

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: Not applicable. Applicant will not require permit for excavations beyond what is permitted through public facilities construction plan review.

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: Not applicable. Applicant will not require permit for excavations beyond what is permitted through public facilities construction plan review.

12.04.095 - Street Design—Curb Cuts.

To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, such as a cul-de-sac or dead-end street, the decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable where any of the following conditions are necessary:

- A. To provide adequate space for on-street parking;*
- B. To facilitate street tree planting requirements;*
- C. To assure pedestrian and vehicular safety by limiting vehicular access points; and*
- D. To assure that adequate sight distance requirements are met.*

Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development, single residential driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk and property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements. Shared residential driveways shall be limited to twenty-four feet in width adjacent to the sidewalk and property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements. Non-residential development driveway curb cuts in these situations shall be limited to the minimum required widths based on vehicle turning radii based on a professional engineer's design submittal and as approved by the decision maker.

Finding: Complies as proposed. A need to restrict the curb cut width has not been identified.

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 restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit application is filed. The city commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

Finding: Complies with condition. The applicant has proposed work in the public right-of-way that will require pavement restoration. All pavement cut and restoration activities shall be performed in accordance with the City of Oregon City Pavement Cut Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: Not applicable. No violation has been identified.

12.04.120 Obstructions – Permit Required

Finding: Not applicable. This is not a criterion for this development because no sidewalk repair is required.

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. The applicant has not proposed a sidewalk sale with this application.

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.

Finding: Not Applicable. This is not a criterion for this development because the applicant has not proposed any obstructions beyond what is permitted through public facilities construction plan review.

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. The applicant has not proposed a street or alley vacation with this application.

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. The applicant has not proposed a street or alley vacation with this application.

12.04.170 - Street design—Purpose and general provisions.

All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for development, the city engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Finding: Complies with Condition. The applicant has stated that the design will meet the standard; however, per standard procedure, a condition will be applied to ensure compliance with all Oregon City Public Works standards and design policies. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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, overlay districts, 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 [Chapter] 12.04 shall be required to preserve the objectives of street extensions.

Finding: Not Applicable. No new streets are proposed for this development.

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 [Section] 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
Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(3) 12 Lanes	N/A
	Industrial	88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 12 Lanes	N/A
	Residential	85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 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
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Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 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 twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.

Finding: Complies with condition. The applicant shall provide dedication to achieve 27-feet of ROW north of the center line of Caufield Street. Improvements along the entire frontage of Caufield Street shall include, a 16-foot-wide pavement section, 0.5-wide curb with gutter, 5-foot-wide planter strip, 5-foot-wide sidewalk behind the planter strip and 0.5-foot public access. The applicant shall provide dedication to achieve 31-feet of ROW west of the center line of Pleasant Avenue. Improvements along the entire frontage of Pleasant Avenue shall include, a 20-foot-wide pavement section (for 12-foot wide travel lane and an 8-foot wide parking strip), 0.5-wide curb with gutter, 5-foot-wide planter strip, 5-foot-wide sidewalk behind the planter strip and 0.5-foot public access. The applicant shall provide Americans with Disabilities Act (ADA) compliant pedestrian ramps along the development frontage at the intersection of Pleasant Avenue and Caufield Street. An ADA compliant ramp shall also be constructed on the existing sidewalk on the east side of Pleasant Ave at the intersection of Pleasant Avenue and Caufield Street. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 as proposed. The applicant proposes ingress and egress to the property from Myrtle Street, a street ending at the boundary of the development. There is no known access control at the end of Myrtle Street that has been granted to the City for the purpose of controlling ingress and egress. If an access control does exist, the City will grant a permit for the development to access through such an access control.

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: Not applicable. No new street is proposed or modification to existing street alignments are proposed.

12.04.194 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in [Chapter 10.32](#).

Finding: Not applicable. No new street is proposed or modification to existing streets are proposed.

12.04.195 - Spacing standards.

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 five hundred thirty feet and the minimum block spacing between streets is one hundred fifty feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every three hundred thirty feet. The spacing standards within this section do not apply to alleys.

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

<i>Table 12.04.195.B Minimum Driveway Spacing Standards</i>		
<i>Street Functional Classification</i>	<i>Minimum Driveway Spacing Standards</i>	<i>Distance</i>
<i>Major Arterial Streets</i>	<i>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</i>	<i>175 ft.</i>
<i>Minor Arterial Streets</i>	<i>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</i>	<i>175 ft.</i>
<i>Collector Streets</i>	<i>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</i>	<i>100 ft.</i>
<i>Local Streets</i>	<i>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</i>	<i>25 ft.</i>

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. No new street is proposed or modification to existing streets are proposed. Since the proposed driveway location, off end of Myrtle Street has been approved per findings from section 17.62.050.A.2.g, the intent of the code is met.

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 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.

A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

B. Accessways shall be free of horizontal obstructions and have a nine-foot, six-inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:

1. Accessways shall have a fifteen-foot-wide right-of-way with a seven-foot wide paved surface between a five-foot planter strip and a three-foot planter strip.

2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-three feet wide with a fifteen-foot paved surface a five-foot planter strip and a three-foot planter strip.

C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.

D. To enhance pedestrian and bicycle safety, accessways 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.

E. Accessways shall comply with Americans with Disabilities Act (ADA).

F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:

1. Within the three-foot planter strip, an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average;

2. 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;

3. Within the five-foot planter strip, two-inch minimum caliper trees with a maximum of thirty-five feet of separation between the trees to increase the tree canopy over the accessway;

4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

H. Accessway surfaces shall be paved with all-weather materials as approved by the city. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.

I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.

J. The community development director may approve an alternative accessway design due to existing site constraints through the modification process set forth in [Section 12.04.007](#).

K. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the hearings body shall require one of the following:

1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or
2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

Finding: Not applicable. Existing public street connections for automobiles, bicycles and pedestrians are available and have not been identified to not meet City standards. The applicant does not intend to modify these 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 twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty 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 [Section] 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 as proposed. The applicant submitted a t Transportation Analysis Letter (TAL) dated October 5, 2017 and the project narrative prepared under the direction of Chris Brehmer, PE of Kittelson & Associates, Inc. The analysis was reviewed by the City's transportation consultant, John Replinger, P.E., of Replinger and Associates whom provided the following comments:

1. *Trip Generation.* The TAL presents information on trip generation using rates taken from the Institute of Transportation Engineers' Trip Generation Manual. The engineer estimated trip generation using land use category 220 – apartments, though he indicated that the target population may have a lower trip generation rate due to lower automobile ownership. Using the trip generation rate for apartments, the development is calculated to produce 12 new AM peak hour trips; 15 new PM peak hour trips; and 160 new weekday trips.
2. *Access Locations.* Access is proposed to be at the site's northern property boundary where Myrtle Street terminates. The proposed access point is approximately 200 feet south of the intersection of Myrtle Street and Pearl Street. The applicant does not propose access to either Pleasant Avenue or Caufield Street.
3. *Driveway Width.* The engineer indicates the proposed driveway at the end of Myrtle Street is 24 feet wide and would meet city standards for width.
4. *Intersection Spacing.* The proposal does result in any new intersections. The proposed driveway is at the southern terminus of Myrtle Street.
5. *Sight Distance.* The engineer states that since the driveway is at the end of and aligned with Myrtle Street, sight distance is not an issue. I concur.

The engineer also addressed sight distance at the intersection of Peal and Myrtle Streets since this will be the route by which all users will access the site. The engineer measured sight distance for northbound motorists on Myrtle Street for vehicles approaching from the west. Using the standard offset of 14.5 feet from Pearl Street, he measured sight distance to be approximately 185 feet. The limiting factor was the embankment on or adjacent to the property in the southwest quadrant of the intersection. When motorists advance closer to the

intersection, sight distance improves. Using a 7-foot offset, sight distance was measured to be approximately 220 feet. In this instance, the limitation is the vertical curve on Pearl Street. The available sight distance is less than the desired 287 feet associated with 26 mph, which was the observed 85th percentile speed on this section of Pearl Street. However, the 220 feet of sight distance exceeds the 160-foot stopping sight distance associated with this speed.

Based in part on the absence of reported crashes at the intersection (see #6, below), the engineer concludes that sight distance at the Pearl/Myrtle intersection is sufficient. I concur.

6. Safety Issues. The TAL included a crash summary for the 500-foot section of Pearl Street west of Molalla Avenue, which includes the Myrtle Street intersection. There were no reported crashes in the last five years associated with the intersection of Pearl Street and Myrtle Street. One rear-end crash resulting in property damage only was reported in the vicinity. Other than the sight distance limitations discussed above, the engineer found no safety issues that suggested a need for mitigation. I concur with the engineer's analysis.

7. Consistency with the Transportation System Plan (TSP). The TAL indicates that no projects from the TSP are located near the site. The engineer notes that the frontages on Caufield Street and Pleasant Avenue will be improved to the local mixed use commercial street standard specified in the TSP and city code.

Conclusion and Recommendations

I find that the TAL provides an adequate basis upon which to assess the impacts of the proposed development. I find no need for mitigation to address traffic impacts from the proposal.

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: Not applicable. No new street is proposed or modification to existing street alignments are proposed.

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 condition. The proposal includes a singular vehicular access using Myrtle Street, which does not currently meet the city's minimum design or dimensional requirements. The plans appear to show this existing pavement width, but also what appears to be a road section with curb and gutter, approximately 38 feet in width. The development shall widen pavement on Myrtle Street to be 20' in width from Pearl Street to the development property and place no-parking signs along Myrtle Street to ensure sufficient space is maintained for waste disposal, sweepers, large emergency vehicles and other large vehicles and include plans which detail how existing driveways serving the homes along

Myrtle Street will be incorporated. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: Not applicable. No half street is proposed.

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 twenty-five 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: Not applicable. A cul-de-sac or dead-end street has not been proposed by the applicant and the construction of a through street has not been found by the decision maker to be practical. Connection via public access is discussed in 17.62.050.A.2.

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 street is 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: Not applicable. No new street is proposed or modification to existing streets are proposed.

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 applicant has proposed plantings along the small corner of the development which abuts Molalla Avenue, an existing arterial street.

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. Curb extensions have not been deemed necessary for this development to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area. The existing intersection width at Molalla/Pleasant Avenue will not be widened, thus minimizing the crossing width to remain as it exists today.

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: Complies as Conditioned. The size of the site and configuration do not allow for provision of an alley. Required alternative provisions for vehicular access are discussed in 17.62.050.A.2.

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 [Section] 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: Complies as proposed. The application has been distributed to TriMet, and no responses have been received. The development will improve pedestrian and bicycle circulation by providing street improvements along the frontage. Staff has determined that along with the frontage improvements to be constructed with the development, the existing street system will meet the standard.

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 ten 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 as proposed. The applicant has provided a 5' wide planter strip on Caufield Street and Pleasant Avenue. The applicant has submitted a landscaped plan showing planter strips to have street trees and lawn.

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 "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city in accordance with this ordinance, 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: Complies as proposed. The applicant has acknowledged that all work performed in the right of way will be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA).

Chapter 12.08 - PUBLIC AND STREET TREES

12.08.015 - Street tree planting and maintenance requirements.

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

Finding: Complies as proposed. The applicant indicated that street trees will be planted in the planter strips on Caufield Street and Pleasant Avenue. The street trees species is chanticleer pear which was selected from the Oregon City Street Tree List.

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 as proposed. Subsequent to dedication the subject site will have approximately 400 feet of frontage requiring 11 trees ($400/35=11.4$). The landscape plan included the installation of 11 street trees.

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: Complies with condition. A street tree plan was submitted with the preliminary locations of street trees, but did not include the final locations of street lights, fire hydrants, intersections and power lines. Prior to issuance of a permit associated with the proposed development the applicant shall submit a plan for street trees in compliance with OCMC 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 applicant submitted a street tree plan which included trees which are a minimum of 2" in diameter.

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.

Finding: Not applicable. No existing street trees are onsite.

12.08.020 - Street tree species selection.

The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.

Finding: Complies as proposed. The applicant proposed to install the chanticleer pear within the 6 foot planter strips. They were selected from the Oregon City Street Tree List, because their growth pattern works well with overhead power lines.

12.08.035 - Public tree removal.

Finding: Not applicable. The applicant did not propose street tree removal.

12.08.040 - Heritage Trees and Groves.

Finding: Not applicable. The applicant did not propose to designate or remove a heritage tree or grove. There is a white oak on the east side of the property that has been designated as a heritage tree. This tree will be preserved. The protection of this tree is shown on the tree protection plan.

CHAPTER 13.12 - STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.

- A. *Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:*
- 1. The conveyance facilities are located entirely on one privately owned parcel;*
 - 2. The conveyance facilities are privately maintained; and*
 - 3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.*

Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the building official.

Finding: Applicable. Construction of improvements to public stormwater conveyance facilities is required to serve this development.

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

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

Finding: Applicable. The proposed development will create or replace more than 5000 sf of impervious area.

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

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

- f. *Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.*
- g. *Maintenance or repair of existing utilities.*

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

D. *Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:*

1. *Bulk petroleum storage facilities;*
2. *Above ground storage of liquid materials;*
3. *Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;*
4. *Exterior storage of bulk construction materials;*
5. *Material transfer areas and loading docks;*
6. *Equipment and/or vehicle washing facilities;*
7. *Development on land with suspected or known contamination;*
8. *Covered vehicle parking for commercial or industrial uses;*
9. *Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and*
10. *Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.*

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

13.12.080 - *Submittal requirements.*

A. *Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.*

B. *Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.*

Finding: Complies as conditioned. The applicant met submittal requirements for a land use application. However, there are additional submittal items, found in Section 9.1.2 of the Public Works Stormwater and Grading Design Standards, which are required as part of the development review and approval process. The application shall provide an operation and maintenance plan and landscape plan for proposed stormwater facilities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

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

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

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

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

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

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

Finding: Complies as Conditioned. Although the proposed storm facility may be adequately sized, assumptions made regarding the hydrologic soil group designation of the soil used with the BMP sizing tool do not appear to be consistent with what is written in the stormwater report. The engineered drainage report shall clarify assumptions made regarding the hydrologic soil group designation for the soil used for BMP sizing tool since it does not appear to be consistent with the geotechnical report. The stormwater report and design shall account for stormwater flows from half of the public street along the development's frontage. The drainage plan and report shall include a design to upsize all undersized storm water pipes which are 1,500 feet downstream of the project site to at least 12" in diameter. The drainage plan shows a stormwater service directly connecting to the stormwater main which does not meet City standards. The connection will need to be made with a manhole.

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

13.12.100 - Alternative materials, alternative design and methods of construction.

The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the Public Works Stormwater and Grading Design Standards, provided any alternate has been approved and its use authorized by the city engineer. The city engineer may approve any such alternate, provided that the city engineer finds that the proposed design is satisfactory and complies with the intent of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The city engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the city files.

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

13.12.120 - Standard construction specifications.

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

Finding: Complies as Proposed. Applicant has stated that construction will comply with these criteria.

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: Applicable. The preliminary plan presents grading and paving activities that will result in grading activities in excess of ten cubic yards of earth

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 as proposed. The applicant has submitted an engineered grading and a Geotechnical Engineering Report which to be reviewed by City staff prior to issuance of construction plan approval.

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 as proposed. The applicant has submitted an erosion and sediment control plan which to be reviewed by City staff prior to issuance of an erosion and sediment control permit.

CHAPTER 17.41 - TREE PROTECTION STANDARDS

17.41.020 - Tree protection—Applicability.

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

Finding: Applicable. The proposed development includes 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: Not applicable. The trees within the boundaries of the property or associated with the proposed development onsite are regulated under this section of code and do not fall under any other protections within the City's development codes. No conflicts were identified.

17.41.040 - Same—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 applicant has not proposed an exemption in accordance with this provision.

17.41.050 - Same—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 Sections 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—17.41.100; or*
- C. *Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; 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 eighty percent 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 utilize option 1, mitigation. This option requires all replanted and saved trees be protected by a permanent restrictive covenant or easement, however a recent code amendment clarified that all tree removal for multi-family sites are subject to the tree removal regulations in this chapter and thus an easement is not required.

17.41.060 - Tree removal and replanting—Mitigation (Option 1).

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 arboriculture. 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.

B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half 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:

Two-inch caliper deciduous, or

Six-foot high conifer

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

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.
3. Document any trees that are currently diseased or hazardous.
4. Subtract the number of diseased or hazardous trees in step 3. from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5. through 8.
5. Define the construction area (as defined in [Chapter 17.04](#)).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6. and 7.

Finding: Complies with Condition. This section requires the tree mitigation plan report be prepared by a certified arborist, horticulturalist, forester or other environmental professionals with experience and academic credentials in forestry or arboriculture, though no documentation was submitted indicating compliance with this section. The applicant submitted a tree removal and mitigation plan identifying the removal of 12 trees, two of which Andrew Craig, an ISA Certified Arborist PN5927. Based on the information submitted, the applicant is required to plant 41 mitigation trees.

Prior to issuance of a permit associated with the proposed development the applicant shall submit documentation noting that the tree mitigation plan was prepared by a certified arborist, horticulturalist, forester or other environmental professionals with experience and academic credentials in forestry or arboriculture. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.070 - Planting area priority for mitigation (Option 1).

Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050A. 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 Condition. The applicant submitted a landscaping plan including the installation of 79 trees consisting of 11 street trees (as required), 19 parking lot trees (as required) and 49 additional trees (including 41 mitigation trees).

17.41.075 - Alternative mitigation plan.

The community development director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the natural resource overlay district alternative mitigation plan, [Section 17.49.190](#).

Finding: Not Applicable. An alternative mitigation plan was not proposed.

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).

A. Applicants for new subdivision and partition plats may delineate and show the regulated trees or groves as either a separate tract or part of a larger tract that meets the requirements of subsection D. of this section.

B. The standards for land divisions subject to this section shall apply in addition to the requirements of the city land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to Section 17.41100 below.

C. Prior to preliminary plat approval, the regulated tree or grove area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection D. of this section, which shall not be a part of any parcel used for construction of a structure. The size of the tract shall be the minimum necessary as recommended by a consulting arborist to adequately encompass the dripline of the tree, protect the critical root zone and ensure long term survival of the tree or grove.

D. Prior to final plat approval, ownership of the regulated tree or grove tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:

1. Private open space held by the owner or a homeowners association; or
2. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
3. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or
4. Any other ownership proposed by the owner and approved by the community development director.

Finding: Not Applicable. The applicant has chosen to utilize option 1.

17.41.090 - Density transfers incentive for tree protection tracts (Option 2).

A. The purpose of this section is to allow dimensional adjustments within a regulated tree protection tract to be transferred outside said tract to the remainder of the site. This provision applies on-site and density shall not be transferred beyond the boundaries of the development site.

B. Development applications for subdivisions and minor partitions that request a density transfer shall:

1. Provide a map showing the net buildable area of the tree protection tract;
2. Provide calculations justifying the requested dimensional adjustments;
3. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the tree protection tract created pursuant to [Section 17.41.080](#);
4. Demonstrate that, with the exception of the tree protection tract created pursuant to [Section 17.41.080](#), no parcels have been created which would be unbuildable in terms of minimum yard setbacks;
5. Meet all other standards of the base zone except as modified in [section 17.41.100](#).

C. The area of land contained in a tree protection tract may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.

Finding: Not Applicable. The applicant has chosen to utilize option 1.

17.41.100 - Permitted modifications to dimensional standards (Option 2 only).

A. An applicant proposing to protect trees in a dedicated tract pursuant to [section 17.41.080](#) may request, and the community development director, pursuant to a Type II procedure, may grant a reduction to, the lot size, width, depth, and setbacks of the underlying zone district in approving a subdivision or partition if necessary to retain a regulated tree or grove in a tract, as long as the calculation of average lot size, including tree protection tracts, meet the minimum lot size for the zone. The applicant may choose to make the adjustments over as many lots as required. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the area of the tree tract.

Table 17.41.100 A
Lot Size Reduction

ZONE	Min. Lot Size [sq. feet]	Min. Lot Width	Min. Lot Depth
R-10	5,000 sq. feet	50'	65'
R-8	4,000 sq. feet	45'	60'
R-6	3,500 sq. feet	35'	55'
R-5	3,000 sq. feet	30'	50'
R-3.5	1,800 sq. feet	20'	45'

Table 17.41.100 B
Reduced Dimensional Standards for Detached Single-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
8,000—9,999 square feet	15 feet	20 feet	7/9 feet	15 feet	40%
6,000—7,999 square feet	10 feet	15 feet	5/7 feet	15 feet	40%
4,000—5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%
1,800—3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%

Table 17.41.100 C
Reduced Dimensional Standards for Single-Family Attached or Two-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
3,500—7,000 square feet	10 feet	15 feet	5/0* feet	10 feet	40%
1,800—3,499 square feet	5 feet	15 feet	5/0* feet	10 feet	55%

*0 foot setback is only allowed on single-family attached units

Finding: Not Applicable. The applicant has chosen to utilize option 1.

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: Not Applicable. The applicant has chosen to utilize option 1.

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 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 three 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 chosen to utilize option 1.

17.41.1[25] - 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: Not Applicable. The applicant has chosen to utilize option 1.

17.41.130 - Regulated tree protection procedures during construction.

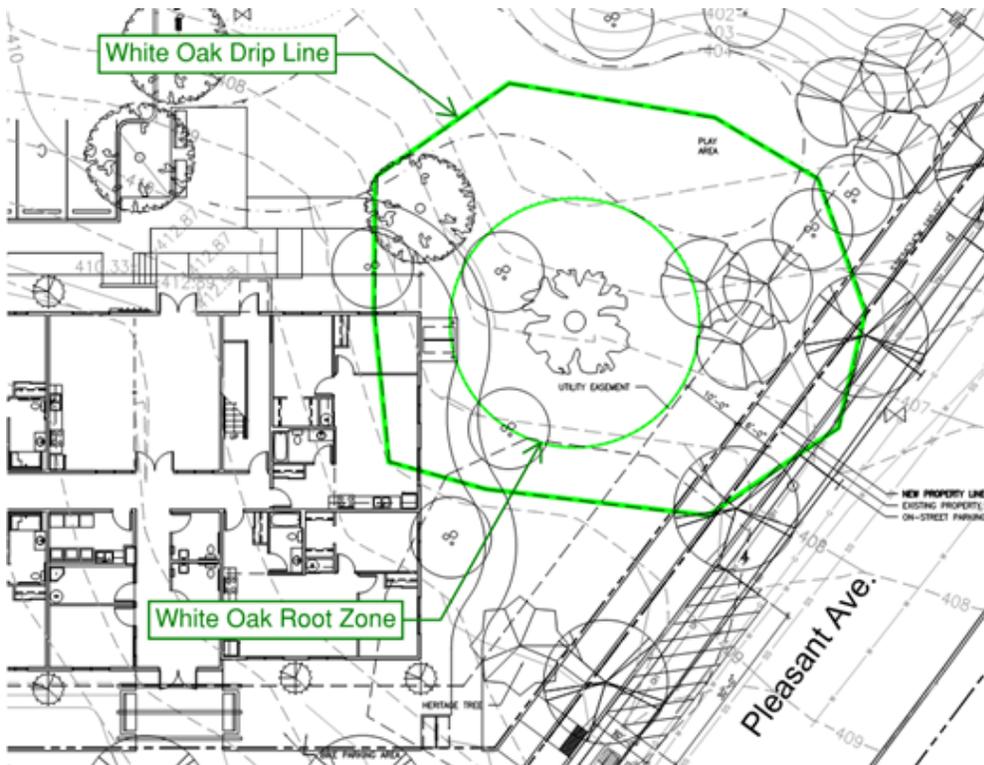
A. No permit for any grading or construction of public or private improvements may be released prior to verification by the community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal 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 four 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 ten 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 as proposed. The applicant had the tree removal and protection plans reviewed by Andrew Craig, and ISA Certified Arborist who identified tree protection measures on the landscaping plan as well as details about the root zone and drip line for the Heritage Tree (White Oak) onsite.



CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

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

Finding: Complies as Proposed. The proposed Site Plan and Design Review application and Variance is being reviewed pursuant to the Type III process. Notice was posted onsite, online and mailed to property owners within 300 feet of the proposed development site and posted in the paper.

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

Finding: Complies as Proposed. The applicant held a pre-application conference (file PA 17-05) on March 1, 2017. The land use application was submitted within 6 months of the pre-application conference on August 25, 2017. The application was deemed incomplete on September 22, 2017 and after the submittal of additional information on November 7, 2017, the application was deemed complete on November 22, 2017.

17.50.055 Neighborhood Association Meeting

Finding: Complies as Proposed. The applicant's representatives attended the Barclay Hills Neighborhood Association meeting on September 12, 2017. The applicant submitted draft minutes prepared by the neighborhood association as well as a sign in sheet.

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. This land use application was deemed complete on November 22, 2017. The City has until March 22, 2018 to make a final determination.

17.50.080 Complete Application--Required Information.

Finding: Complies as Proposed. This land use application was submitted on August 25, 2017. The application was deemed incomplete on September 22, 2017 and after the submittal of additional information on November 7, 2017, the application was deemed complete on November 22, 2017.

17.50.090 Public Notices.

Finding: Complies as Proposed. Staff provided public notice within 300' of the site via mail, the site was posted with multiple Land Use Notices, posted on the Oregon City website and in a general circulation newspaper. Staff provided email transmittal of the application and notice to affected agencies, the Natural Resource Committee and to all Neighborhood Associations requesting comment.

17.50.100 Notice Posting Requirements.

Finding: Complies as Proposed. The site was posted with a sign longer than the minimum requirement.

CHAPTER 17.54.100 - FENCES

Finding: Complies as proposed. The proposed plans depict the location and height of multiple retaining walls, with a maximum height of 36 inches, below the allowable height maximum in OCMC 17.54.100.

Finding: Complies as Proposed. The applicant submitted a Variance for the following 17.62.057.G.1, 17.62.057.G.2, and 17.62.057.G.3.b. A review of the development application revealed that additional criteria was unable to comply with the standards in the Oregon City Municipal Code. The list of variances has been divided into two separate categories: one related to the site design and another related to the building design.

Building Design Variances

- **17.62.057.G.1** *Architectural and Material Standards. Building articulation and modulation - multifamily residential buildings and residential portions of mixed-use buildings. An alternative to the standards in subsection G. below may be approved by the community development director if the design is consistent with the intent of the standards and a specific architectural or building use exists that prohibits the full implementation of the standard.*
 1. *Articulation and modulation of buildings is essential in providing the ability for new buildings to be compatible with the surrounding commercial and residential development. All residential buildings and residential portions of mixed-use buildings shall include at least three of the following modulation and/or articulation features at intervals of no more than thirty feet along all facades facing a street, common open space, and common parking areas:*
 - a. *Repeating distinctive window patterns at intervals less than the required interval. Vertical building modulation. Minimum depth and width of modulation is thirty-six inches and four feet (respectively) if tied to a change in color or building material and/or roofline modulation. Otherwise, minimum depth of modulation is ten feet and minimum width for each modulation is fifteen feet. Balconies may not be used to meet modulation option unless they are recessed or projected from the facade and integrated with the building's architecture as determined by the community development director, balconies that appear to be "tacked on" to the facade will not qualify for this option.*
 - b. *Horizontal modulation (upper level step-backs). The minimum horizontal modulation for buildings higher than two stories shall be five feet. A dormer- set five feet back from the front facade-is an example of an acceptable horizontal modulation.*
 - c. *Articulation of the building's top, middle, and bottom. This typically includes a distinctive ground floor or lower floor design, consistent articulation of middle floors, and a distinctive roofline.*
- **17.62.057.G.2** **Maximum facades width.** Buildings visible from the street must use design techniques to break up long continuous building walls, reduce the architectural scale of the building, and add visual interest. Buildings exceeding one hundred twenty feet in width along the street front shall be divided by a thirty-foot wide modulation of the exterior wall, so that the maximum length of a particular facade is one hundred twenty feet. Such modulation must be at least twenty feet or deeper and extend through all floors. Decks and roof overhangs may encroach up to three feet (per side) into the modulation. The director will consider other design methods that are effective at reducing the perceived width of the building. Examples could include a combination of vertical and/or horizontal building modulation with a change in building materials or finishes, a clear change in building articulation and/or fenestration technique.
- **17.62.057.J.** **Raised Ground Floor.**

This is particularly important when dwelling units are within fifteen feet of a sidewalk or common parking area or for buildings in established neighborhoods that have an established pattern with raised dwelling units.

Where ground floor residential uses are permitted on the ground floor in commercial districts, developments shall incorporate a thirteen-foot tall ground floor height to allow future

conversion to commercial uses where desirable. Such projects can utilize a false floor thirty-six inches above the ground for residential uses to increase residents' privacy.

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

Finding: Complies as Proposed. The applicant submitted information and the application was deemed complete.

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

Finding: Complies as Proposed. The applicant submitted information and the application was deemed complete.

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

Finding: Not applicable. No minor variances are requested.

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

1. *Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
2. *Variances to width, depth and frontage requirements of up to twenty percent;*
3. *Variances to residential yard/setback requirements of up to twenty-five percent;*
4. *Variances to nonresidential yard/setback requirements of up to ten percent;*
5. *Variances to lot area requirements of up to five;*
6. *Variance to lot coverage requirements of up to twenty-five percent;*
7. *Variances to the minimum required parking stalls of up to five percent; and*
8. *Variances to the floor area requirements and minimum required building height in the mixed-use districts.*

Finding: Not applicable. No minor variances are requested.

17.60.030 – Variance - Grounds.

Variance to OCMC 17.62.057.G.1

1. *Articulation and modulation of buildings is essential in providing the ability for new buildings to be compatible with the surrounding commercial and residential development. All residential buildings and residential portions of mixed-use buildings shall include at least three of the following modulation and/or articulation features at intervals of no more than thirty feet along all facades facing a street, common open space, and common parking areas:*
 - a. *Repeating distinctive window patterns at intervals less than the required interval. Vertical building modulation. Minimum depth and width of modulation is thirty-six inches and four feet (respectively) if tied to a change in color or building material and/or roofline modulation. Otherwise, minimum depth of modulation is ten feet and minimum width for each modulation is fifteen feet. Balconies may not be used to meet modulation option unless they are recessed or projected from the facade and integrated with the building's architecture as determined by the community development director, balconies that appear to be "tacked on" to the facade will not qualify for this option.*

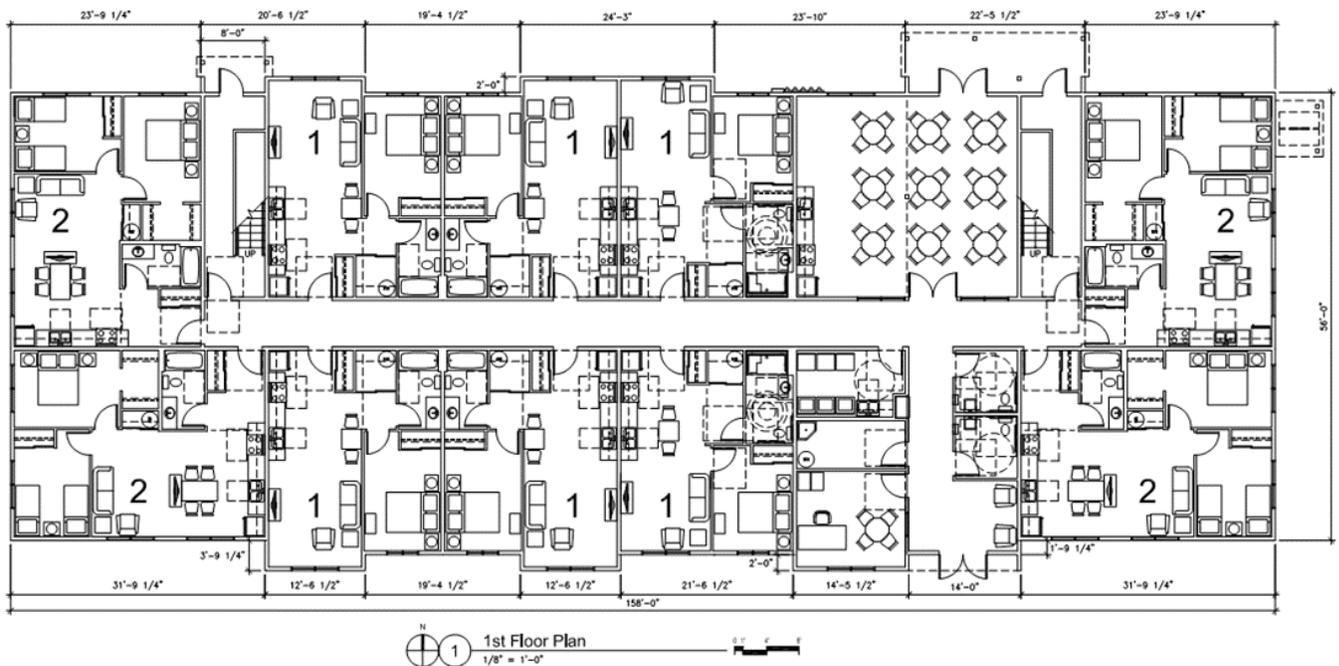
- b. Horizontal modulation (upper level step-backs). The minimum horizontal modulation for buildings higher than two stories shall be five feet. A dormer- set five feet back from the front facade-is an example of an acceptable horizontal modulation.
- c. Articulation of the building's top, middle, and bottom. This typically includes a distinctive ground floor or lower floor design, consistent articulation of middle floors, and a distinctive roofline.

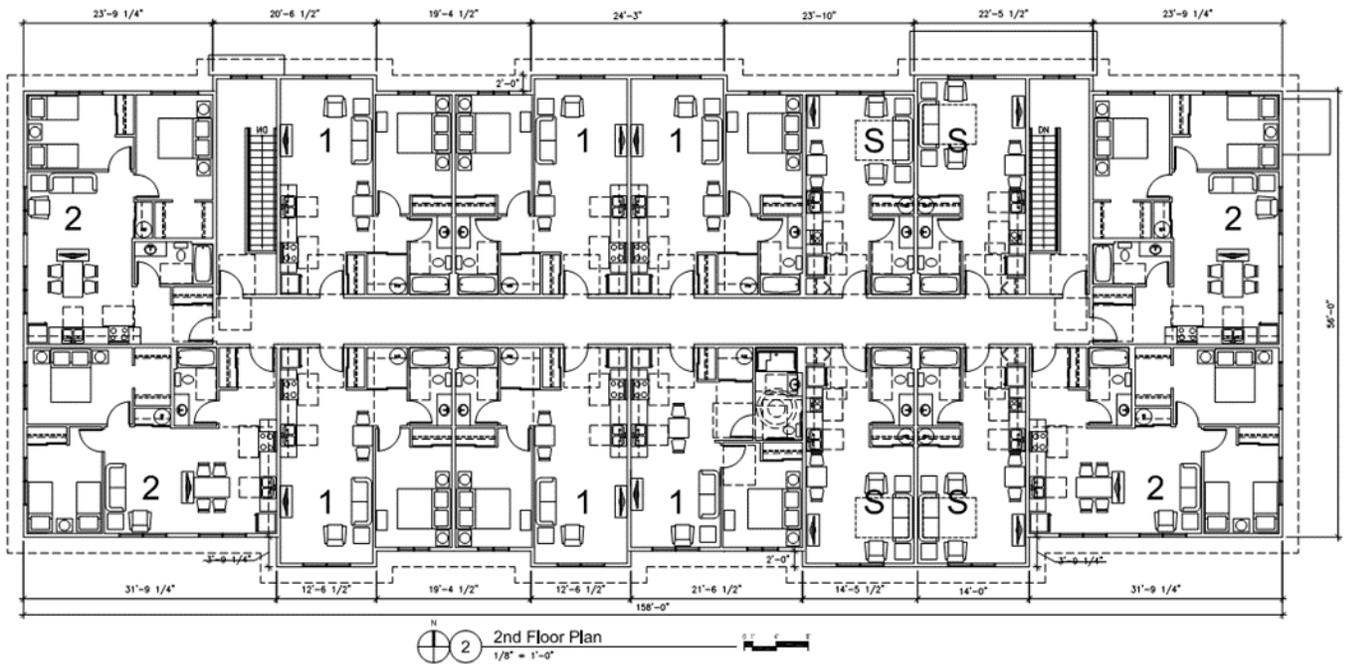
Proposed Design:

The applicant provided the following explanation:

The proposed design strives to convey a sense of simplicity and beauty in form with its materiality and detailing. Like the houses around it, the building primarily utilizes lap siding. The 7-inch exposure of the siding helps establish a residential scale along the height of the building. Vertical trim punctuates sections of siding on order to create a subtle rhythm within the larger plane of each façade. Within each of these rhythms is a distinctive repeating pattern of punched window openings of a size and spacing that is consistent with the fenestration found in the surrounding neighborhood. The windows are grouped in pairs, are separated by a smooth siding panel and are picture-framed to create a larger relief in the lap siding. The window patterns occur at 22-foot intervals.

In order to provide articulation of the building exterior on the north and south sides of the building, portions of the exterior wall have been projected 2 feet past the plane of the adjacent wall surfaces. These projected areas are clad with a panel siding and painted a light color that contrasts with the lap siding that is next to it. These projections are wider than 4 feet. However, due to space constraints on the site, the projects are less than 3 feet. The constraints are caused by placing the parking lot in the back of the building as required by 17.62.050.A.2.a, providing the perimeter parking lot landscaping requirements of section 17.52.060.B, separating the building and parking lot with landscaping as required by 17.52.060.C, and providing a 10-foot wide public utility easement as required by Development Services requirements.





Variance Grounds

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

Finding: Complies as Proposed. The applicant indicated that:

The variance being sought is to reduce the building articulation depth requirement from 3 feet to 2 feet. This variance will not damage adjacent property and will not reduce light, air or safe access to adjacent property.

Further, mitigation is provided in the form of landscaping of the site.

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

Finding: Complies as Proposed. The applicant indicated that:

Reducing the building articulation depth from 3 feet to 2 feet is the minimum variance that allows the building to have articulation given the width of the site and the requirements for onsite parking and a public utility easement.

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

Finding: Complies as Proposed. The applicant indicated that:

The purpose of the regulation is to ensure that new buildings are compatible with the surrounding development. Even with a reduced depth, the building’s articulation adds architectural variety and visual interest to the neighborhood and results in a design that is compatible with the residential character of the surroundings.

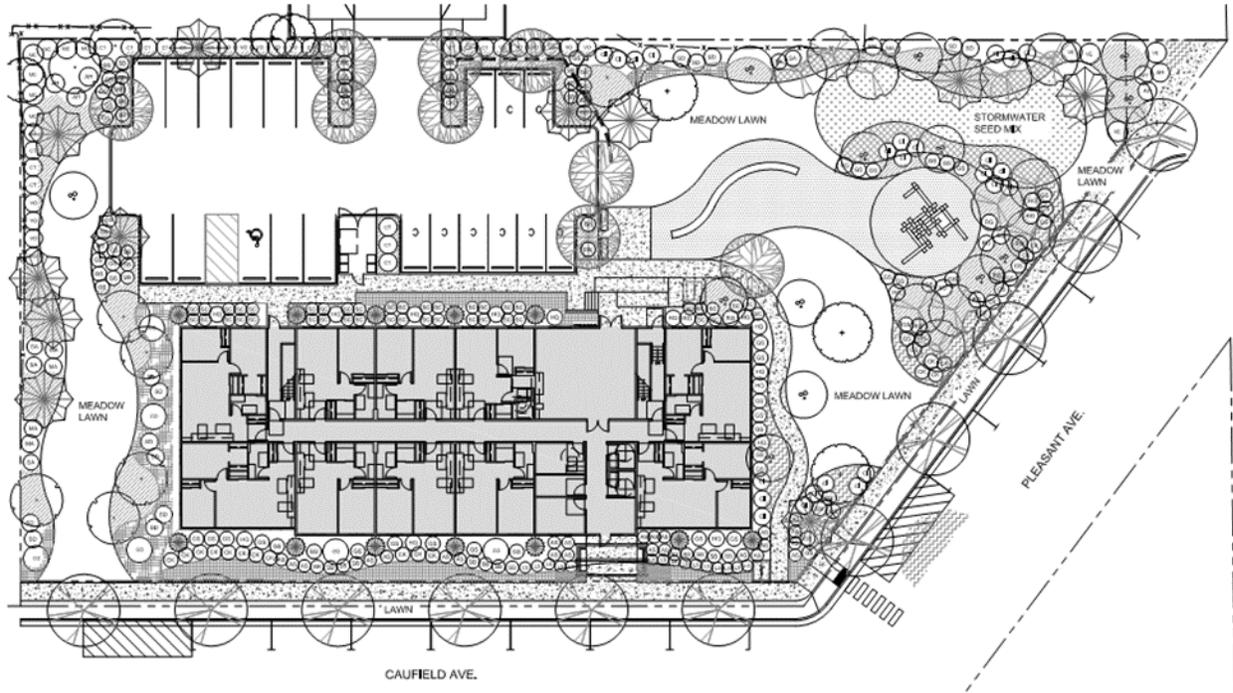
The applicant has proposed mitigation in extra materials and design on the side of the structure coupled with landscaping to create a visually interesting exterior which is visually segmented into smaller elements.

D. *Any impacts resulting from the adjustment are mitigated.*

Finding: Complies as Proposed. The applicant indicated that:

In order to mitigate the reduced articulation depth, columnar Italian cypress have been planted in between each projected portion of the façade. The cypress help provide additional depth and rhythm along the façade.

The applicant proposed to install additional building elements to break up the visual impact of the structure, pedestrian amenities such as benches and play equipment for children, and landscaping between the building and the street, which is not a requirement of the Oregon City Municipal Code.



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

Finding: Complies as Proposed. The applicant indicated that:

Because of the width of the site, no practical alternatives have been identified that would allow for a parking lot to be placed behind the building, perimeter screening and buffering at the parking to be installed, a building to be placed with a full 3-foot deep articulation, and a public utility easement to be reserved at the front of the site. In fact, each apartment has been made smaller than the minimum size required by Oregon Housing and Community Services in order to fit all the required elements on the site.

Other alternatives include requesting a reduction in the easement width and/or parking lot size areas.

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

Finding: Complies as Proposed. The applicant indicated that:

This project will help the city provide and maintain an adequate supply of affordable housing pursuant to Goal 10.2 of the adopted 2004 Comprehensive Plan. The reduced depth of building articulation makes this development feasible on a site that is constrained by width.

Variance to 17.62.057.G.2

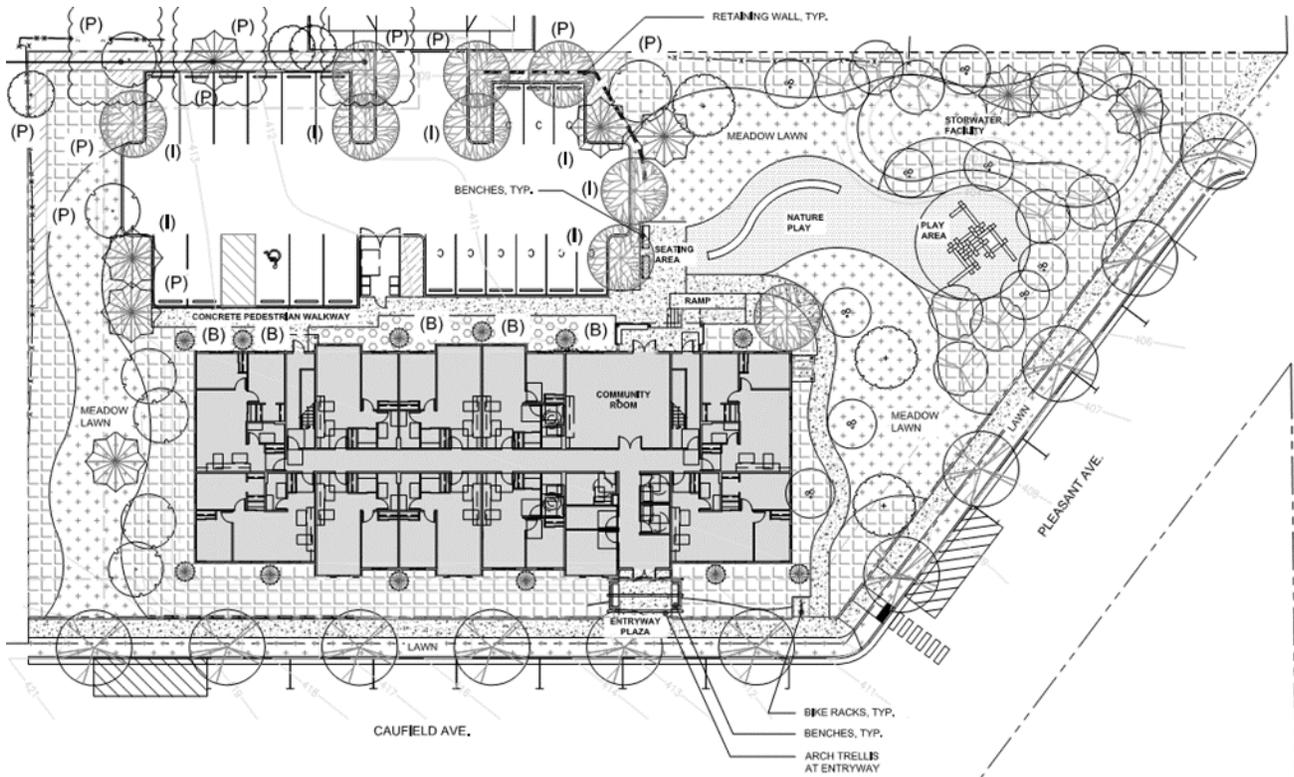
Maximum facades width. Buildings visible from the street must use design techniques to break up long continuous building walls, reduce the architectural scale of the building, and add visual interest. Buildings exceeding one hundred twenty feet in width along the street front shall be divided by a thirty-foot wide modulation of the exterior wall, so that the maximum length of a particular facade is one hundred twenty feet. Such modulation must be at least twenty feet or deeper and extend through all

floors. Decks and roof overhangs may encroach up to three feet (per side) into the modulation. The director will consider other design methods that are effective at reducing the perceived width of the building. Examples could include a combination of vertical and/or horizontal building modulation with a change in building materials or finishes, a clear change in building articulation and/or fenestration technique.

Proposed Design:

The applicant provided the following explanation:

The building is 158 feet wide along Caufield Street. In order to break up the length of the building, emphasize a residential scale, and add visual interest, an enhanced pedestrian amenity is located at the entrance to the building in lieu of a building modulation. The amenity helps to divide the building into two segments that are less than 120 feet long by employing a contemporary steel trellis, benches and low screening landscaping. On the north side of the building a similar amenity is provided to break of the perceived length of building. The amenity on the north side of the building consists of a covered porch that is located adjacent to the community roof. The porch contains built-in seating and is adjacent to the onsite play area.



Variance Grounds

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

Finding: Complies as Proposed. The applicant indicated that:

The variance being sought is to allow pedestrian amenities to reduce the perceived length of the building in lieu of a 20-foot deep by 30-foot wide recess or projection in the building footprint. This variance will not damage adjacent property and will not reduce light, air or safe access to adjacent property.

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

Finding: Complies as Proposed. The applicant indicated that:

Because the depth of the site is reduced by the required dedication and public utility easement on Caufield Street, there is not enough space for a 20-foot deep modulation to project out from the face of the building. Recessing the modulation into the building would cut into proposed community spaces and resident units. Making the building longer to accommodate these spaces is not possible due to the location of the heritage tree on the east side of the property, and the grade and water easement on the west side of the property. Therefore, allowing pedestrian amenities to break up the building length is the minimum variance that can be accommodated within the constraints of the site.

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

Finding: Complies as Proposed. The applicant indicated that:

The purpose of this regulation is to break up long continuous building walls, reduce the architectural scale of the building, and add visual interest. Both pedestrian amenities are designed to meet this purpose. Each creates a visual focal point along their respective facades. The seating area below the trellis at the entrance to the building emphasizes the entry and creates a break in the front façade. The size of the trellis and seating area, establish human scale to the building's mass. Likewise, the porch on the north side of the building creates a sense of scale along that side of the building. The outdoor space is adjacent to the interior community room and provides a place for residents to gather and interact. This focal point of activity breaks up the north side of the building. The porch and its roof project 7 feet from the face of the building creating visual interest within the north façade of the building.

The applicant has proposed mitigation in extra materials and design on the side of the structure coupled with landscaping to create a visually interesting exterior which is visually segmented into smaller elements.

D. *Any impacts resulting from the adjustment are mitigated.*

Finding: Complies as Proposed. The applicant indicated that:

Each amenity has been designed to mitigate the massing of the building. Having inhabitable spaces along the façade of the building helps reduce the perceived massing of the building.

The applicant proposed to install additional building elements to break up the visual impact of the structure, pedestrian amenities such as benches and play equipment for children, and landscaping between the building and the street, which is not a requirement of the Oregon City Municipal Code.

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

Finding: Complies as Proposed. The applicant indicated that:

Because of the constraints of the site, no practical alternatives have been identified that would allow for a 20-foot deep, 30-foot wide projection from the building. A 20-foot deep, 30-foot wide recess into the building would eliminate the proposed community spaces and resident units thereby making the project in feasible.

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

Finding: Complies as Proposed. The applicant

Adding veterans housing to the neighborhood meets the intent of the multifamily standards of providing a variety of housing types and Policy 10.1.4 of the Comprehensive Plan by adding to the diversity of income groups within the community. The amenities provide places for residents and neighbors to interact and adds to the livability and stability of the of the neighborhood in accordance with Policy 10.1.7 of the Comprehensive Plan.

Variance to 17.62.057.J

Raised Ground Floor: This is particularly important when dwelling units are within fifteen feet of a sidewalk or common parking area or for buildings in established neighborhoods that have an established pattern with raised dwelling units. Where ground floor residential uses are permitted on the ground floor in commercial districts, developments shall incorporate a thirteen-foot tall ground floor height to allow future conversion to commercial uses where desirable. Such projects can utilize a false floor thirty-six inches above the ground for residential uses to increase residents' privacy.

Proposed Design:

The applicant provided the following explanation:

The proposed building has a ground floor height of 8 feet. This height is consistent with the surrounding homes. The building will provide housing for 24 veterans and their families experiencing deep poverty and sometimes chronic homelessness. Because of the funding source, this project must remain affordable for 40 years. It therefore cannot be converted to commercial use in the future.

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

Finding: Complies as Proposed. The applicant indicated that:

Because the variance being sought will reduce the required building height, granting the variance will not damage adjacent property or reduce light, air or safe access to adjacent property.

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

Finding: Complies as Proposed. The applicant indicated that:

An 8-foot ceiling height is consistent with the adjacent homes. Granting this height will allow the proposed building to have a more compatible massing with the surrounding neighborhood.

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

Finding: Complies as Proposed. The applicant indicated that:

The purpose of this regulation is to provide spaces that can be converted to commercial uses in the future. However, because of the use of the building, it cannot be converted to commercial use in the future. Additionally, the regulation states that the raised ground floor height is important in established neighborhoods that have an established pattern with raised dwelling units. The neighborhood in which this project is located does not have a pattern of raised dwelling units.

Therefore, raising the ground floor would make the building less compatible with the neighborhood.

The construction and design of the structure is unlikely to be transitioned into a commercial use in the future. Furthermore, the applicant has indicated that the use of the structure will facilitate affordable housing for veterans for an extended period of time.

- D. *Any impacts resulting from the adjustment are mitigated.*

Finding: Complies as Proposed. The applicant indicated that:

Because the building is restricted to an affordable residential use, granting the reduced ground floor heights will not adversely impact any future use of the building.

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

Finding: Complies as Proposed. The applicant indicated that:

The ground floor height requirement is a prescriptive requirement. Any alternates to this would therefore not meet the prescriptive requirements.

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

Finding: Complies as Proposed. The applicant indicated that:

Pursuant to Goal 2.4 of the Comprehensive Plan, this project seeks to add to the neighborhood livability by providing a sense of place and identity for residents and visitors. This project does so in part by creating a residential building that is compatible with the homes in the surrounding neighborhood. The building's height is an important aspect of its compatibility. Having a ground floor height that is consistent with the adjacent homes, reinforces the established pattern in the neighborhood, and keeps the building at a scale that adds to the character and sense of place of the neighborhood rather than detract from it.

Additional findings for the Variance requests:

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.

Applicant's Response:

The proposed development utilizes land efficiently and sustainably by creating a higher density development, minimizing onsite parking, locating near a transit street, preserving onsite trees, situating the building and parking to minimize site disturbance, and orienting the building for a southern exposure. At 24 units, this development will result in 1 residential unit per roughly 1,600 square feet of site area. This higher density is feasible for family housing due to the fact that the building and parking only cover 41% of the site; leaving sufficient space for an outdoor community space, the preservation of a heritagetree and onsite storm detention. Over 1/3 of the required parking will be provided as on-street parking. This allows the development to minimize the amount of onsite parking. The site is located adjacent to Molalla Avenue which is designated as a transit street and served by Trimet bus routes 32 and 99. There is nearly 20 feet of grade across this 1-acre site. By placing the entrance to the parking on Myrtle Street and the main entrance to the building near the intersection of Pleasant Avenue and Caufield Street, the site grading will result in a balanced cut and fill thereby reducing the amount of site disturbance outside the footprint of the building and parking lot. The building primary fronts Caufield Street so that it has predominate southern exposure. This orientation maximizes solar heat gain in the winter and minimizes it in the summer. It also places the roof at a near optimal orientation for the future addition of solar panels.

Goal 2.3 Corridors

Focus transit-oriented, higher intensity, mixed-use development along selected transit corridors.

Applicant's Response:

The site is next to Molalla Avenue which is a transit street that is served by Trimet bus routes 32 and 99. Bus stops for these buses are within 500 feet walking distance of the main entrance of the building. With 2 to 3 busses stopping at these stops every hour during peak hours, the residents who rely on public transportation as their primary means of travel, will be well served.

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.

Applicant's Response:

The proposed development is within the Barclay Hills neighborhood and is surrounded on the north, west and south sides by houses. This development will help strengthen and maintain the sense of place within the surrounding community through its physical features and character. The proposed 2-story building

has been designed with a residential character using siding materials and fenestration patterns that are similar to those used on the adjacent homes in order to create visual compatibility with the neighborhood. Additionally, the building has been setback from Pleasant Avenue in order to preserve a large mature white oak tree that has been designated as a heritage tree. This prominent tree will serve as an identifying landmark for surrounding area.

The neighborhood lacks a transition from an area dominated by single family homes to the commercial uses and high traffic volume of Molalla Avenue. It also suffers from a lack of connectivity at the pedestrian level. The proposed development will act as a buffer between the neighborhood and Molalla Avenue. Sidewalks will be constructed along Pleasant Avenue and Caufield Street where there are currently none. These sidewalks will connect to the ones on Molalla Avenue creating continuity between the residences and the commercial uses on Molalla Avenue.

Goal 10.1 Diverse Housing Opportunities

Provide for the planning, development and preservation of a variety of housing types and lot sizes.

Applicant's Response:

The proposed structure will help add a variety of housing types due to the fact that it is a multifamily apartment building located between an area dominated by single family homes and a transit street dominated by commercial uses.

Policy 10.1.1

Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.

Applicant's Response:

The existing site is currently vacant, so the construction of the proposed development will not eliminate existing housing stock.

Policy 10.1.2

Ensure active enforcement of the City of Oregon City Municipal Code regulations to ensure maintenance of housing stock in good condition and to protect neighborhood character and livability.

Applicant's Response:

The proposed development will add to the neighborhood character and livability by being visually compatible, preserving a heritage white oak, and providing pedestrian connection to Molalla Avenue.

Policy 10.1.3

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

Applicant's Response:

The proposed development is a multifamily apartment building.

Policy 10.1.4

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

Applicant's Response:

Home to the third largest veteran population in the state, Clackamas County has a long-established goal to serve veterans and end veteran homelessness, as outlined in the Clackamas County Consolidated Plan identifying veteran housing as a priority need, particularly for the 85 homeless vets found during the 2017 Clackamas County Homeless Count. Consequently, the County provided \$755,000 in gap resources

as well committed operating subsidies so that the proposed project is able to provide 24 veterans and their families access to affordable, high quality housing.

According to census data, nearly 10% of residents residing within the same zip code as the proposed project site live below the federal poverty line, which for a family of three is an annual income of \$20,420, just above what a full-time worker can earn making minimum wage. A market study commissioned as part of this project through Prior & Associates (see table below), which uses CoStar data as well as direct surveying of properties within the same market area, shows that typical rents in Oregon City are well above what families living below the poverty line can afford. Further, the income-restricted properties in the area, with rents set at levels affordable to those earning 60% AMI— or roughly \$27,000 annually— are often out of range for those experiencing deeper levels of poverty. For these veterans and their families, there are no housing options within Oregon City available and affordable to them.

However, with full project based operating subsidies provided by Clackamas County, this proposed project will provide housing to veterans experiencing deep poverty and sometimes chronic homelessness. This housing will also include wrap-around resident services administered through the Department of Veteran Affairs and Clackamas County Social Services, to ensure that all of our residents are provided with the support they need to remain stably housed as well as the opportunity to grow and thrive.

Policy 10.1.7

Use a combination of incentives and development standards to promote and encourage well-designed single-family subdivisions and multi-family developments that result in neighborhood livability and stability.

Applicant's Response:

The proposed development is comprised of a thoughtful well-designed site and building. Working within the numerous constraints of the site, the development preserves a heritage tree that adds character and identity to the neighborhood, mitigates on site trees by introducing a large number of native trees, and creates ample parking in the back of the building and an outdoor community space and storm water detention facility on the northeast side of the building. The building design strives to convey a sense of simplicity and beauty through the use of materials that are consistent with the houses around it and the use of repeating window patterns that complement the surrounding neighborhood. To reduce the building mass, recesses in the building façade and a rhythm of columnar plantings have been utilized at the front of the building. A hip roof has also been used to reduce the perceived height of the building. These design measures have been taken specifically as an alternate means to achieve architectural interest and compatibility in lieu of the prescriptive requirements of the development standards for articulation, maximum façade width, and roof line as outlined in 17.62.057.G.

Goal 10.2 Supply of Affordable Housing

Provide and maintain an adequate supply of affordable housing.

Applicant's Response:

The proposed building will provide affordable housing for veterans with low and very low income.

Policy 10.2.1

Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Land-Use Map, ensure that potential loss of affordable housing is replaced.

Applicant's Response:

The proposed development will add new affordable housing to Oregon City.

Policy 10.2.2

Allow increases in residential density (density bonuses) for housing development that would be affordable to Oregon City residents earning less than 50 percent of the median income for Oregon City.

Applicant's Response:

The proposed project will be affordable to residents earning less than 30% of the median income for Oregon City. This will, for example, allow a chronically homeless veteran living in this community to have a stable, permanent place to call home. Each unit will come with supportive services through the Department of Veteran Affairs and Clackamas County Social Services, so that each resident is supported with resources they might need to become stable and productive members of the community.

Policy 10.2.3

Support the provision of Metro's Title 7 Voluntary Affordable Housing Production Goals.

Applicant's Response:

According to Metro's Title 7 Voluntary Affordable Housing Production Goals established in 2001, Oregon City originally committed to a production goal of 123 units of affordable housing for families earning less than 30% of the median household income. While it is difficult to ascertain how the city has done in achieving this goal, it is still clear that housing affordable to those at this income level will continue to be needed. In the latest Metro inventory of regulated affordable housing, 552 units were identified in Oregon City. With roughly 2220 households in Oregon City making less than 60% of the median family income, the current stock of affordable housing only fulfills one-quarter of the need in this community. With so many households in poverty paying more than a third of their incomes to rent, families are often forced to make impossible financial decisions—sometimes sacrificing money spent on food or medicine to keep themselves housed. This unmet need leads to more unstable communities and more public funds spent on healthcare and homelessness. However, if approved and built, the proposed project would add 24 units, or a 4.3% increase, to the stock of housing affordable to those with very low incomes.

Policy 10.2.4

Provide incentives that encourage the location of affordable housing developments near public transportation routes. Incentives could include reduction of development-related fees and/or increases in residential density (density bonuses).

Applicant's Response:

The development is next to a transit street (Molalla Avenue) that is served by Trimet bus routes 32 and 99. These bus routes have stops that are within 500 feet of the main entrance of the building and provide 2 to 3 busses stopping at these stops every hour during peak hours. An incentive that would help encourage more affordable housing would be to allow a variance to the articulation, maximum façade width, and roof line requirements of 17.62.057.G. These requirements created added cost and inefficiencies that limit the amount of affordable housing that can be provided.

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff recommends that the proposed Site Plan and Design Review and Variance for a site located at 314 Pleasant Avenue, Oregon City and identified as Clackamas County Tax APN 2-2E-32CC-04700, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends approval of files SP 17-119 and VR 17-11 with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Vicinity Map
2. Applicant's Narrative and Plans
3. Public Comments

4. Letter from John Replinger of Replinger and Associates
5. Heritage Tree Nomination