



TYPE III –CONDITIONAL USE STAFF REPORT AND RECOMMENDATION

FILE NO.: CU 17-01: Conditional Use
SP 17-16: Site Plan and Design Review
VR 17-01: Variance

PROPERTY OWNER: North Clackamas Christian School
Douglas Van Zanten, Business Officer
19575 Sebastian Way, Oregon City, OR 97045

APPLICANT: Roseann Johnson, Bluestone Homes
16081 S. Moore Rd Oregon City, OR 97045

REQUEST: Conditional Use, Site Plan and Design Review and Variance application to add 28' X 64' modular building west of existing school site, for library and media center.

HEARING DATE / LOCATION: May 8, 2017, 7:00 p.m.
Oregon City Hall – Chambers
625 Center Street, Oregon City, Oregon 97045

LOCATION: 19575 Sebastian Way, Oregon City, OR 97045
Clackamas County APN 3-2E-08DA-06400

REVIEWER: Pete Walter, AICP, Planner, (503) 496-1568 Email: pwalter@orcify.org

RECOMMENDATION: Approval with Conditions.

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. 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 and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(c) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

Recommended Conditions of Approval
CU 17-01: Conditional Use
SP 17-16: Site Plan and Design Review
VR 17-01: Variance
Planning Commission Hearing: May 8, 2017

- (P) = Verify that condition of approval has been met with the Planning Division.*
(DS) = Verify that condition of approval has been met with the Development Services Division.
(B) = Verify that condition of approval has been met with the Building Division.
(F) = Verify that condition of approval has been met with Clackamas Fire Department.

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

1. The Applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval and obtain an Erosion Control permit. *(DS)*
2. All applicable System Development Charges (SDC) shall be due and payable upon building permit issuance. Applicant will need to complete a SDC request form, found on the City's website, for an estimate of fees. *(DS)*

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

3. The applicant shall not use T111 siding, but shall indicate the use of composite or wood siding on all elevations and indicate this materials on construction plans. *(P)*
4. The applicant shall provide a revised landscaping plan with the statement that no mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. *(P)*
5. The applicant shall provide a revised landscaping plan indicating that all on-site pedestrian walkways shall be hard surfaced, well-drained and at least five feet wide.

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

6. The applicant shall assure that lighting fixtures that exceed 13 watts include a full cut-off screen fixture in compliance with OCMC 17.62.065.D. *(P)*
7. The applicant shall provide documentation from a lighting specialist indicating the proposed development complies with OCMC 17.62.065. *(P)*
8. The applicant shall be required to provide a paint palette with at least two colors in order to provide additional visual relief and distinguish between wall planes and trim.
9. The applicant shall further mitigate the variance by proposing sufficient elements specified in OCMC 17.62.005.d.1 at the front of the property to improve pedestrian access and experience, such as:
 - a. Tables, benches or other approved seating area.
 - b. Cobbled, patterned or paved stone or enhanced concrete.
 - c. Pedestrian scale lighting.
 - d. Sculpture/public art.
 - e. Fountains/Water feature.

- f. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.
- g. Outdoor café.
- h. Enhanced landscaping or additional landscaping.
- i. Other elements, as approved by the community development director that can meet the intent of this section. *(P)*

I. BACKGROUND:

Project Description

The applicant requests conditional use, site plan and design review and variance approval for placement of a 28' X 64' modular building on the North Clackamas Christian School campus at 19575 Sebastian Way.

The modular building will be used for a media center and library. With the proposed modular facility, the existing library space will be converted into a study area/indoor space for students to eat in during inclement weather. No additional classroom space is being generated and therefore there is no anticipated increase in student enrollment or staff. Two sidewalks will be added connecting to the modular building. The applicant also requests site plan and design review and variance approvals for the project.

The variance requests are as follows. For simplification, staff has summarized the variance requests into two basic variances and provided separate findings for each under section 17.60.

1. Variances associated with the building placement;

17.62.055.C - Relationship between zoning district and requirements of this Section

17.62.055.D.1 - Relationship of Buildings to Streets and Parking

17.62.055.D.2 - Relationship of Buildings to Streets and Parking

2. Variances associated with the building design:

17.62.055.G - Variation in Massing.

17.62.055.H.5- Minimum Wall Articulation

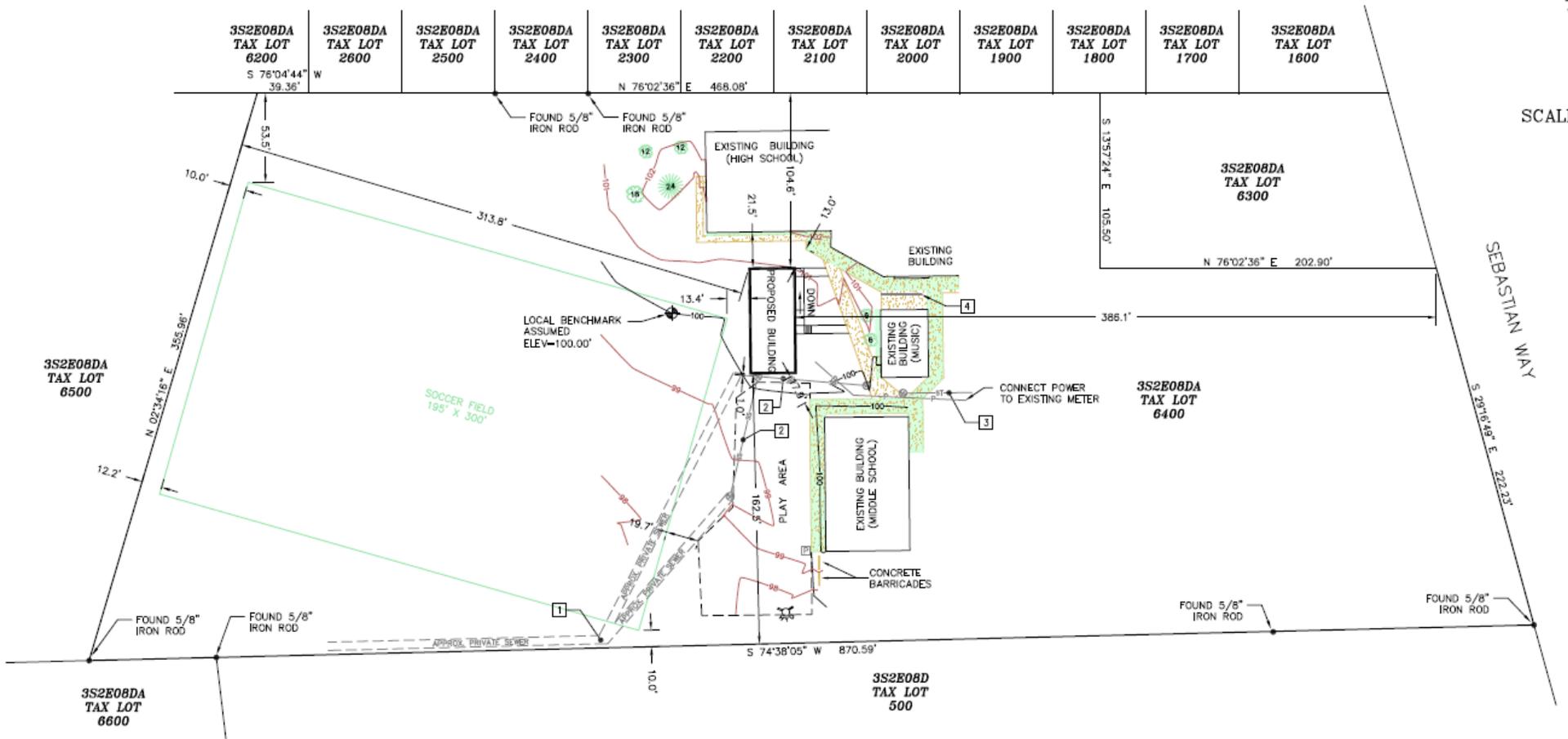
17.62.055.I - Façade Transparency

The following site plan excerpts from the application are provided below: Site Plan, Landscaping Plan, and Exterior Building Elevations.

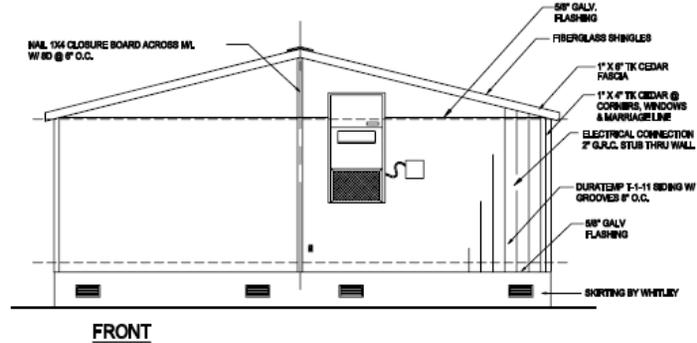
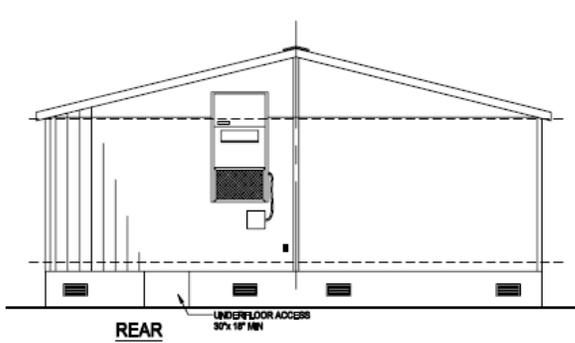
Proposed Location of Modular Building with Setbacks Shown



SCALE 1" = 5'



Proposed Exterior Elevations

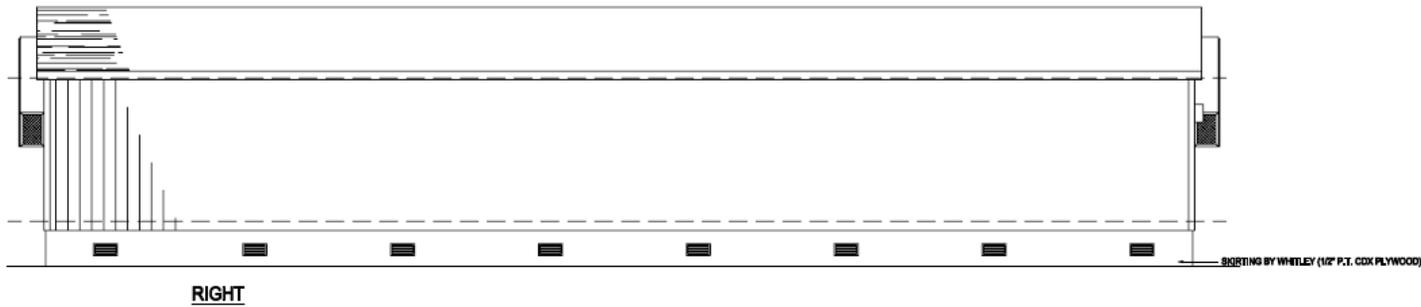
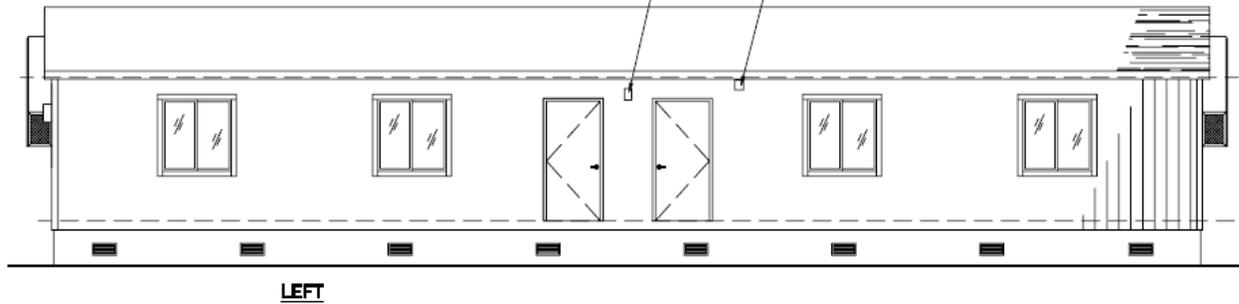


GABLE END VENTING IN ACCORDANCE W/ 2003 IBC 1203.1
SEE CALCULATION BELOW

28' X 64' = 1792 SQ FT
300 = 5.97 SQ FT X 144 = 860 SQ IN
128 VENT NOTCHES X 7 1/2 SQ IN = 960 SQ IN

FOUNDATION VENT CALCULATION:
28' X 64' = 1792 sq ft
150 = 11.94 sq ft X 144 = 1720.32 sq in

FOUNDATION VENTS PROVIDED:
24 VENTS AT 75 sq in EACH = 1800 sq in



EXTERIOR ELEVATIONS

Scale: 1/8" = 1'-0"

△	REVISION	DATE
△	1/15/08	11-20-08
△	1/15/08	11-20-08
△	1/15/08	11-20-08

WILLIAMS SCOTSMAN
14219 SMOKEY POINT BLVD.
MARYSVILLE, VA 26271
(301) 855-8700 (301) 858-7756 FAX

WHITLEY EVERGREEN INC.
14219 SMOKEY POINT BLVD.
MARYSVILLE, VA 26271
(301) 855-8700 (301) 858-7756 FAX

JOB NAME: 28 X 64 DBL. CLASSROOM
SHEET TITLE: EXTERIOR ELEVATIONS
DRAWN BY: MDP RECHECK: FEVAL

JOB NO: 3912
SHEET: A.3
DATE: 10-4-08

Proposed ADA Accessible Ramp System



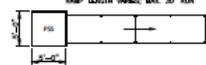
ALUMINUM MODULAR RAMP & STAIR SYSTEM CONFIGURATION OPTIONS

TYPICAL COMPONENT SIZES

- LANDING: 5'x5', 5'x6' OR 7'x7' CAN BE BOLTED TOGETHER FOR LARGER PLATFORMS
- RAMP: 4', 6' OR 10' LONG x 48" WIDE CAN BE BOLTED TOGETHER TO FORM A MAXIMUM 20' RAMP RUN
- STAIR: MAX. 6'-7" RISE x 12" TREAD x 48" WIDE

NOTE: WALKWAY DOOR CLEARANCE ALLOWED, STAIRS CAN BE ADDED TO ANY/ALL OF THE CONFIGURATIONS SHOWN BELOW.

A TYPICAL SINGLE DOOR CONFIGURATION



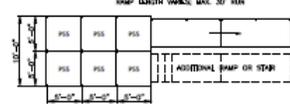
B TYPICAL SINGLE DOOR CONFIGURATION



C TYPICAL DOUBLE DOOR CONFIGURATION



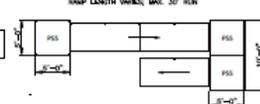
D TYPICAL TWO-BUILDING COMMON LANDING CONFIGURATION



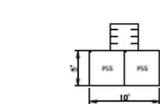
E TYPICAL INTERMEDIATE LANDING CONFIGURATION



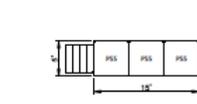
F TYPICAL SWITCHBACK CONFIGURATION



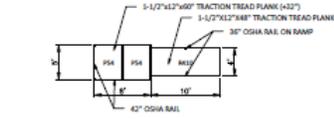
G DOUBLE DOOR ENTRY - 1'-0"



H ALTERNATE DOUBLE DOOR ENTRY - 1'-0"



I DUMPSTER RAMP - 1'-0"



J CUSTOM CONFIGURATION

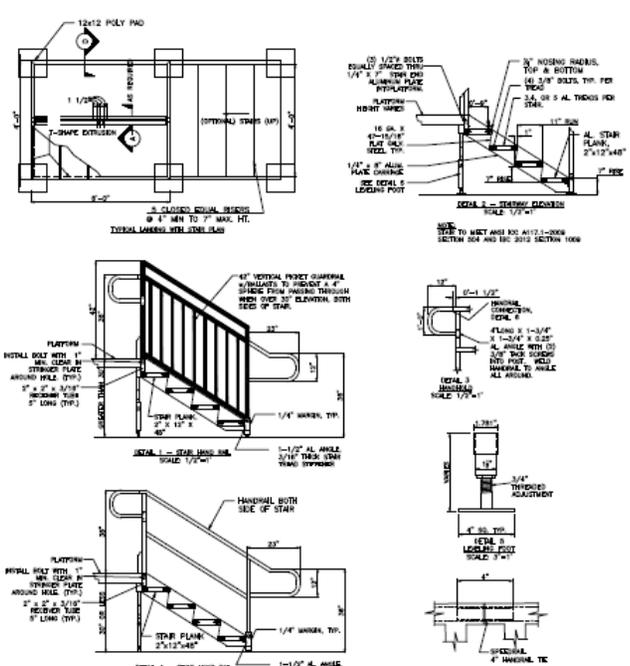
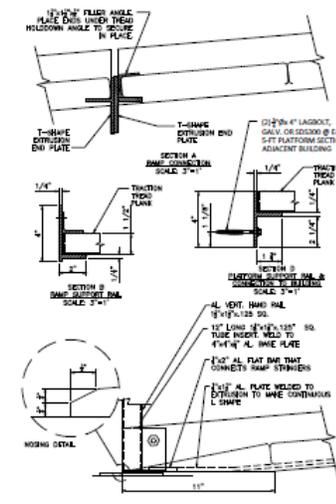
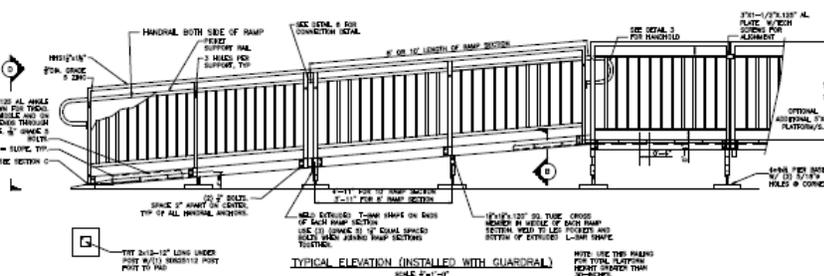
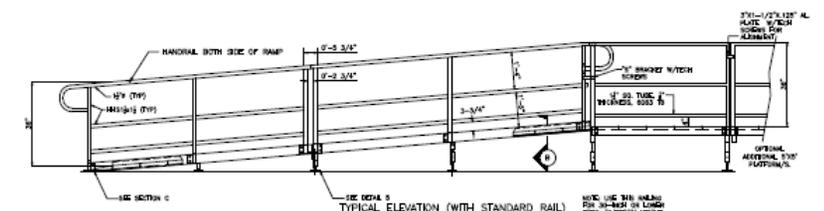
1/2" = 1'-0"

CODE COMPLIANCE

- IBC 2012, CHAPTER 10 COMPLIANT
- ANSI A117.1-2009 COMPLIANT
- RAMP SLOPE MAXIMUM = 1:12 (NONSTAIR)
- CROSS SLOPE MAX. = 2%
- STAIR RISE = 7" MAX., 4" MIN.
- DECK LANDING:
 - 8.1. DECK RAMP: 100 PSF
 - 8.2. STAIR TREAD: 300 LBS/TREAD
 - 8.3. PALING: 50 PSF/200 LBS CONC.
- LATERAL LOAD: ROOF (FEEDBACK DYNAMIC LOADING) 100-150 FT RAMP
- WIND LOAD: 120 MPH, EXP. B. FAN-20
- SEISMIC LOAD: 0.2-1.0, 0.2

GENERAL NOTES:

- THESE PLANS AND SPECIFICATIONS ARE NOT VALID FOR ANY OTHER THAN WELCOME RAMP SYSTEMS, INC. PRODUCT PRESENTED. THE REMOVAL OF ANY PART OF THESE SPECIFICATIONS AND RECONSTRUCTION OF ANY PART HAS BEEN DEEMED TO VOID THE CONTRACT. THE DESIGN LANDING SYSTEM IS FOR THE LOCAL AREA.
 - WIND LOADS SHALL BE 120 MPH. THE MAXIMUM WIND SPEED SHALL BE 110% THE MAXIMUM WIND SPEED. THE MAXIMUM WIND SPEED SHALL BE 110% THE MAXIMUM WIND SPEED. THE MAXIMUM WIND SPEED SHALL BE 110% THE MAXIMUM WIND SPEED.
 - WELDED BRACKET PLATFORMS AND STAIRS ARE DESIGNED TO BE FREE STANDING.
- MATERIAL SPECIFICATIONS**
- STEEL:**
- STEEL DESIGN IS LIMITED TO SS METALS PLANNING MATERIALS.
 - STEEL ALL PLANNING SHALL BE 12 GA. 12" X 1/2" DECK.
 - STEEL ALL PLANNING SHALL BE 12 GA. 12" X 1/2" DECK.
 - STEEL ALL PLANNING SHALL BE 12 GA. 12" X 1/2" DECK.
 - STEEL ALL PLANNING SHALL BE 12 GA. 12" X 1/2" DECK.
- ALUMINUM:**
- ALUMINUM SHALL BE 6061-T6.
 - ALUMINUM SHALL BE 6061-T6.
 - ALUMINUM SHALL BE 6061-T6.
 - ALUMINUM SHALL BE 6061-T6.
- WELDING:**
- WELDING SHALL BE PERFORMED BY A WELDER WHO IS CURRENTLY CERTIFIED IN ACCORDANCE WITH THE AMERICAN WELDERING SOCIETY (AWS) D1.1 CODE.
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DEAN W. BRIGGS, PE



History and Prior Land Use Approvals

The school was constructed in 1973 prior to the 1984 annexation to Oregon City (BC2044), which lists a private school as part of the annexation.

The original development of the school was approved through Clackamas County’s conditional use process (Clackamas County File 27-73 – Attached). Per OCMC 17.56.010.(D), in the case of a use existing prior to the effective date of the current zoning code classified as a conditional use, any change of use expansion of lot area or expansion of structure requires a conditional use application. The R-10 Single Family Residential zone in which the school is located lists private and/or public educational or training facilities as a Conditional Use.

The location of the proposed modular building is indicated on the site plans. As indicated the building location will largely be screened from view from adjacent properties by existing buildings on the property, and will not be visible from the Public Right-of-Way of Sebastian Way.

Existing Conditions

North Clackamas Christian School (NCCS) is 5.44 acres and located at 19575 Sebastian Way in Oregon City. The school has a current enrollment of 262: 26 in Pre-School; 125 in elementary (K-6); and 110 in secondary (7-12). There are 27 daily staff. The school requires a dedicated media center and enlarged library space and is therefore proposing a modular building to accommodate such needs.



The applicant does not propose to remove any trees to accommodate the placement of the modular building.

Public Notice and Comment

In accordance with OCMC [17.50.090 - Public notices](#). Public notice of the May 8 public hearing was mailed to all property owners within 300' of the property on March 29th, 2017. Notice was also published in the Clackamas Review / Oregon City News on April 5th, 2017. The site was posted with a "Notice of Proposed Land Use Action" sign on April 14th, 2017. Copies of the public notices are part of the Exhibits attached to this Staff Report.

As of the date of this staff report, staff has received no written comments from the public about this application.

II. **DECISION-MAKING CRITERIA:**

The following Oregon City Municipal Code criteria apply to this project. The City Code Book is available on-line at www.orcity.org

- 17.12 – R-10 Single Family Dwelling District;
- 17.56 – Conditional Uses;
- 17.62 - Site Plan and Design Review;
- 17.50 – Administration and Procedures;
- 17.52 – Off Street Parking and Loading;
- 17.60 – Variances;
- 13.12 – Stormwater Management;
- 17.47 – Erosion and Sediment Control;
- 15.48 – Grading, Filling and Excavating
- 12.04 – Public and Street Trees
- 12.08 – Streets, Sidewalks and Public Places

Chapter 17.08 - R-10 SINGLE-FAMILY DWELLING DISTRICT

17.08.010 - Designated.

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

17.08.020 - Permitted uses.

Permitted uses in the R-10 district are:

- A. Single-family detached residential units;*
- B. Parks, playgrounds, playfields and community or neighborhood centers;*
- C. Home occupations;*
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);*
- E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;*
- F. Accessory uses, buildings and dwellings;*
- G. Family day care provider, subject to the provisions of Section 17.54.050;*
- H. Residential home per ORS 443.400;*
- I. Cottage housing;*
- J. Transportation facilities.*

Finding: not applicable. The application does not include a permitted use. The playground and playfields are considered ancillary to the principal use as a school.

17.08.030 - Conditional uses.

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

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

Finding: applicable. The original development of the school was approved through Clackamas County's conditional use process (Clackamas County File 27-73 – Attached). Per OCMC 17.56.010.(D), in the case of a use existing prior to the effective date of the current zoning code classified as a conditional use, any change of use expansion of lot area or expansion of structure requires a conditional use application. The R-10 Single Family Residential zone in which the school is location lists private and/or public educational or training facilities as a Conditional Use.

17.08.035 - Prohibited uses.

Prohibited uses in the R-10 district are:

A. Any use not expressly listed in Section 17.08.020 or 17.08.030.

B. Marijuana businesses.

Finding: not applicable. The applicant has not proposed a prohibited use.

17.08.040 - Dimensional standards.

Dimensional standards in the R-10 district are:

A. Minimum lot areas, ten thousand square feet;

B. Minimum lot width, sixty-five feet;

C. Minimum lot depth, eighty feet;

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

E. Minimum required setbacks:

1. Front yard, twenty feet minimum setback,

2. Front porch, fifteen feet minimum setback,

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

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

5. Corner side yard, fifteen feet minimum setback,

6. Rear yard, twenty feet minimum setback,

7. Rear porch, fifteen feet minimum setback.

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

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

Finding: complies as proposed. The application complies with all dimensional standards for the underlying zone, however, since this is an institutional building, the underlying zone standards are superseded by the Site Plan and Design Review standards of OCMC 17.62, which requires compliance with the Institutional and Commercial Design Standards of OCMC 17.62.055. The applicant has requested a variance to certain subsections of OCMC 17.62.055 for the modular. See Section OCMC 17.60 for findings.

Chapter 17.56 Conditional Uses

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

Finding: complies as proposed. Private and/or public educational or training facilities are listed as a conditional use in OCMC 17.12.030.G. This is a private school and the proposal is to add a modular building to the existing school.

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

Finding: complies as proposed. The NCCS site is 5.44 acres (236,966 sq. ft.). It is trapezoidal in shape, has level topography with access off Sebastian Way from Molalla Ave. It is currently developed with a pre-K to 12th grade educational facilities, and students have been attending the school since the 1970's. Clackamas County Conditional Use 27-73 was approved for developing the site as a school. The proposed modular fits behind the existing building on the site, with enough room to maintain required setback distances from existing buildings while preserving existing athletic fields.

17.56.010.A.3. *The site and proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use;*

Finding: complies as proposed. The city will not be requiring additional street improvements with this proposal. The existing improvements along Sebastian Way are already adequate and the application does not generate additional traffic since it is to provide new library and technology media center space. No new teachers or students will be added as a function of the new modular building.

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

Finding: complies as proposed. The modular is proposed to be located behind existing buildings, in a pocket south of the existing high school, north of the play area and middle school, west of the music room, and east of a large field. The modular is adequately placed away from adjacent properties (commercial to the south, multifamily to the west, and single family residential to the north) and is largely shielded from their view by existing trees and foliage on the site's perimeter. The modular is not visible from the street. The Transportation Analysis Letter (TAL) prepared by Kittelson Engineering indicates the transportation system is capable of supporting the current and proposed traffic patterns given the modular is not anticipated to generate an increase in student population. In its proposed location, the modular will not have a significant impact on the surrounding properties and their use of the area.

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

Finding: complies as proposed. The applicable Comprehensive Plan policies are as follows:

Policy 2.4.2

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

Finding: complies as proposed. These school facilities enhance the diversity of land uses within the surrounding community, helping to provide a sense of place and uniqueness to this neighborhood. The NCCS site is positioned between residential, commercial and multi-family properties. Additionally, Clackamas Community College is located across Highway 213, just east of the school. This diversity of uses in the area fosters a dynamic living space, and helps to create a vibrant neighborhood with multiple hubs and offerings that meet the needs of the community.

Policy 2.4.3: Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.

Finding: complies as proposed. There is a connective pathway between the site and the commercial property to the south via a public sidewalk. OC Pointe shopping center to the North is both walkable and driveable, offering goods and services to school students, staff and visitors, as well as to the surrounding neighborhoods. Sebastian Way is a cul-de-sac which includes a bollarded entrance which provides a pedestrian connection to the sidewalk system abutting the shopping center to the south along 213.



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

Finding: complies as proposed. The conditional use process allows for school uses to be authorized in a residential neighborhood, consistent with this policy. Because of the previously granted conditional use, NCCS was able to establish, grow and thrive in a community that has done likewise. The location of the school between commercial, residential and other educational properties allows for multiple basic needs to be met in the same vicinity. Providing schools within residential areas provides for connection between the school and the surrounding community and allows for convenient community use of school facilities. The school itself offers a unique education opportunity for those considering the educational options in the vicinity.

Policy 6.1.1

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

Finding: complies as proposed. There is a connective pathway between NCCS and the commercial property to the south. Additionally, OC Pointe to the North is also walkable. Students, staff and their families access goods and services on a daily basis without driving, and businesses gain necessary patrons. Tri-met bus service provides stops on Molalla Avenue to the north and at the college. NCCS and the College have agreements in place for NCCS to use the college track and field, which students and coaches do each spring, as well as to have gatherings in the College's community meeting room. The Clackamas Community College Loop Trail connects to the public sidewalk system.

Policy 11.1.6

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

Finding: not applicable. This proposal does not include additional residential density, however the proposed continued educational use of this site is consistent with this policy.

Goal 11.8 Health and Education

Work with healthcare and education providers to optimize the siting and use of provider facilities.

Finding: complies as proposed. The NCCS site is owned by the North Clackamas Christian School Society. The proposed modular addition optimizes the site's use of land while providing a crucial media center and expanded library, meeting both the print and digital needs of students and educators in this age. Allowing the use of these properties as proposed through the conditional use permit process would optimize their use for educational purposes, consistent with this policy.

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

Finding: Staff has recommended reasonable conditions of approval to ensure that the spirit and intent of the zoning code is upheld. The applicant recognizes the authority of the city to impose reasonable conditions of approval pursuant to this section. The proposed location of the new building is located 105 feet from the closest property line and blocked from existing residences by the existing high school building. The applicant proposes to meet the dimensional standards of the R10 zone, notwithstanding the variances requested in 17.60/17.62.055. The applicant has the right to comment upon such conditions as may be proposed by staff or the Planning Commission through the public hearing process.

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

Finding: complies as proposed. OCMC [17.62.055 - Institutional and commercial building standards](#). (D), requires that new buildings be placed no farther than five feet from the front property line. The applicant proposes to meet the dimensional standards of the R-10 zone, notwithstanding the variances requested in 17.60/17.62.055. The applicant has therefore requested a variance to this standard in accordance with OCMC [Chapter 17.60 - VARIANCES](#). Otherwise, the dimensions of the R-10 zone district have been met.

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

Finding: Complies as Proposed. NCCS was established before the being annexed to the City and was not approved through the City's Conditional Use process, although a Clackamas County Conditional Use approval exists for the site. The proposed modular expands the conditional use to the point that it requires review. The proposed application is an expansion of the structure and use and the applicant has submitted the Conditional Use application in accordance with this requirement.

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

Finding: not applicable. The applicant has not requested the Planning Commission approve a future expansion to the Conditional Use.

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

Finding: not applicable. No portion of the proposed building is located within 50 feet of a residential property.

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

Finding: not applicable. The street serving NCCS (Sebastian Way) is adequate and does not require additional dedication.

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

Finding: not applicable. No such facilities are proposed with this development application.

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

Finding: complies as proposed. The site has been recognized and functioning as a school since the early 1970s. The site acts in part as a buffer between adjacent residential properties that have been developed in the past couple decades to the north, and the commercial development site to the south. The proposed addition allows NCCS to consolidate its library and media space and bring them further toward accepted and expected standards for a small private school. The specific proposed site area for modular placement does not significantly impact surrounding properties. The site has adequate access, per the Transportation Analysis Letter. The proposed modular building will meet all applicable State, local and regional standards.

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

Finding: not applicable. A helicopter landing facility is not proposed with this development.

17.56.040.F Residential Care Facilities.

Finding: not applicable. A residential care facility is not proposed with this development.

17.56.040.G Bed and Breakfast Inns.

Finding: not applicable. A bed and breakfast is not proposed with this development.

17.56.060 Revocation of conditional use permits.

Finding: not applicable. No previous conditional use permit is being revoked with this application.

17.56.070 Periodic review of conditional use permits.

Finding: not applicable. The site has not been identified as needing a periodic review by staff.

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 proposal includes several variance requests from the Institutional Design standards in OCMC 17.62.055 rather than a Type II modification request, since the new structure expands an existing conditional use, and the design modifications sought are fairly significant.

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. The applicant submitted a pre-application and took part in the pre-application conference on March 23, 2016. The pre-application conference file (PA-16-0009) summary notes are including with the application.

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. Site plan and design review applies given the elements of the application's conditional use.

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

Finding: complies as proposed. Approximately 60% of the site is currently landscaped. With the addition of a modular, approximately 59% of the site will be landscaped. Existing native vegetation will be retained aside from the grass that will be removed during clearing and grading.

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. The submitted landscaping plan indicates the use of growing plant materials in quantities that meet the intent of this standard. No reductions are sought. The proposal does not include parking lot landscaping.

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

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

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 conditions. Applicant's Response: The landscape plan was prepared by Bruce Bieri, licensed landscape architect. The plan includes a mix of horizontal and vertical elements. Prior to issuance of a final certificate of occupancy of the building the applicant shall assure that no mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. **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 subject property is not located within a Natural Resource Overlay District, nor is it within the Downtown Design District.

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

Finding: not applicable. The project area is not visible from a public thoroughfare.

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

Finding: not applicable. It is not necessary for the applicant to count parking lot landscaping in order for the site to meet the minimum landscaping requirements.

17.62.050.A.2 Vehicular Access and Connectivity.

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

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

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.

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

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 public 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.

f. Development shall be required to provide existing or future connections to adjacent sites through the use of a vehicular and pedestrian access easements where applicable.

g. Parking garage entries (both individual, private and shared parking garages) 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.

h. 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. The existing ingress and egress for the site are not proposed to change with this proposal. The existing parking lot is pre-existing and provides adequate spaces to provide for the added classroom space. No changes are proposed to the existing parking lot. No additional easements for vehicle or pedestrian access are required.

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

a. Alterations, additions and new construction located within the McLoughlin Conservation District, Canemah National Register District, and the Downtown Design District and when abutting a designated Historic Landmark shall utilize materials and a design that incorporates the architecture of the subject building as well as the surrounding district or abutting Historic Landmark. Historic materials such as doors, windows and siding shall be retained or replaced with in kind materials unless the community development director determines that the materials cannot be retained and the new design and materials are compatible with the subject building, and District or Landmark. The community development director may utilize the Historic Review Board's Guidelines for New 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 conditions. The site is not within a historic district and is not a designated historic structure. The proposal will comply with this standard provided compliance is found with the standards in the Oregon City Municipal Code. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.62.050.A.4 *Grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.*

Finding: Complies with Conditions. Please see finding under section 15.48.

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

Finding: not applicable. The subject sites are not located in a Geologic Hazard area.

17.62.050.A.6 *Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards.*

Finding: Complies with Conditions. Please see finding under section 13.12.

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

Finding: not applicable. No changes are proposed to carpool, vanpool or bicycle parking.

17.62.050.A.8 *Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and street design standards. Upon application, the community development director may waive this requirement*

in whole or in part in those locations where there is no probable need, or comparable alternative location provisions for pedestrians are made.

Finding: Not applicable. No public sidewalks and curbs are affected with this proposal and no improvements to the existing street system are required.

17.62.050.A.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.*
- 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.*
- 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.*
- d. The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.*
- e. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent commercial and residential sites where practicable. Walkway linkages to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially-zoned land.*
- f. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.*

Finding: Complies with conditions. The proposed pedestrian circulation system is well-marked, continuous and protected and will connect all building entrances on the site. The applicant's landscaping plan indicates two new paths connecting to the building from the existing walkway system behind the existing music building, which connects to the main school entrances on the site. The new building indicates an ADA Accessible Ramp on the east side of the building and sidewalks connecting to the existing path-way system. The path widths indicated appear to be less than five feet wide, less than required by this standard. All On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: complies as proposed. All facilities on the site are owned and maintained by North Clackamas Christian School.

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

Finding: not applicable. The Applicant has not proposed any tree removal.

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

Finding: not applicable. The subject site is not within the Natural Resource Overlay District.

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

Finding: complies as proposed. The applicant indicated the modular addition will maintain compliance with applicable federal, state and city standards.

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

Finding: complies as proposed.

Water. There is existing 14-inch water main located within Sebastian Way. There is an existing 12-inch and 8-inch water main located along the southern portion of the school property. The modular building can be served with water from the school's existing water service connection.

Sewer. The site currently has a private lateral which runs out of the west side of the school and discharges into a City-owned sanitary sewer manhole located on the Prince of Life Lutheran Church property (13896 Meyers Road). There is an existing lateral stubbed out to the site along the Sebastian Way frontage. The modular building can be served from the existing sanitary sewer service.

17.62.050.A.15 *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 as proposed. No additional right-of-way or street improvements are required with this proposal.

This addition will not generate any additional trips; therefore, street improvements on Sebastian Way will not be required.

The Applicant submitted a Transportation Analysis Letter (TAL) in support of the proposed expansion. The TAL, dated October 25, 2016 was prepared under the direction of Chris Brehmer, PE of Kittelson & Associates, Inc.

The TAL was reviewed by the City's Transportation Consultant, John Replinger, PE. Mr. Replinger found that the TAL addresses the city's requirements and provides an adequate basis to evaluate impacts of the proposed school expansion. Mr. Replinger's comments follow:

1. Trip Generation. The TAL explains that the proposed building will be used as a library and technology media center. The existing spaces used for these purposes will be converted to other non-classroom uses. The applicant does not expect to increase the number of students or staff in connection with the expansion. If one were to use the trip generation rates for an elementary school from the Institute of Transportation Engineers' Trip Generation Manual, the 1848 square-foot expansion would be expected to increase the school's trips by 10 AM peak hour trips; 2 PM peak hour trips; and 29 weekday trips. Middle schools and high schools produces slightly lower volumes during the AM peak hour and on a daily basis. In any case, the impact of the expansion is minimal.

2. Access Locations. Access to the school is from two driveways intersecting with the turnaround at the end of Sebastian Way. No changes are proposed in the location of the site access or site circulation.

3. Driveway Width. The TAL indicates the driveways are approximately 20 feet wide and that no changes are proposed.

4. Intersection Spacing. The proposal does not involve any changes relating to intersections or intersection spacing.

5. Sight Distance. The engineer states that there are no existing or planned physical obstructions at the site driveways that would limit sight distance.

6. Safety Issues. The engineer reported finding no safety issues associated with site driveways.

7. Consistency with the Transportation System Plan (TSP). The TAL indicates there are no frontage improvements or access change associated with the proposal development and no TSP related projects affecting the site.

Conclusion and Recommendations

I find that the TAL meets city requirements and provides an adequate basis upon which impacts of the school expansion can be assessed. The school expansion will result in minimal additional traffic.

There are no transportation-related issues associated with this development proposal requiring mitigation.

17.62.050.A.16. *This standard requires the proposed development to be reviewed by Tri-Met to determine whether transit service is or reasonably can be made available to serve the site.*

Finding: complies as proposed. TriMet did not comment on this application. Tri-Met routes run on nearby Molalla Avenue to the Community College and thus adequate service is provided to the site.

17.62.050.A.17. *This standard requires that all utilities shall be placed underground.*

Finding: not applicable. The applicant has not proposed and is not required to provide changes to the utility system.

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

Finding: applicable. ADA compliance is reviewed by the Building Division upon submittal of a complete building permit.

17.62.050.A.19. *This standard requires minimum densities for residential developments.*

Finding: not applicable. This project is not a residential development.

17.62.050.A.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. The applicant has not proposed rooftop mounted mechanical equipment.

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: complies as proposed. The applicant indicates that wall-mounted mechanical equipment is located on the north and south ends of the proposed modular building and extends more than 6" from the outer building walls. This mechanical equipment will be screened by painting the units to match the building as well as by trees on the NW and SW corners of the building, per the landscape plan.

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. The applicant has not proposed ground-mounted mechanical equipment.

17.62.050.A.21 *Building Materials.*

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.

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.

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 with condition. The applicant’s narrative and submitted building plans are in conflict. The narrative states that the exterior materials will consist of horizontal composite siding and fiberglass roofing shingles, but the applicant’s building exterior plans indicate the use of T-111 siding, a prohibited building material. The applicant shall not use T111 siding, but shall indicate the use if composite or wood siding on construction plans prior to issuance of a building permit. The site is not within a historic district and is not a designated historic structure. The applicant proposes to keep the chain link fencing that surrounds the site, in its current condition. Building and painted surfaces will be maintained for cleanliness and to prevent paint deterioration. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the conditions of approval.**

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

sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the city attorney.

Finding: complies with condition. 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.

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

Finding: applicable. Schools are an institutional use and the proposed modular addition is subject to the provisions of this section. The applicant requests a variance to the following five (5) subsections of this section:

17.62.055.C - Relationship between zoning district and requirements of this Section

17.62.055.D.1 - Relationship of Buildings to Streets and Parking

17.62.055.D.2 - Relationship of Buildings to Streets and Parking

17.62.055.G - Variation in Massing.

17.62.055.H.5- Minimum Wall Articulation

17.62.055.I - Façade Transparency

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

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

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

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

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

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

Finding: The applicant requests a variance to this requirement. Please refer to the analysis in 17.60 of this report.

17.62.055.D Relationship of Buildings to Streets and Parking.

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

a. Tables, benches or other approved seating area.

b. Cobbled, patterned or paved stone or enhanced concrete.

c. Pedestrian scale lighting.

d. Sculpture/public art.

e. Fountains/Water feature.

f. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.

g. Outdoor café.

h. Enhanced landscaping or additional landscaping.

i. Other elements, as approved by the community development director, that can meet the intent of this section.

Finding: The applicant requests a variance to this requirement. Please refer to the analysis in 17.60 of this report.

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

Finding: The applicant requests a variance to this requirement. Please refer to the analysis in 17.60 of this report.

3. Entryways. The primary entranceway for each commercial or retail establishment shall face the major street...

Finding: not applicable. The proposed development does not include commercial or retail uses.

17.62.055.E Corner Lots.

Finding: not applicable. The property is not a corner lot.

17.62.055.F Commercial First Floor Frontage.

In order to ensure that the ground floor of structures have adequate height to function efficiently for retail uses, the first floor height to finished ceiling of new infill buildings in the mixed use and neighborhood commercial districts shall be no lower than fourteen feet floor to floor.

Finding: not applicable. The proposed building is not for commercial use and is not within a mixed use or neighborhood commercial zone district.

17.62.055.G Variation in Massing.

- 1. A single, large, dominant building mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings.*
- 2. Horizontal masses shall not exceed a height: width ratio of one-to-three without substantial variation in massing that includes a change in height and projecting or recessed elements.*
- 3. Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect.*

Finding: The applicant requests a variance to this requirement. Please refer to the analysis in 17.60 of this report.

17.62.055.H Minimum Wall Articulation.

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

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

Finding: complies as proposed. No modular walls face a street. The east modular wall, which is 64' and faces connecting walkways, includes windows (iii.) and landscaping (iv.) that creates a more dynamic, human scale facade.

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

Finding: not applicable. The proposed building is not greater than 100 feet in length.

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

Finding: not applicable. The proposed building does not face a public street.

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

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

Finding: The applicant requests a variance to this requirement. Please refer to the analysis in 17.60 of this report.

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

Finding: The applicant requests a variance to this requirement. Please refer to the analysis in 17.60 of this report.

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

Finding: The applicant requests a variance to this requirement. Please refer to the analysis in 17.60 of this report.

17.62.055.I Facade Transparency.

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

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

Finding: The applicant requests a variance to this requirement. Please refer to the analysis in 17.60 of this report.

17.62.055.J Roof Treatments.

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

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

Finding: complies as proposed. The proposed modular has a sloping architectural style roof with overhangs on sides of the modular that have non-fire rated facades. According to the building code and discussions with the

manufacturer, either parapets or fire-rated roof modules without overhangs would be present on distances 15' and less from the assumed property line between buildings.

17.62.055.K Drive-through facilities shall:

Finding: not applicable. The applicant has not proposed a drive through.

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.

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 proposed modular currently has one 40 watt fluorescent light with lexan cover with integral photo cell, per sheet A3 of the plans. The exterior lighting is proposed for the east exterior facade of the modular.

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 40-watt fluorescent bulb indicated on the plans did not indicate a foot-candle measurement. The applicant shall provide the necessary calculation converting the wattage to the foot-candles to assure compliance prior to issuance of a building permit. **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 with Condition. The applicant indicated that the proposed light source is a 40 watt fluorescent shielded by a lexan cover with integral photo cell, per sheet A3 of the plans, but did not indicate that a full-cutoff shield is used. A full-cutoff shield is one where no light is emitted above a 90-degree, horizontal plane from the base of the fixture is required. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: not applicable. The applicant has not proposed lighting poles.

4. Lighting levels:

Table 1-17.62.065. Foot-candle Levels

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

Finding: Complies with Condition. The applicant did not provide any information to determine compliance with the lighting levels. The applicant shall provide documentation from a lighting specialist indicating the proposed development complies with OCMC 17.62.065. **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.

Finding: not applicable. The applicant has not proposed lighting modifications for the parking lot.

6. Any on-site pedestrian circulation system shall be lighted to enhance pedestrian safety and allow employees, residents, customers or the public to use the walkways at night. Pedestrian walkway lighting through parking lots shall be lighted to light the walkway and enhance pedestrian safety pursuant to Table 1.

Finding: Complies with Condition. The applicant did not provide any information to determine compliance with the lighting levels for the pedestrian system. The applicant shall provide documentation from a lighting specialist indicating the proposed development complies with OCMC 17.62.065. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

7. Pedestrian Accessways. To enhance pedestrian and bicycle safety, pedestrian accessways required pursuant to OCMC 12.28 shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances. Lamps shall include a high-pressure sodium bulb with an unbreakable lens.

Finding: not applicable. The proposal does not include any pedestrian accessways.

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. The aforementioned lighting types are not 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 light fixtures are consistent with the style and character of the modular building.

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

Finding: Complies with Condition. The applicant did not provide any information to determine compliance with the lighting levels. The 40-watt fluorescent bulb indicated on the plans did not indicate a foot-candle measurement. The applicant shall provide documentation from a lighting specialist indicating the proposed development complies with OCMC 17.62.065. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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. All lighting that will remain on during non-operating hours is necessary for security purposes.

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. None of these light fixtures are proposed.

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

Finding: not applicable. None of these light fixtures are proposed.

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

Finding: not applicable. None of these light fixtures are 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. None of these light fixtures are proposed.

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. None of these light fixtures are proposed.

Chapter 17.52 Off-Street Parking and Loading

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

<i>Table 17.52.020</i>				
<i>LAND USE</i>	<i>PARKING REQUIREMENTS</i>		<i>North Clackamas Christian School Enrollment</i>	<i>NCCS PARKING MIN/MAX</i>
	<i>MINIMUM</i>	<i>MAXIMUM</i>		
<i>Preschool Nursery/Kindergarten</i>	<i>2.00</i>	<i>3.00</i>	<i>26</i>	<i>2/3</i>
<i>Elementary/Middle School</i>	<i>1 per classroom</i>	<i>1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium</i>	<i>7 classrooms; 12 admin employees; 200 gym capacity</i>	<i>7/69</i>
<i>High School, College, Commercial School for Adults</i>	<i>0.20 per # staff and students</i>	<i>0.30 per # staff and students</i>	<i>15 staff, 125 students</i>	<i>28/42</i>
<i>Total (Min/Max/Current)</i>				<i>37/114</i>

1. *Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.*
2. *Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed.*
3. *Where calculation in accordance with the following list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.*
4. *The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.*
5. *A Change in use within an existing building located in the MUD Design District is exempt from additional parking requirements. Additions to an existing building or new construction in the district are required to meet the minimum parking requirements in Table 17.52.020.*

Finding: complies as proposed. The sum of the totals of off-street parking requirements is 37 minimum, 89 maximum as shown in the chart provided. The calculations are provided as follows:

Minimum / Maximum Parking Requirements:

Preschool Nursery/Kindergarten:

The pre-school has 26 children and is 1166 square feet, which requires a minimum of 2 spaces and a maximum of 3 spaces.

Elementary/Middle School:

The elementary school has seven (7) classrooms, requiring a minimum of 7 spaces; and twelve administrative employees, requiring 12 spaces; and a 200 seat gym, which allows a maximum of 69 spaces (7+12+50).

High School, College, Commercial School for Adults:

The high school has 15 staff and 125 students, which requires:

Minimum = $(140 * 0.2) = 28$

Maximum = $(140 * 0.3) = 42$

Total Minimum Required: $2 + 7 + 28 = 37$ spaces

Total Maximum Required: $3 + 69 + 42 = 114$ spaces

NCCS currently has 56 parking spots, within the minimum of 37 and maximum of 114 parking space requirements for the sum of the three uses. Please see table 17.52.020.

17.52.020.B. Reduction of the Number of Automobile Spaces Required.

Finding: not applicable. The applicant has not requested to reduce the number of parking spaces.

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

Finding: not applicable. No changes to driveway access points are proposed or required.

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

Finding: complies as proposed. Applicant Response: The existing parking lot and access aisle are paved and provide for stormwater runoff.

17.52.030.C. Drainage. *Drainage shall be designed in accordance with the requirements of Chapter 13.12 and the city Public Works Stormwater and Grading Design Standards.*

Finding: complies as proposed. The existing parking lot has provisions to accommodate storm water runoff. No changes to the existing parking lot are proposed.

17.52.030.D. Dimensional Requirements.

Finding: not applicable. The existing parking lot will continue to be used in its current configuration. No parking improvements are required.

17.52.030.E Carpool and Vanpool Parking. *New office and industrial developments with seventy-five or more parking spaces, and new hospitals, government offices, 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 handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."*

Finding: not applicable. No changes to the existing parking configuration are proposed.

17.52.040 – Bicycle Parking

Finding: not applicable. The proposal does not generate additional parking, therefore additional bicycle parking spaces are not required.

17.52.060 - Parking lot landscaping.

Finding: not applicable. The applicant is not making any changes to the parking lot.

17.52.070 - Alternative landscaping plan.

Finding: not applicable. The applicant has not proposed 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 owner would be responsible for maintenance of the site.

Chapter 12.04 – Streets, Sidewalks and Public Places

Finding: not applicable. No additional improvements to the public street system are required by this proposal.

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.

Finding: not applicable. The applicant has not proposed additional street trees and the proposal does not require additional street trees since it is not a major redevelopment.

Chapter 17.50 Administration and Procedures

Finding: Complies. Consistent with the requirements of this section, this application for a Conditional Use Variance and Site Plan and Design Review is processed through a Type III process. This process provides for notice to property owners within 300 feet of the site, and a review of the application by the Planning Commission at a public hearing.

A pre-application conference was held on March 23, 2016, prior to the submission of this application (PA 16-09). As required by Section 17.50.055, the applicant contacted the Neighborhood Association and notes are included with the application that reflect the discussion.

A City Land Use application form has been completed and is included with the submittal package. All of the information required for submittal as listed in Section 17.50.080. The City has provided appropriate notice pursuant to Section 17.50.090 and the applicant has posted signs on the property consistent with Section 17.50.100.

Notice of the public hearings for the proposal was mailed to property owners within 300 feet of the subject site on March 29, 2017, and to the Caufield Neighborhood Association. The notice was advertised in the Clackamas Review

on April 5, 2017 for one week, and the site was posted with land use notification signs on April 14, 2017. The notice requested comments and indicated that interested parties could testify at the public hearing or submit written comments prior to or at the hearing

No public comments were received prior to the release of this staff report.

Chapter 17.60 VARIANCES

17.60.010 - Authority.

According to procedures set forth in Section 17.60.030, the planning commission or the community development director may authorize variances from the requirements of this title. In granting a variance, the planning commission or community development director may attach conditions to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

Finding: The applicant has requested several variances in conjunction with this project that require Planning Commission consideration. The variances are described and analyzed separately below.

7.60.020 - Variances—Procedures.

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

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

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.

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.

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

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

Finding: complies as proposed. The owner initiated the Type III variance requests in accordance with the procedures in this section and with OCMC 17.50. No minor variances are requested. The approval criteria are addressed below.

For simplification, staff has summarized the variance requests into two basic variances and provided separate findings for each.

1. Variance associated with the site layout.

This is a variance to the following code sections:

OCMC 17.62.055.C.(5) - Variance of maximum allowed 5' setback from the street for an institutional building.

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

OCMC 17.62.055.D.(1)

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

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

17.62.055.D.2 (sheltering element)

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

17.60.030 - Variance—Grounds.

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

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 front of North Clackamas Christian School (NCCS) is set back over 200 feet from the site's frontage on Sebastian Way (a dead-end street), and the setback from the proposed modular to the front property line is approximately 386 feet. The school and modular location are necessary in order to allow for the parking lot, and for both efficient and safe vehicular site circulation considering the nature of K-12 drop-off and pick-up on site. The proposed modular is situated in a protected area with existing school structures to the north and east, and over 160 feet and 300 feet of open space to the south and east, respectively. Therefore, the proposed modular location and setback from the street does not impact light, air or other desirable qualities on abutting properties.

The applicant requests to use 17.62.055.D.1.i 'other elements, as approved by the community development director, than can meet the intent of this section.' Parking, vehicular/pedestrian circulation, and landscaping, including large established trees, are mutually incorporated within this setback. Several years ago, enhanced landscaping was designed and implemented in a triangular portion in front of the site. It is not practical to place

the modular within five feet of the front property line as that would separate it significantly from the existing school facility. The applicant does not propose to fully meet exceptions listed in 17.62.055.D.1.a-h for the setback distance of over 300 feet to the front of the existing school buildings.

There are sheltering eaves north of the middle school and south of the high school which offer sheltering from the summer sun and winter weather.

Staff finds that allowing the increased setback required under OCMC 17.62.055.C.(5) and OCMC 17.62.055.D.(1) and D.(2) will not cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable qualities protected by this title.

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

Finding: complies as proposed. According to the applicant, the variance requested is the minimum variance feasible. Placing the building at the specified 5' setback distance would cause the modular to be removed and out of sync with the rest of the K-12 campus, all grades of which the modular is designed to serve. Students and staff would be required to cross a parking lot and 5 foot setback placement would require multiple large trees to be removed. The proposed location west and south of existing school buildings is the only feasible spot on the property that will allow for the new modular classroom to be tied into the functions of the existing school building. Short walkways to existing building access points will allow students to move to and from the library/media center in the modular building to other campus locations for other school activities. Placing the building closer to Sebastian Way would not allow for the school to function in a unified manner that effectively serves the students.

Providing a sheltering element on the modular is an optional addition to the project that increases costs, and is seen as unnecessary when there are two other large sections of sheltering eaves within a short walk from the modular. Adding a sheltering element adds permit fees and time for review, as well as construction costs and on-site time separate from that incurred by the modular distributor, all of which does not provide significant value-added for the school population especially given existing sheltering very nearby and in two directions.

The original site layout was lawfully approved under Clackamas County zoning in the 1970's, when it was standard practice to place parking in front of buildings, rather than to the side or rear, which is what the city code requires now. This code conflict is a hardship which the applicant did not create. Given the applicant's responses and on-site needs for an educational facility, Staff finds that the request is the minimum which would alleviate the hardship.

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

Finding: complies as proposed. The five foot maximum setback for institutional buildings is to promote the larger purpose of the Institutional and Commercial Design Standards, which 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 though informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement." The maximum five foot set back ensure that new building placement supports convenient pedestrian access from public streets.

In the case of NCCS, students are typically dropped off by parents or, in the case of some high school age students, drive themselves. Buses are also on campus to transport students to specific extra-curricular activities including field trips, sporting events, etc. The availability of these forms of access ensures that the purpose of the standard will be met by alternative means.

The purpose of a sheltering element is to protect individuals from summer sun and winter weather. There are two large existing sheltering eaves, one north of the middle school and one south of the high school which offer sheltering from the summer sun and winter weather. The availability of these shelters ensures that the purpose of the standard will be met by alternative means.

Given the existing development pattern of the NCCS campus, the addition of the modular building will essentially have no impact on the current level of pedestrian access to the existing school. The placement of the modular building will be between the schools playground, sports field and music building, and will promote activity and interest as well as a sense of enclosure under the purpose of the regulation. Staff finds that granting the variance will equal or exceed the purpose of the regulation to be modified.

D. Any impacts resulting from the adjustment are mitigated;

Finding: complies with conditions. The applicant states that the availability of bussing, parent drop-off areas and parking for self-driving students and staff all serve to mitigate for the building being set back farther from the public street than the standard for institutional buildings. The availability of two large sheltering eave structures, one north and one south of the proposed modular, serves to mitigate some of the negative impacts resulting from the requested variance.

Typically staff would require additional mitigation such as enhanced landscaping or other pedestrian amenities next to the street to off-set the impact of an increased setback.

Staff therefore recommends that the Planning Commission consider requiring the applicant to further mitigate the variance by proposing sufficient elements specified in OCMC 17.62.005.d.1 at the front of the property to improve pedestrian access and experience, such as:

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

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

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

Finding: complies as proposed. The applicant did not indicate any practical alternatives that would accomplish the same purpose. The proposed location is by far the most conducive area on the school property that has open space for a new building. Utilizing the already existing sheltering elements, nearby and both north and south from the proposed modular entrances, is the most practical provision to meet this purpose. It allows for students going either direction on campus to have shelter en route to other areas of campus. The identified location preserves trees, maintains safe distances for fire code, maintains the school's capacity to conduct soccer practice and host soccer games with a safe industry-standard buffer, and ties into the existing campus via short connecting walkways.

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

Finding: complies as proposed. There are no comprehensive plan policies that require a 5-foot maximum setback. Findings for the approval of the Conditional Use associated with this application include compliance with applicable comprehensive plan policies 2.4.2, 2.4.3, 2.4.5, 6.1.1, 11.1.6, and 11.8 as discussed earlier in this report.

Sheltering elements. There are no comprehensive plan policies that require a sheltering element on a modular addition. The intent of the ordinance is to protect individuals from the effects of harsh summer sun and/or cold/wet winter elements. The large existing nearby sheltering structures to the north and south of the proposed modular serve to meet the intent of the ordinance.

The intent of the ordinance, while not specifically stated, is to ensure convenient pedestrian access to institutional buildings. The school's established pedestrian and vehicular circulation, along with buses, provide for safe and convenient student drop-off/pick-up as well as student and staff parking. These measures achieve the same purpose as the ordinance standard and promote the Oregon City Comprehensive Plan policies identified earlier in this report.

2. Variance associated with the building.

As stated earlier, for simplification, staff has summarized the variance requests into two basic variances and provided separate findings for each. This is the second set of findings.

This is a variance to the following three code subsections of 17.62.055:

1. *17.62.055.G. Variation in Massing.*
 1. *A single, large, dominant building mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings.*
 2. *Horizontal masses shall not exceed a height: width ratio of one-to-three without substantial variation in massing that includes a change in height and projecting or recessed elements.*
 3. *Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect.*

2. *17.62.055.H Minimum Wall Articulation.*
 1. *Facades shall add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including, but not be limited to, at least two of the following:*
 - i. *Change in plane,*
 - ii. *Change in texture or masonry pattern or color,*

- iii. *Windows, treillage with landscaping appropriate for establishment on a trellis.*
- iv. *An equivalent element that subdivides the wall into human scale proportions.*
- 2. *Facades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least twenty percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred horizontal feet.*
- 3. *Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length.*
- 4. *Building facades must include a repeating pattern that includes any one or more of the following elements:*
 - a. *Color change;*
 - b. *Texture change;*
 - c. *Material module change.*
- 5. *Facades shall have an expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib.*
- 6. *Facades shall have at least one of elements subsections H.4. or H.5. of this section repeat horizontally. All elements shall repeat at intervals of no more than thirty feet, either horizontally or vertically.*

3. *17.62.055.I Facade Transparency.*

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

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. Regarding Massing: The requirement for variation in massing affects only the appearance of the building. Granting a variance from this standard will not impact adjacent properties by reducing light, air, safe access or other desirable or necessary qualities.

Regarding Wall Articulation: As with the requirement for variation in massing, this standard is intended to provide for visually appealing institutional building design. This standard affects only the appearance of the building. Granting a variance from it will not impact adjacent properties by reducing light, air, safe access or other desirable or necessary qualities.

Regarding Transparency: These transparency standards are intended to provide for visually appealing institutional building design. These standards affect only the appearance of the building. Granting a variance from them will not impact adjacent properties by reducing light, air, safe access or other desirable or necessary qualities.

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

Finding: complies as proposed.

Regarding Massing: Modular buildings are limited in their ability to provide variation in massing due to the need to be constructed in units that may be moved from the factory to the site on surface streets. This requires that the design be a single story and that roofing heights not vary significantly. NCCS needs to provide a library/media center for use by all students (K-12) and, given the small private school's current economic status, modular construction is the only means to meet this need within the school's budget. For these reasons, the requested variance to not require variation in massing is the minimum necessary.

Regarding Wall Articulation: Modular buildings are limited in their ability to provide variation in wall plane due to the need to be constructed in standard-sized units that may be moved from the factory to the site on surface streets. NCCS needs to provide a library/media center for use by all students (K-12) and, given the small private school's current economic status, modular construction is the only means to meet this need within the school's budget. For these reasons, the requested variance to not require variation in wall plane is the minimum necessary.

Regarding Transparency: The proposed modular's main front elevation is 64' long with four proposed windows, at the pedestrian level, each measuring 46" X 48". This amounts to 16' of window length transparency, or 25% of the main front elevation. The doors are not currently proposed to have transparency. These are the manufacturer's standard specs for windows and doors which the applicant proposes to keep so as to prevent additional costs associated with adding windows. Less than 60% of window transparency on the front elevation also allows the necessary fire code two exit door system in the front, so as to preserve interior wall space on that elevation as well as the other three façades. Furthermore, no other side elevations are proposed to have transparency, so as to maintain as much interior wall space as possible for library bookshelves and computer/other media stations. Additionally, having windows on the south and/or west sides of the modular would increase energy transfer on those sides, thereby increasing cooling and heating costs. This is especially true as minimal landscaping is proposed on the west side due to the soccer field proximity.

Modular buildings are also somewhat limited in their ability to provide variation in window glazing due to the need to be moved from the factory to the site on surface streets. Excessive window glazing could be susceptible to breakage during transport. NCCS needs to provide a library/media center for use by all students (K-12) and, given the small private school's current economic status, modular construction is the only means to meet this need within the school's budget. For these reasons, the requested variance to 60% front elevation window transparency, and 30% window transparency for other elevations, is the minimum necessary.

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

Finding: complies as proposed. Regarding Massing: The purpose of the requirement for varying massing is to ensure that institutional buildings are visually interesting and are appealing in appearance. The proposed design achieves this purpose by providing windows on the east side main front elevation as well as the manufacturing option to provide varied paint colors to break up the building façades. Placement of the building to the rear of the existing school buildings, coupled with screening by the existing buildings and proposed landscaping, will ensure that the new building does not detract from the appearance of the school campus.

Regarding Wall Articulation: The purpose of the requirement for varying the wall plane is to ensure that institutional buildings are visually interesting and are appealing in appearance. The proposed design achieves this purpose by providing variation in wall plane materials (siding and windows) and paint colors to break up the façade of the building. Placement of the building to the rear of the existing school, along with screening by the existing buildings and proposed landscaping, will ensure that the new building does not detract from the appearance of the school campus.

Regarding Transparency: The purpose of the requirement for higher than normal window glazing on front elevations is to ensure that institutional buildings are visually interesting and are appealing in appearance. The proposed design does provide windows and doors on the main front elevation, breaking up a blank façade; moreover the proposal meets this purpose for the building overall by providing variation in materials (siding and windows, paint colors) to break up the building façades. Placement of the building to the rear of the existing school, coupled with screening by existing buildings and proposed landscaping, will ensure that the new building does not detract from the appearance of the school campus.

D. Any impacts resulting from the adjustment are mitigated;

Finding: complies with condition. Regarding Massing: The main building façade measures 64 feet long and contains patterns of texture and material module changes as a result of the two doors and four proposed windows. The north, south and west facades are not proposed to have any repeating patterns but will be softened by landscaping. The doors and windows on the east facade will function as a repeating pattern and serve to unify the modular with the rest of the buildings on the campus. The proposed placement of the building, variation in materials and paint color, and landscape screening will serve to mitigate for any impacts associated with the variance.

Regarding Wall Articulation: The proposed placement of the building, variation in materials (siding and windows) and paint colors, and landscape screening will serve to mitigate any impacts associated with the variance.

Regarding Transparency: The proposed placement of the building, variation in materials (siding and windows, paint colors), and landscape screening will serve to mitigate any impacts associated with the variance.

Staff recommends that the applicant be required to provide a paint palette with at least two colors in order to provided additional visual relief and distinguish between wall planes and trim as further mitigation.

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

Finding: complies as proposed. Regarding Massing: Because of the limits imposed by modular building design constraints, no other alternatives have been identified to meet the school's needs while meeting this standard.

Regarding Wall Articulation: Because of the limits imposed by modular building design constraints, no other alternatives have been identified to meet the school's needs while meeting this standard.

Regarding Transparency: The most feasible area on the school site is identified to receive the new building. This area comes with its own set of constraints, including distance between existing buildings/building projections, the soccer field, private sewer line, and general practical east side access to the building. Because of these factors, along with limits imposed by modular building design constraints, no other alternatives have been identified to meet the school's needs while meeting this standard.

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

Finding: complies as proposed. Regarding Massing: There are no comprehensive plan policies that require variation in massing. The intent of the ordinance, to provide for visually appealing institutional buildings, will be met by other means, including windows, variation in paint color, and landscape screening.

Regarding Wall Articulation: There are no comprehensive plan policies that require variation in wall plane. The intent of the ordinance, to provide for visually appealing institutional buildings, will be met by other means, including variation in materials (siding and windows) and paint colors, and landscape screening.

Regarding Transparency: There are no comprehensive plan policies that require transparency standards on institutional buildings. The intent of the ordinance, to provide for visually appealing institutional buildings, will be met by other means, including variation in materials (siding and windows, paint colors), as well as existing building and landscape screening.

CHAPTER 13.12 - STORMWATER CONVEYANCE, QUANTITY AND QUALITY

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: Not Applicable. Conveyance facilities will not be constructed with 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: not applicable. The site is not within a water quality resource area and will not create more than 5000 sf of new impervious surface; therefore, this section does not apply.

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 applicant has not proposed any of the facilities requiring additional management practices per this section.

13.12.080 - Submittal requirements.

- A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.
- B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.

Finding: not applicable. The application is not subject to the requirements of this chapter and therefore, submittal requirements do not apply.

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

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

- A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.
- B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020.

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

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

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

Finding: not applicable. The proposed development is not subject to the requirements of this chapter; therefore, approval criteria do not apply.

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.

13.12.110 - Transfer of engineering responsibility.

Project drainage plans shall always have a project engineer. If the project engineer is changed during the course of the work, the city shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the city within seventy-two hours of accepting the position as project engineer.

Finding: not applicable. The applicant does not propose work that shall be designed by an 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: not applicable. The proposed development is not subject to the requirements of this chapter; therefore, construction specifications do not apply.

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 *Applicability—Grading permit required.*

A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:

1. Grading activities in excess of ten cubic yards of earth;

2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;
3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;
4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or
5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.

Finding: not applicable. Grading activities will not exceed the stated thresholds; therefore, a grading permit is not required.

15.48.090 Submittal requirements.

An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.

A. *Abbreviated Grading Plan.* The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:

1. No portion of the proposed site is within the flood management area overlay district pursuant to Chapter 17.42, the unstable soils and hillside constraints overlay district pursuant to Chapter 17.44, or a water quality resource area pursuant to Chapter 17.49; and
2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.

B. *Engineered Grading Plan.* The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.

C. *Geotechnical Engineering Report.* The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:

1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;
2. When an embankment for a stormwater pond is created by the placement of fill;
3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.

D. *Residential Lot Grading Plan.* The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.

Finding: not applicable. Grading standards do not apply to the proposed development; therefore, submittal requirements do not apply.

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

17.47.070 Erosion and sediment control plans.

A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control.

These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.

Finding: Complies with conditions. There will be some minor grading on the site. An erosion and sediment control plan is required. A condition will be applied to ensure the applicant obtains an erosion and sediment control permit.

III. STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Planning files CU 17-01, SP 17-19 and VR 17-01 as submitted by the applicant with the attached recommended conditions of approval.

IV. EXHIBITS

The following exhibits are attached to this staff report.

1. Vicinity Map
2. Public Notices
3. Applicant's Submittal
4. TAL Review by John Replinger of Replinger and Associates
5. Clackamas County Conditional Use Permit CU-73-27