



**TYPE III –CONDITIONAL USE, SITE PLAN AND DESIGN REVIEW, VARIANCES
STAFF REPORT AND RECOMMENDATION**

July 17, 2017

FILE NUMBER: SP 17-40: Site Plan and Design Review
CU 17-02: Conditional Use
VR 17-02: Variance for Site Layout/Configuration
VR 17-03: Variance for Building Exterior

APPLICANT: Hennebery Eddy Architects, Inc
921 SW Washington Street, Suite 250
Portland, Oregon 97205

OWNER: Clackamas Fire District #1
11300 SE Fuller Road
Clackamas, Oregon 97222

REQUEST: The applicant submitted a Site Plan and Design Review, Conditional Use, and two Variance applications to construct a new fire station within the “C” General Commercial District.

LOCATION: 19340 Molalla Avenue, Oregon City, Oregon 97045
Clackamas County Map 3-2E-9B, Tax Lot 1601

REVIEWER: Trevor Martin, Planner, (503) 722-3789, tmartin@orccity.org

RECOMMENDATION: Approval with Conditions.

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

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

Recommended Conditions of Approval

(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 Site Plan and Design Review application. The information shall be approved prior to issuance.

1. All water and sanitary facilities shall be designed to meet City's design standards.
2. The existing pedestrian path across the driveway and the pedestrian ramps on each side shall meet ADA requirements.
3. Fire signal on Molalla shall be upgraded to meet requirements Clackamas County. Pole style and color will be determined by the City of Oregon City. Depending on timing of upcoming street improvement project for Molalla, fee in lieu for the signal may be collected for future installation of the signal assembly located on the west side of Molalla.
4. The stormwater plan and report shall be revised and resubmitted with facilities designed in accordance with the Stormwater and Grading Design Standards.
5. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City to be reviewed and approved prior to issuance of an Erosion and Sediment Control permit.
6. The applicant shall submit documentation demonstrating compliance with the fence height requirements in OCMC 17.54.100. Per OCMC 17.54.100.B.4, fencing may be allowed to be up to 8 feet in height adjacent to or behind the front of the building.

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

7. A photometric plan demonstrating compliance with Table 1-17.62.065 for pedestrian accessways.
8. 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.
9. A revised landscaping plan demonstrating:
 - a. Documentation by a registered landscape architect approving the landscaping plan and tree removal and mitigation plan.
 - b. Paperbark maple trees will be planted at a minimum of 2 inches in caliper.
 - c. Perimeter Parking Lot Landscaping
 - i. An additional tree within the perimeter parking lot landscaping north of the pedestrian crossing as well as trees spaced a maximum of 35 feet apart in front of the structure on the southern portion of the perimeter parking lot landscaping (with a tree at the entryway).

- ii. Replacing the Mexican beach pebble with landscaping in compliance with OCMC 17.52
 - d. The applicant shall submit a revised street tree plan displaying 5 street trees in accordance with OCMC 12.08. If 5 trees cannot be located within the frontage due to the limitations of spacing and the curb cut the applicant may plant street trees on the private property (with the recording of a covenant) or provide a fee in lieu for any tree not identified.
 - e. A revised landscaping plan identifying the trees onsite utilized for each type of the required landscaping as well as mitigation trees. The plan shall demonstrate that the 7 mitigation trees are not counted toward the required landscaping onsite and that the mitigation trees are: planted onsite, planted on another property in Oregon City with a recorded covenant (as necessary), or a fee is paid in lieu of each tree not planted. All options shall comply with the requirements in OCMC 12.08.
10. No new chainlink fencing may be installed. Repairs to existing chainlink fencing is allowed.

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

11. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.

I. BACKGROUND:

1. Existing Conditions

The +/- 1.39-acre parcel is located at 19340 Molalla Avenue, in Oregon City. The site is currently constructed as a fire station for Clackamas Fire District (CFD) #1, known as Station 16. The station developed a mold infestation and in May of 2016 it was determined that the station was uninhabitable for the firefighters. On June 1, 2016, the City Commission approved Resolution No. 16-12 to declare an emergency, exempted CFD1 's Station 16 from Planning code requirements on a temporary basis to allow a modular unit to be placed onsite so the firefighters to maintain their response times for the community.

Since that time, CFD1 has worked with architects to develop a station design that would fit on the property and an application has been submitted to the Planning Division for demolition of the existing station and construction of a new station. However, the Fire District determined that there isn't sufficient room on the property to house the modular unit during construction and received approval from the City Commission to temporally relocating the fire station to Clackamas Community College until the new station is complete. The City Commission declared an emergency to exempt a temporary fire station at Clackamas Community College until October 1, 2018 from Planning Division requirements and processes while the existing Station 16 is being demolished and rebuilt. The temporary fire station at CCC consists of three separate structures which would be located near Inskeep Drive.

The site is bordered by Molalla Avenue to the west, and commercial/industrial development to the north, east, and south. The site gently slopes to the west with a total relief of approximately 8 feet. The site is currently occupied by the existing single-story fire station, a storage building, and a temporary modular building. Most the remainder of the site is paved with asphalt concrete parking lot and drive lanes. Vegetation on the site is limited to grasses and landscaped trees in planters on the edges of the parking area.

Figure 1. Vicinity Map



Figure 2: Existing Conditions – Aerial Image



2. Project Description

The proposed development entails the demolition of the existing structures onsite and construction of a new 12,300 square foot fire station. Three distinctive programs support the 24-hour emergency response requirements:

- 1) The Apparatus Bay, which houses emergency vehicles. The 4,200 square foot apparatus bay which is proposed to be doubledeep and 3 fire trucks wide.
- 2) The public/visitor entry, which includes a small lobby and ADA restroom. While the front door is generally kept locked, there is a call button which can be used by the public 24 hours a day in case of emergency.
- 3) The Living Quarters, which is where the staff live while they are on shift. The facility will accommodate 8 fire crew per shift.

The fire station requires a site configuration that is driven by the operational requirements of 24-hour emergency response. The life safety operational requirements dictate how the site is configured, as it is necessary and extremely important to have the most unobstructed, safe, and efficient route of travel to the scene of an emergency and limit public access to the staff parking area. A 6 foot tall gate will limit access to the rear of the site.

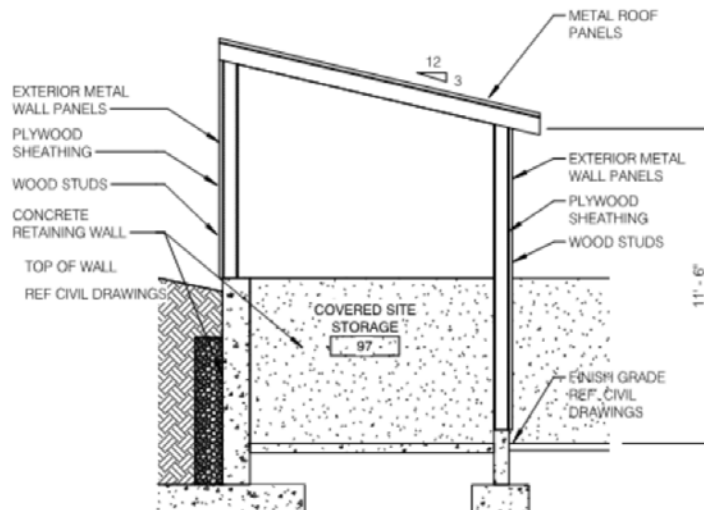
Figure 3: Building Rendering



The applicant has also proposed to construct multiple accessory structures, including but not limited to:

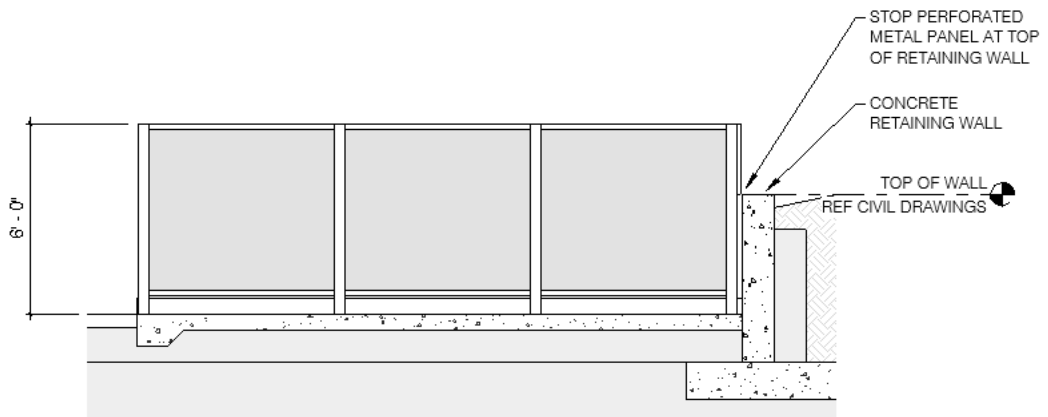
- **Flagpole:** The proposed flagpole will be an inground mounted flagpole with an overall height of 30-feet above finish grade. The flagpole will be 6-inches in diameter at the base and taper to 3-inches at the top.
- **Covered Site Storage:** A 10.5' by 21' covered site storage is proposed in the northeast corner of the subject property, adjacent to the retaining wall. The exterior facade material will utilize the same exterior metal wall panel as the proposed fire station.

Figure 4: Covered Site Storage



- **Fuel Station / Generator:** A 19' by 17'3" area is proposed to retain an existing fuel station and generator. The proposed location will be screened on the north, south and east sides by a 6'-0" tall enclosure. The west side of the enclosure which faces the proposed fire station needs to remain open so the fire apparatus can access the fuel tank. The screened portions of the enclosure utilize a painted steel enclosure with ribbed (10% open area) perforated metal wall panel system, which match the proposed fire station metal wall panel profile.

Figure 5: Fuel Station / Generator

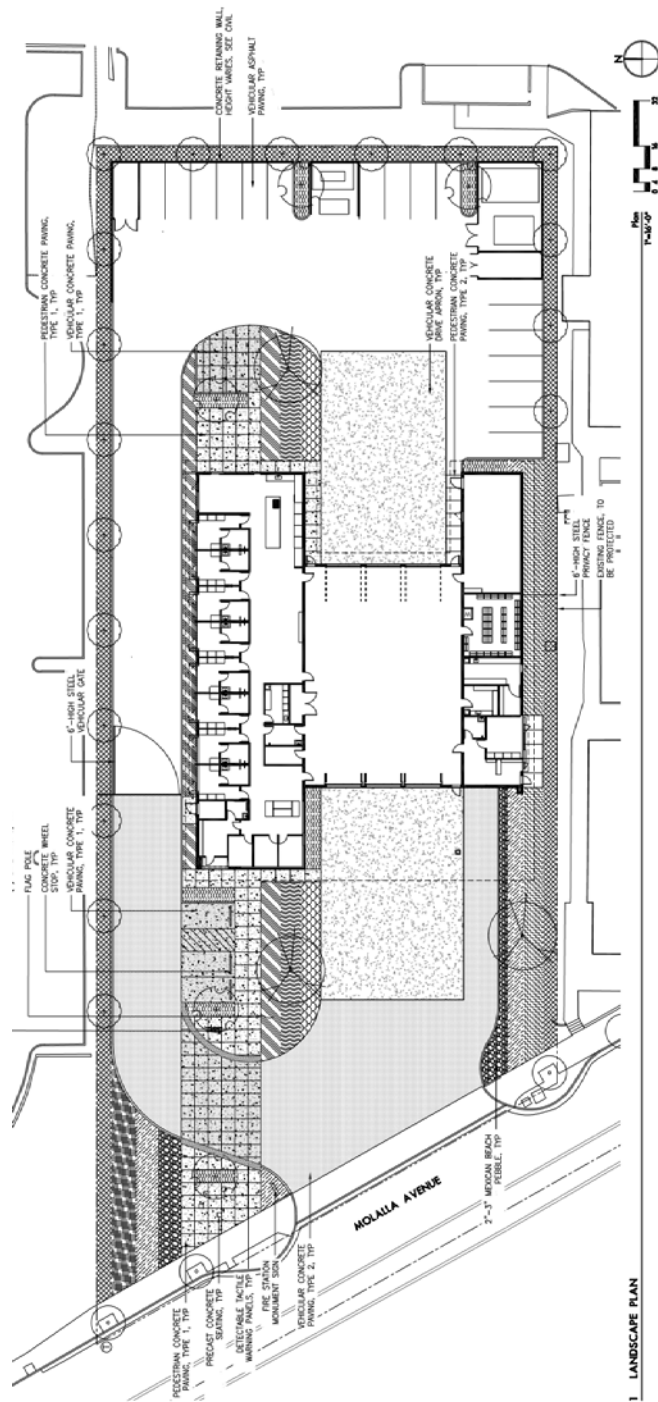


- **Mechanical / Refuse Enclosure:** Information regarding the fuel station and generator equipment is provided on page 30 in the land use narrative. Additional information is provided herein.
The mechanical / refuse enclosure utilizes a 6'-0" tall, painted steel enclosure with ribbed (10% open area) perforated metal wall panel system on all sides, which match the proposed fire station metal wall panel profile. See attached plan and section.
- **Pedestrian Seating:** (5) colored precast concrete seats measuring 16" w x 17" H x 16" L will be provided in the pedestrian plaza area adjacent to the public sidewalk along Molalla Avenue. The plaza will be located in between the proposed fire station and Molalla Ave., and will be open to the general public. The plaza will also serve as an area for the people walking or biking to the fire station to move out of the way of any fire apparatus vehicles responding to an emergency.

The applications include:

- Conditional Use for the proposed use as a fire station. A previously approved conditional use was not identified.
- Site Plan and Design Review for the construction of a new building, parking lot, landscaping, accessory structures, etc.
- Variance for the site layout/configuration of the structure, parking lot, etc.
- Variance for the exterior design of the structure.

Figure 6: Proposed Site Plan



[illegible]

- 12.04 - Streets, Sidewalks, and Public Places
- 12.08 - Public and Street Trees
- 13.12 - Stormwater Management
- 15.48 - Grading, Filling and Excavating
- 17.32 – General Commercial District
- 17.41 – Tree Protection
- 17.47 - Erosion and Sediment Control
- 17.50 - Administration and Procedures
- 17.62 - Site Plan and Design Review
- 17.52 - Off Street Parking and Loading
- 17.54.100 – Fences
- 17.58 - Nonconforming Uses, Structures, and Lots
- 17.56 – Conditional Use
- 17.60 – Variance

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

5. Notice and Public Comment

Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property. Public comments submitted include (Exhibit 3):

One Public comment was received from Dorothy Dahlsrud who said “Yes, I approve” to the proposal.

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

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

II. ANALYSIS AND FINDINGS: OREGON CITY MUNICIPAL CODE

CHAPTER 17.32 “C” GENERAL COMMERCIAL DISTRICT

17.32.020 - Permitted uses.

A. Any use permitted in the MUC - Mixed Use Corridor zone with no maximum footprint size, unless otherwise restricted in Sections [17.24.020](#), [17.24.030](#) or [17.24.040](#);

B. Hotels and motels;

C. Drive-in or drove through facilities;

D. Passenger terminals (water, auto, bus, train);

E. Gas stations;

F. Outdoor markets that do not meet Section 17.29.020.H;

G. Motor vehicle and recreational vehicle sales and/or incidental service;

H. Motor vehicle and recreational vehicle repair and/or service;

I. Custom or specialized vehicle alterations or repair wholly within a building.

Finding: Not applicable. The proposed fire station use is classified as an emergency services which is considered a Conditional use in OCMC Section 17.32.030.G.

17.32.030 - Conditional uses.

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

A. Religious institutions;

B. Hospitals;

C. Self service storage facilities;

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

E. Public and/or private educational or training facilities;

F. Parking structures and lots not in conjunction with a primary use;

G. Emergency service facilities (police and fire), excluding correctional facilities.

Finding: Complies as proposed. The proposed development is listed as a conditional use in 17.32.030.G. The submitted application is a request to demolish the existing fire station located at 19340 Molalla Ave., and rebuild a fire station for the Clackamas Fire District on the existing site.

17.32.040 - Prohibited uses in the General Commercial District.

The following uses are prohibited in the General Commercial District:

A. Distribution, wholesaling and warehousing.

B. Outdoor sales or storage (Except secured areas for overnight parking or temporary parking of vehicles used in the business. Sales of products not located under a roof may be allowed if they are located in an area that is architecturally connected to the primary structure, is an ancillary use and is approved through the Site Plan and Design Review process. This area may not exceed fifteen percent of the building footprint of the primary building).

C. General manufacturing or fabrication.

D Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).

Finding: Not applicable. The applicant has not proposed any prohibited uses.

17.32.050 - Dimensional standards.

A. Minimum lot area: None.

Finding: Complies as Proposed. There is no minimum lot size within “C” General Commercial zoned properties.

B. Maximum building height: Sixty feet.

Finding: Complies as Proposed. The proposed fire station building height varies from front (West) to back (East). The high point (West) is 24-feet and the low point is 18-feet. The applicant additionally proposed accessory structures which are less than 10 feet in height and a 30 foot tall flagpole.

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

Finding: Complies as Proposed. The site is adjacent to the General Commercial and General Industrial Districts, neither which are limited to residential uses. There is no minimum required setback required. The applicant has indicated the setbacks in the chart below:

Location	Minimum Setback Required	Proposed
North (side)	None	35'-2"
South (Side)	None	12'-0"
East (Side)	None	115'-6"

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

Finding: Not Applicable. As demonstrated above, the site is not abutting a residential zone.

E. Maximum Allowed Setbacks.

1. Front yard setback: Five feet (may be expanded with Site Plan and Design Review [Section 17.62.055](#)).

Finding: Refer to Site Variance responses provided in Section 17.60.

2. Interior side yard setback: None.

Finding: Complies as Proposed. See chart above.

3. Corner side yard setback abutting street: None

Finding: Not Applicable. The site is not a corner lot.

4. Rear yard setback: None.

Finding: Complies as Proposed. See chart above.

F. Maximum site coverage of building and parking lot: Eighty-five percent

Finding: Complies as Proposed. The applicant has indicated that the proposed redevelopment of the site will cover 55% percent of the site (33,080/60,548=0.55). The applicant has provided site and landscaping plans to illustrate the lot coverage.

G. Minimum landscaping requirement (including parking lot): Fifteen percent.

Finding: Complies as Proposed. The proposal includes landscaping over 18% of the site (11,089/60,548=0.18).

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:

Finding: Complies as proposed. The applicant has not request any modifications to within the application, however, the applicant has request variances for the proposed building. The criteria for the variances can be found in the report below.

17.62.015.A. *The modification will result in a development that better meets design guidelines; and*

Findings: Not Applicable.

17.62.015.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.*

Findings: Not Applicable.

17.62.020 - *Preapplication conference.*

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

Finding: Complies as proposed. A pre-application conference was held on March 15, 2017 with Hennebery Eddy Architects, Clackamas Fire District and City staff to discuss all relevant review procedures and standards.

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: Complies as Proposed. The applicant proposed development of property in the General Commercial zone (C), the application is subject to demonstrate compliance with this chapter.

17.62.035 - *Minor site plan and design review.*

This section provides for a minor site plan and design review process. Minor Site Plan Review is a Type II decision subject to administrative proceedings described in OCMC [17.50](#) section and may be utilized as

the appropriate review process only when authorized by the community development director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

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

- 1. Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).*
- 2. Modification to parking lot layout and landscaping or the addition of up to 5 parking spaces.*
- 3. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.*
- 4. Other land uses and activities may be added if the community development director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.*

Finding: Not Applicable. The submitted application is going through a full site plan and design review.

17.62.040 - Plans required.

Finding: Complies as proposed. The applicant has submitted all requested application items. In addition, notification of the proposal was provided to the tribes and to the State Historic Preservation Office, whom submitted a response on March 14, 2017 which was provided to the applicant.

17.62.050 - Standards.

A. All development shall comply with the following standards:

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

Finding: Complies as Proposed. The proposal includes landscaping over 18% of the site (11,089/60,548=0.18). The plan also identifies the removal of nuisance plants onsite prior to occupancy.

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 applicant has indicated that all areas credited towards landscaping will contain living plant material.

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. A small portion of the Natural Resource Overlay District currently encroaches the site along the back side of the existing sidewalk along Molalla Avenue. It is anticipated with the 0.5-foot dedication of right-of-way requirement, the NROD will no longer reside on the subject property. The existing impervious street and sidewalk area will not be increased as part of the proposed development. No changes will be made to the existing impervious surfaces where the NROD encroaches, therefore there will be not impacts to the existing NROD area as a result of the proposed project.

c. The landscaping plan shall be prepared by a registered landscape architect and include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the Landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.

Finding: Complies with condition. The landscape plan is prepared by Lango Hansen Landscape Architects, but the name or qualifications of the registered landscape architect was not identified. The plan includes a mix of vertical and horizontal elements and the narrative indicated full coverage within the landscaped area. The landscape plan and associated narrative did not identify if mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. Prior to issuance of a permit associated with the proposed development the applicant shall submit documentation identifying 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. In addition, the applicant shall submit documentation by a registered landscape architect approving the landscaping plan and tree removal and mitigation plan. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

d. For properties within the Downtown Design District, or for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the ten percent requirement.

Finding: Not Applicable. The site is not within the downtown design district.

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

Finding: Complies as proposed. The landscape plan for this project is visible from public thoroughfares to the extent practicable. A majority of the landscaping is located adjacent to the perimeter of the site and in front of the building.

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

Finding: Complies as proposed. The dimensional standards set forth in the underlying zone district (General Commercial) allow for interior parking lot landscape to be counted toward the fifteen percent minimum.

2. Vehicular Access and Connectivity.

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

Finding: Please refer to the Variance for site layout in 17.60.

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

Finding: Complies with condition. The proposal includes retention of the existing driveway with dimensions adequate for the fire truck. The entrance is relatively flat and featureless, which creates a smooth transition from the subject site to the Molalla Ave. right of way when responding to an emergency.

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

c. Alleys or vehicular access easements shall be provided in the following Districts: R-2, MUC-1, MUC-2, MUD and NC zones unless other permanent provisions for access to off-street parking and loading

facilities are approved by the decision-maker. The corners of alley intersections shall have a radius of not less than ten feet.

Finding: Not applicable. Though the site is within the “C” General Commercial District.

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

Finding: Not Applicable. The site is not adjacent an alley.

e. Where no alley access is available, the development shall be configured to allow only one driveway per frontage. On corner lots, the driveway(s) shall be located off of the side street (unless the side street is an arterial) and away from the street intersection. Shared driveways shall be required as needed to accomplish the requirements of this section. The location and design of pedestrian access from the sidewalk shall be emphasized so as to be clearly visible and distinguishable from the vehicular access to the site. Special landscaping, paving, lighting, and architectural treatments may be required to accomplish this requirement.

Finding: Complies as proposed. The existing driveway serving the subject property is along Molalla Avenue (Major Arterial). Pedestrian access from the existing sidewalk system is provided. Driveway locations meet standards set forth in 12.04.

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

Finding: Not applicable. No streets are existing or planned across Molalla Avenue from the site.

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

Finding: Complies as Proposed. The applicant indicated that:

The subject site does not have any existing connections to the adjacent sites, other than the existing public sidewalk system along Molalla Avenue. The proposed development will incorporate a pedestrian sidewalk system connecting the building entry to the public sidewalk. Easements for vehicular and pedestrian connections to the adjacent sites are not proposed due to the life safety operational requirements and security aspects of the proposed fire station.

The proposed use of the site if for a fire station and limited interference on site during an emergency so there is no delay for the fire service, as well as for security of the site. Pedestrian connection is facilitated by the adjacent sidewalk.

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

Finding: Not applicable. No streets or easements in lieu of streets are required or proposed.

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

Finding: Not applicable. No streets or easements in lieu of streets are required or proposed.

j. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future.

Finding: Not applicable. The site is not adjacent to a dead end or proposed street.

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

Finding: Not applicable. The site is approximately 1.4 acres, less than three acres.

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

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

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

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

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

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

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

Finding: Complies with condition. The site is not located in a Historic District, or designated as an individually designed historic property. The design will comply with the standards in the Oregon City Municipal Code with the conditions of approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: See findings under section 15.48 of this report.

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

Finding: Not applicable. The site is not within the Geologic Hazard Overlay District.

6. *Drainage shall be provided in accordance with city's drainage master plan, [Chapter 13.12](#), and the public works stormwater and grading design standards.*

Finding: See findings under section 13.12 of this report.

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

Finding: Please refer to the findings under Chapter 17.52.

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

Finding: See findings under section 12.04 of this report.

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

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

Finding: Please refer to the Variance request. A pathway between the building entrance and the street has been provided, but it crosses a drive aisle and is thus not direct. Please refer to the Variance section.

In addition, a fire room is accessed from the northwest corner of the building adjacent to the drive aisle leading to the rear of the site. This room is not anticipated to be used on a regular basis and thus the sidewalk is not required to be extended to this location. The small sidewalk segment is instead utilized for landscaping. The sidewalk is not required, due to the infrequent use of the room and because the adjacent driveway is also expected to be infrequently utilized.

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

Finding: Complies as proposed. The proposed design provides a sidewalk connecting all of the main entranceways onsite.

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

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

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

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

Finding: Not Applicable. With the exception of accessory structures contained within the rear area of the site, there is only one building included in the proposal.

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

Finding: Complies as proposed. The pedestrian circulation system will connect the principal building entrance to the adjacent commercial sites by utilizing an enhanced walkway system connecting to the existing sidewalk system along Molalla Avenue. Connections to adjacent properties are limited due to the security and desired efficiency needed in order to provide the public with adequate emergency response times.

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 Condition.

Applicant has indicated an enhanced pedestrian circulation system at the northwest corner of the property provides a direct connection from the public sidewalk system to the building entry. The width of the circulation path varies from 28'-0" wide to 9'-0" wide. Where the circulation system abuts offstreet parking, wheelstops and raised curbs are provided. The circulation path will be constructed using colored concrete with a scored pattern. Where the surface crosses the internal vehicular driveway, the path will be flush with the adjacent asphalt surface and incorporate a dissimilar color and detectable warning texture to provide safety for pedestrian. Safety and convenience have been maximized.

Staff has found that the proposed pedestrian walkway intersects with the portion of the driveway where the emergency vehicles would gain access on to Molalla Ave. The applicant shall provide a cross section of the subject area to the Oregon City Planning Division for planning staff to ensure this portion of the site has been proficiently marked.

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

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

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

11. Site planning shall conform to the requirements of OCMC [Chapter 17.41](#) Tree Protection.

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

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

Finding: Please refer to the analysis in Chapter 17.49 of this report.

13. All development shall maintain continuous compliance with applicable federal, state, and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference. Prior to issuance of a building permit, the community development director or building official may require submission of

evidence demonstrating compliance with such standards and receipt of necessary permits. The review authority may regulate the hours of construction or operation to minimize adverse impacts on adjoining residences, businesses or neighborhoods. The emission of odorous gases or other matter in such quantity as to be readily detectable at any point beyond the property line of the use creating the odors or matter is prohibited.

Finding: Complies as proposed. The development proposal assured compliance with this section.

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

Finding: Complies with condition. There is an existing 10-inch water main that runs within the north side of the property which is within an existing 15-foot wide easement. The proposed development will connect to the existing water main to provide domestic use and fire protection water services adequate to serve the proposed facility. There is an existing 6-inch sanitary sewer lateral serving the site that connects to the existing 8-inch sanitary sewer main located within Molalla Avenue, which is adequate to serve the site. The proposed development will connect to the existing sanitary sewer lateral to provide sanitary sewer services to serve the proposed facility. All water and sanitary facilities shall be designed to meet City's design standards.

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. Applicant responded as follows:

No increased traffic is anticipated to be generated by the proposed replacement fire station. The existing sidewalk along Molalla Avenue lies within the subject property boundary. Therefore, right-of-way dedication of 0.5-feet behind the sidewalk will be conveyed to the City of Oregon City. In addition, a 10-foot wide public utility easement (PUE) will be required along the Molalla Avenue frontage. The existing Molalla Avenue fire signal will need to meet current ODOT/County/MUTCD standards. Engineered drawings and documentation will be submitted as part of the development permit showing compliance with current standards.

16. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements

at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the transportation system plan.

Finding: Complies as proposed. The subject site is located on a transit route 99. Though the application was transmitted to Tri-Met, no comments were received.

17. All utility lines shall be placed underground.

Find Finding: Complies as proposed. All utility lines will be placed underground.

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

Finding: Complies as proposed. The applicant indicated that the site includes ADA compliant parking stalls, accessible units as well as pedestrian accessways. Compliance with ADA and accessibility standards will be reviewed upon submittal of a building permit.

19. For a residential development, site layout shall achieve at least eighty percent of the maximum density of the base zone for the net developable area. Net developable area excludes all areas for required right-of-way dedication, land protected from development through Natural Resource or Geologic Hazards protection, and required open space or park dedication.

Finding: Not applicable. There is no residential development planned on site.

20. Screening of Mechanical Equipment:

a. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening.

Finding: Not applicable. No rooftop mechanical equipment are proposed. This standard is not applicable.

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

Finding: Not Applicable. No wall-mounted mechanical equipment or utility meters are proposed on the front facade that faces Molalla Ave.

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: Complies as proposed. The applicant indicated HVAC equipment and utility equipment (Generator, fueling station) will be ground mounted and screened from adjacent properties. Screening will be accomplished utilizing 6'-0" tall enclosure consisting of painted steel structure with perforated metal wall panels. Landscape shrubs will also be placed around the enclosures where adjacent to adjacent properties.

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

Finding: Complies as Proposed. Please refer to the analysis within this report.

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

Finding: Complies as Proposed. The applicant has indicated solar panels will be installed along the south facing surface of the proposed roof monitors.

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.

li. Basalt stone or basalt veneer.

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

iv. Board and baton siding.

v. Other materials subject to approval by the community development director.

vi. Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.

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

Finding: Complies as proposed. The applicant has indicated the proposed fire station exterior facade primary material will be prefinished metal wall panels with accent areas utilizing prefinished metal cladding. Each of the prefinished metal materials are of the highest quality meeting or exceeding industry testing and approval standards for quality and durability. No highly reflective sheet metal is proposed.

EXTERIOR MATERIALS

MP-1 A:
VERTICAL BOX RIBBED METAL PANEL - LIGHT GRAY OR WHITE



EXAMPLE OF RIB PROFILE

MP-1 B: PERFORATED RIBBED METAL PANEL, AT ALL SITE ENCLOSURES



MP-2:
ACCENT VERTICAL BOX RIBBED METAL PANEL - RED



WD-1: WOOD VENEER SOFFIT PANEL

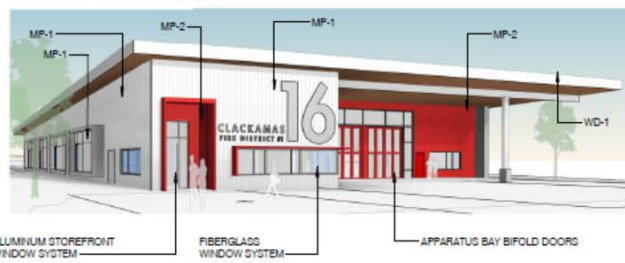


FIBERGLASS AND ALUMINUM STOREFRONT GLAZING



APPARATUS BAY DOORS

BUILDING PERSPECTIVE



b. Prohibited materials. The following materials shall be prohibited in visible locations unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.

i. Vinyl or plywood siding (including T-111 or similar plywood).

ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.

iii. Corrugated fiberglass.

iv. Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).

[v.] Crushed colored rock/crushed tumbled glass.

[vi.] Non-corrugated and highly reflective sheet metal.

Finding: Complies with condition. No prohibited materials are identified within the submittal. The applicant did propose to retain existing chainlink fencing around the perimeter of the site. No new chainlink fencing may be installed. Repairs to existing chainlink fencing is allowed. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

4. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.

Finding: Please refer to variances.

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

Finding: Complies with Condition. The applicant recognizes any conditions of approval imposed will need to be met to allow operation of the permitted conditional use.

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

17.62.055 - Institutional and commercial building standards.

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

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

Finding: Complies as Proposed. The applicant has indicated the proposed fire station is intended to replace the existing fire station that is no longer habitable due to mold and moisture issues. The new fire station is situated approximately in the same area as the existing fire station. Pedestrian access to the site is incorporated to the maximum extent feasible while still maintaining safety and operational requirements of a 24-hour emergency service use. Proposed building articulation, building materials, and landscaping provides a relationship transition from the Urban-to-Sub-Urban-to-Rural developments. The applicant has elected to use materials that are resistant to the wear of intended use of the proposed building as well as the weather elements of Oregon. The chosen materials will help ensure the façade of the building maintains a relationship with the human scale while maintaining functionality into the future.

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.*

Finding: Complies with conditions. The structures comply with the standards in the Oregon City Municipal Code with the conditions of approval.

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

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

Finding: Complies with conditions. The structures comply with the standards in the Oregon City Municipal Code with the conditions of approval.

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

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

Finding: Complies as proposed. The proposal is for one primary building and accessory structures, such as refuse and HVAC enclosures, which are made of the same metal building materials.

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

Finding: Not applicable. A conflict has not arisen.

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 is requesting a variance to this standard. Refer to Site Variance responses provided in Section 17.60.

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 is requesting a variance to this standard. Refer to responses in Section 17.60 – Variance.

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: Complies as proposed. The front façade of the proposed fire station contains an entranceway, architectural articulation, a variety of windows, and building materials and is oriented toward Molalla

Avenue. The applicant has enhanced the primary building entrance clearly defining by an enhanced recessed alcove and full height storefront entry system allowing full transparency. The proposal also includes an enhanced pedestrian plaza and sidewalk system provides a direction connection to the public sidewalk system along Molalla Avenue.

3. Entryways. The primary entranceway for each commercial or retail establishment shall face the major street. The entrance may be recessed behind the property line a maximum of five feet unless a larger setback is approved pursuant to Section 17.62.055.D.1 and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined, highly visible and recessed or framed by a sheltering element including at least four of the following elements, listed below.

- a. Canopies or porticos;*
- b. Overhangs;*
- c. Recesses/projections;*
- d. Arcades;*
- e. Raised corniced parapets over the door;*
- f. Peaked roof forms;*
- g. Arches;*
- h. Outdoor patios;*
- i. Display windows;*
- j. Architectural details such as tile work and moldings which are integrated into the building structure and design;*
- k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.*
- l. Planter boxes and street furniture placed in the right-of-way shall be approved for use according to materials, scale and type.*

Finding: Complies as Proposed/See Variance. The primary building entry faces Molalla Avenue, however the applicant is requesting a variance to this standard as it relates to the placement of the entrance relative to the street. Refer to responses in Section 17.60 – Variance.

The applicant indicated that “The entry is recessed back from the main facade wall plane 4-feet and the roof provides an overhang of 4’-8”. The entry portal is clearly defined by color and a 14-inch deep by 4-inch wide band. Full height (12’-0” tall) storefront entry glazing system offers full transparency”. The design of the entryway includes a recess, canopy on the roof structure, windows, red color architectural detailing, as well as landscaping and nearby bike parking, patio.

4. Where additional stores will be located in the large retail establishment, each such store shall have at least one exterior customer entrance, which shall conform to the same requirements. (Ord. 01-1002 §2, 2001)

Finding: Not Applicable. No retail is proposed.

5. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk. Awnings shall be no longer than a single storefront.

Finding: Not applicable. The applicant has not proposed a trellis, canopy or awning in the public right-of-way.

E. Corner Lots.

For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:

1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.

2. Chamfer the corner of the building (i.e. cut the corner at a forty-five-degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.

Finding: Not Applicable. The site is not a corner lot.

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. Where appropriate, the exterior facade at the ceiling level of new structures shall include banding, a change of materials or relief which responds to the cornice lines and window location of existing buildings that abut new structures.

Finding: Not Applicable. The site is not within a mixed use or neighborhood retail district.

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.

Finding: Complies with Conditions. The proposed development, with the conditions of approval will provide adequate massing to avoid a single, large dominant building mass.

Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with all of the Conditions of Approval.

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.

Finding: Complies as Proposed/See Variance. The tallest portion of the structure is measured at the front entranceway (on the west façade) and is approximately 24 feet in height. With a height to width ratio of 3:1, every 97.5 feet there must be a substantial variation in massing that includes a change in height and projecting or recessed elements.

- North Façade- The face length is 140 feet. The applicant has used windows to break up the massing of the façade and applied for a Variance for the substantial variation on the northern portion of the building.
- East Façade- The façade length is approximately 118 feet and is broke up into three sections and effectively uses recessing of these section to break up the massing of the proposed building.
- South Façade- The face length is approximately 140 feet, the applicant/owner will be installing hedging and fence screening, which will effectively reduce the visible massing along this portion of the building. In addition a significant recess is provided for the front office area.
- West Façade- The façade length is approximately 118 feet and serves as the primary façade facing Molalla Ave. in an effort to reduce the impact of the massing of the building, the front façade uses different colors and significant recessing of the apparatus bay.

Metal ribbed panels incorporated into the roof provide visual relief for the height of the building on each facade.

3. Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect.

Finding: Complies as Proposed. The applicant has indicated the changes in mass reflect the interior space uses and their layout. The public entry is expressed within the mass with a recessed alcove and projected trim. The apparatus bay mass is offset from the public entry wall mass to allow for emergency

vehicle maneuvering and use of the site by emergency vehicles. The wall plane projection along the north facade is integral with the bunk rooms and the wall plane projection along the south facade is integral with the Quarters / Shop area.

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. All facades have incorporated windows, color, texture or variations in massing to avoid a long wall. This standard additionally includes a criteria for walls which face a street or connecting walkway to incorporate two elements. The western (Molalla Avenue) façade is the only façade meeting this criteria. It is approximately 118 foot long front facade is broken down into (2) definable sections. The main entrance wall mass and the apparatus bay wall mass. The main entrance wall mass is approximately 38-feet long and is offset from the front of the apparatus bay wall mass 29-feet. Each section is definable by different window treatments (size and area) and color creating human scale.

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

Finding: Complies as Proposed/See Variance. This standard applies to each of the facades.

- North Façade- The building length is 140 feet, requiring 4.2' of recess/projection ($140 \times 0.03 = 4.2$) for a length of 28' ($140 \times 0.2 = 28$). The applicant has used windows to break up the massing of the façade and applied for a Variance for the substantial variation on the northern portion of the building.
- East Façade- The building length is 118 feet, requiring 4.2' of recess/projection ($118 \times 0.03 = 3.5$) for a length of 28' ($118 \times 0.2 = 23.6$). The façade recesses 32.5' for a distance of 55' in the front of the structure.
- South Façade- The building length is 140 feet, requiring 4.2' of recess/projection ($140 \times 0.03 = 4.2$) for a length of 28' ($140 \times 0.2 = 28$). The façade recesses 76'7" for a distance of 26' 9.5" in the front of the structure.
- West Façade- The building length is 118 feet, requiring 4.2' of recess/projection ($118 \times 0.03 = 3.5$) for a length of 28' ($118 \times 0.2 = 23.6$). The façade recesses 26' 9.5" for a distance of 76'7" in the front of the structure.

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

Finding: Complies as Proposed. The west façade includes a glass door apparatus bay, with a canopy that spans 73% of the primary façade.

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

- a. Color change;*
- b. Texture change;*

c. Material module change.

Finding: Complies as proposed. All facades, contain a repeating pattern of windows and incorporate the metal siding with a repeating vertical ribbed pattern. The east and west facades additionally include a color change with a fire engine red.

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

Finding: Complies as Proposed. The applicant has indicated the front and rear facades have (3) distinct sections; the apparatus bay flanked by program support spaces on the north and south. The north facade proposed projections express architectural bays related to interior living quarters use. The South facade has requested a variance to adjust the standards regulating this portion of the building.

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: Complies as proposed. Each of the facade of the building contains a pattern of metal siding, broken up by windows as well as a distinct roof feature.

1. 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.

Finding: Complies with condition. The applicant has designed the building using windows placed at the human scale and has emphasized the transparency along the west (front) side of the proposed building. The proposed transparency is as follows:

Façade	Façade Length	Min. Transparency Req'd.	Transparency Proposed
Front (West)	118'	60%	83'-7" (71%)
Rear (East)	118'	0%	68'-7" (58%)
Side (North)	140'	30%	42'-0" (30%)
Side (South)	140'	30%	57'-4" (41%)

The applicant did not indicate if reflective, glazed, mirrored or tinted glass is proposed. 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.

Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with all of the Conditions of Approval.

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: Not applicable. The proposed building does not include any false windows or doors.

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.

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

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

Finding: Complies as proposed. The proposed building meets the standards of the section with a sloped roof delineated by a metal band.

K. Drive-through facilities shall:

1. Be located at the side or rear of the building.

2. Be designed to maximize queue storage on site.

Finding: Not applicable. The proposal does not include a drive thru.

17.62.056 - Additional standards for large retail establishments.

Finding: Not Applicable. No retail has been proposed.

17.62.057 - Multi-family standards.

Finding: Not Applicable. No multi-family has been proposed.

17.62.059 - Cottage housing.

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

17.62.065 - Outdoor lighting.

B. Applicability.

1. General.

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

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

Finding: Applies. The proposed fire station requires compliance with this section.

2. Lighting Plan Requirement.

All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan must be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.

Finding: Complies as proposed. The applicant submitted a photometric plan indicating proposed lighting levels in foot-candles along with manufacturer specification sheets for each of the lighting features to be installed on the site.

3. Excepted Lighting.

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

- a. Residential lighting for single-family attached and detached homes, and duplexes.*
- b. Public street and right-of-way lighting.*
- c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.*
- d. Temporary lighting for emergency or nighttime work and construction.*
- e. Temporary lighting for theatrical, television, and performance areas, or for special public events.*
- f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.*
- g. Lighting required and regulated by the Federal Aviation Administration.*

Finding: Not applicable. None of the proposed lighting is exempt lighting.

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

Finding: Complies as Proposed. The applicant has indicated the lighting will meet the operation and security needs of the proposed fire station without adversely affecting the surrounding properties

D. Design and Illumination Standards.

General Outdoor Lighting Standard and Glare Prohibition.

1. Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line. In no case shall exterior lighting add more than 0.5 footcandle to illumination levels at any point off-site. Exterior lighting is not required except for purposes of public safety. However, if installed, all exterior lighting shall meet the following design standards:

Finding: Complies as proposed. The development application included a photometric plan which demonstrated compliance with this standard. The on-site lighting is no more than 0.5 foot-candles at the property line.

2. Any light source or lamp that emits more than nine hundred lumens (thirteen watt compact fluorescent or sixty watt incandescent) shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property. All fixtures shall utilize one of the following bulb types: metal halide, induction lamp, compact fluorescent, incandescent (including tungsten-halogen), or high pressure sodium with a color rendering index above seventy.

Finding: Complies as Proposed. The applicant has indicated that all exterior lighting will be LED fixtures to meet the Oregon Path to Net Zero. The equivalent wattages is less than this standard above. LED is an acceptable alternative to the bulb types identified above.

3. The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger

than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.

Finding: Complies as proposed. The maximum height will not exceed 25 feet.

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 provided a lighting plan with no more than 0.5 foot-candles at the abutting property, and a minimum of 3 foot-candles at the building entranceways and bicycle parking. However, the plan did not provide calculations for the pedestrian walkways. Prior to issuance of a building permit the applicant shall provide a photometric plan demonstrating compliance with Table 1-17.62.065 for pedestrian accessways. **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: Complies as Proposed. The applicant has indicated the main building entrance, parking lot, and building operational use areas will be illuminated to meet all functional needs for emergency services and safe circulation. Pedestrian level lighting will be utilized at the pedestrian plaza and walkway connection to the main building entrance to illuminate the ground surface.

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 has provided a lighting plan which did not provide calculations for the pedestrian walkways. Prior to issuance of a building permit the applicant shall provide a photometric plan demonstrating compliance with Table 1-17.62.065 for pedestrian accessways. **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. An off-site pedestrian accessway is not proposed.

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 have been 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: Complies as Proposed. The applicant has indicated all lights will be recessed

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 development application included the style of all lighting fixtures, which were commercial in nature.

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

Finding: Complies as Proposed. The applicant has provided a lighting plan demonstrating no more than 0.5 foot-candles at the abutting property

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

Finding: Complies as Proposed. The applicant has indicated the proposed fire station is a 24-hour emergency service use. Light fixtures related to security and emergency response services will remain on during operating hours. All nonsecurity and non-emergency service related light fixtures will either be turned off or placed on motion sensors.

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: Complies as Proposed. The applicant has indicated the proposed lighting for illuminating the flagpole will utilize a LED light integrated into the flagpole top finial ball. The LED fixture will provide a narrow cone beam of light down on the flag. This will eliminate light trespass into the sky and beyond the subject property.

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

Finding: Complies as Proposed. The applicant has indicated upward directional lighting of the proposed monument sign will direct light up onto the sign and not above the building roofline. The approximate height of the monument sign is 5- feet above finish grade.

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

Finding: Complies as Proposed. No flickering or flashing has been proposed.

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

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

17. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:

i. Maximum permitted light post height: eighty feet.

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

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

17.62.080 - Special development standards along transit streets.

B. Applicability. Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.

Finding: Applicable. The proposed application includes construction adjacent to Molalla Avenue, which has service by Tri-Met.

C. Development Standards.

1. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.

Finding: Complies as Proposed. The front façade of the structure is oriented toward Molalla Ave. and a pedestrian walkway will connect the main façade of the proposed building with Molalla Ave.

a. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.

Finding: Not Applicable. The site only abuts one transit street.

b. For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.

Finding: Not Applicable. The proposed building does not exceed 300 feet.

2. Main building entrances shall be well lighted and visible from the transit street. The minimum lighting level for building entries shall be three foot-candles. Lighting shall be a pedestrian scale with the source light shielded to reduce glare.

Finding: Complies as Proposed. The main building entrance will be illuminated more than 3 foot-candles and visible from Molalla Avenue.

3. In the event a requirement of this section conflicts with other requirements in [Title 17](#), the requirements of this section shall control.

Finding: Not applicable. No conflicts have arisen.

D. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection C. of this section:

1. Heavy equipment sales;

2. Motor vehicle service stations, including convenience stores associated therewith;

3. Solid waste transfer stations; and

4. Truck stops, including convenience stores, eating or drinking establishments, overnight accommodations or other similar services associated therewith. A use found by the community development director to be similar to the exempt uses above.

Finding: Not Applicable. No exemption have been requested.

17.62.085 - Refuse and recycling standards for commercial, industrial, and multi-family developments.

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

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

Finding: Complies as proposed. A refuse and recycling area is proposed in the rear of the structure and designed to accommodate the needs of the proposed fire station based on full occupancy. The refuse and recycling area will be enclosed with a painted steel structure with perforated metal panels and is located in a manner to be easily accessible by the collection agency. The surface of the refuse and recycling area will be concrete and graded to discharge water runoff.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.015 - Planning commission adjustment of parking standards.

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

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

C. Approval criteria for the adjustment are as follows:

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

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

a. For the purposes of demonstrating the availability of on street parking as defined in [Section] 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the community development director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the community development director.

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

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

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

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

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

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

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

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

17.52.020 - Number of automobile spaces required.

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

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

Finding: Not Applicable. The proposed use is for an Emergency Service (Fire Station), a use not listed.

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.*

Finding: Complies as proposed. The City of Oregon City does not have parking standards for a fire station, so the applicant has submitted a parking calculation standard based upon the requirements of the City of Salem.

Table 806-1: Minimum Off-Street Parking		
Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications
Public Safety		
Emergency Services	1 per employee, plus 1 additional space per ambulance	Applicable to ambulance stations.
	1 per 500 sq. ft.	Applicable to all other Emergency Services.

(d) Maximum Off-Street Parking. Unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2.

**TABLE 806-2
MAXIMUM OFF-STREET PARKING**

Table 806-2: Maximum Off-Street Parking	
Minimum Number of Off-Street Parking Spaces Required (From Table 806-1)	Maximum Number of Off-Street Parking Spaces Allowed
20 Spaces or Less	2.5 times minimum number of spaces required.
More than 20 Spaces	1.75 times minimum number of spaces required.

The total square footage is 12,300 square feet, which includes 4,200 square feet of apparatus bay (fire trucks). In calculating the minimum and maximum parking for the proposed fire station, the apparatus bay square footage was not included. The following table summarizes the proposed off-street parking.

Area (Square feet)	Minimum Required	Maximum Allowed	Proposed
8,100	16	40	22

The proposed number of parking spaces provide the fire station the exact amount of spaces needed to serve the limited public use and most importantly, each shift for staff and emergency services.

The City allows for an applicant to submit a detail on parking standards if the standards for a use (or similar use) are not listed within the Oregon City Municipal Code. The proposed standard appears to be sufficient.

3. Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

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

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

Finding: Complies as proposed. The application indicated that parking spaces will be provided for the use employees and public users to the site.

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

Finding: Not applicable. The proposed site is within the General Commercial District.

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

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

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

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

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

- 1. Parallel parking, each [twenty-two] feet of uninterrupted and available curb;*
- 2. [Forty-five/sixty] degree diagonal, each with [fifteen] feet of curb;*
- 3. Ninety degree (perpendicular) parking, each with [twelve] feet of curb.*

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

Finding: Not applicable. The applicant did not propose any of the options provided in this section. All parking stalls are accommodated onsite.

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

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

2. Reduction in Parking for Tree Preservation. The community development director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a regulated tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition. The amount of reduction must take into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be approved by the community development director. This reduction is discretionary.

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

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

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

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

17.52.030 - Standards for automobile parking.

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

Finding: Complies as proposed. The existing ingress and egress driveway along Molalla Avenue meets all maneuvering standards and does not have a slope greater than 15%.

B. Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff

and improve water quality pursuant to the city's stormwater and low impact development design standards are encouraged.

Finding: Complies as proposed. All proposed off-street parking spaces and access aisles will be paved with asphalt/concrete.

C. Drainage. Drainage shall be designed in accordance with the requirements of Chapter 13.12 and the city public works stormwater and grading design standards.

Finding: See finding from Chapter 13.12 of this report.

D. Dimensional Standards.

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

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

PARKING

STANDARD

PARKING ANGLE SPACE DIMENSIONS

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

Finding: Complies as Proposed. The proposed parking meets the 90 degree standard stall size, with exception of the ADA stall.

E. Carpool and Vanpool Parking. New developments with seventy-five or more parking spaces, and new hospitals, government offices, group homes, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

Finding: Not applicable. The number of proposed spaces is under 75.

17.52.040 - Bicycle parking standards.

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

Finding: Complies as Proposed. The bicycle standard applies to the proposed fire station.

B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the community development director, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in Section 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

TABLE A Required Bicycle Parking Spaces*

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

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

Finding: Complies as Proposed. The City of Oregon City does not have standard for bicycle parking at a fire station. The applicant has use standards set forth by the City of Salem, which states:

Table 806-8: Minimum Bicycle Parking		
Public Safety		
Emergency Services	None	Applicable to ambulance stations.
	1 per 5,000 sq. ft.	Applicable to all other Emergency Services.

The total square footage is 12,300 square feet, which includes 4,200 square feet of apparatus bay (fire trucks). In calculating the minimum and maximum bicycle parking for the proposed fire station, the apparatus bay square footage was not included. The following table summarizes the proposed off-street parking.

Area (Square Feet)	Minimum Required	Proposed
8,100	2	2

Staff has determined that the calculation provided by the applicant is sufficient.

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

Finding: Complies as proposed. The development proposal included the design of steel bicycle racks bolted to the ground and designed to hold two bicycles, in front of the fire station.



D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure or a stationary rack to which the bicycle can be locked. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue inconvenience.

Finding: Complies as Proposed. The bike rack will be a stationary rack, bolted to the ground.

Location of Bicycle Parking:

1. *Bicycle parking shall be located on-site, in one or more convenient, secure and accessible location. The city engineer and the community development Director may permit the bicycle parking to be provided within the right-of-way provided adequate clear zone and ADA requirements are met. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings. If a building has two or more main building entrances, the review authority may require bicycle parking to be distributed to serve all main building entrances, as it deems appropriate.*

Finding: Complies as Proposed. The bike rack is proposed in front of the main entrance to the fire station.

2. *Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign must be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space unless approved by the community development director.*

Finding: Complies as proposed. The applicant has indicated two bicycle parking spaces will be provided along the scored concrete pedestrian walkway adjacent to the public parking stalls. This location is plainly visible from Molalla Avenue.

3. *All bicycle parking areas shall be located to avoid conflicts with pedestrian and motor vehicle movement.*

a. *Bicycle parking areas shall be separated from motor vehicle parking and maneuvering areas and from arterial streets by a barrier or a minimum of five feet.*

b. *Bicycle parking areas shall not obstruct pedestrian walkways; provided, however, that the review authority may allow bicycle parking in the right-of-way where this does not conflict with pedestrian accessibility.*

Finding: Complies as Proposed. The applicant has indicated the proposed bicycle parking area is separated from the vehicle parking drive aisle a distance of 5'-0" and the public parking space by a 5'-0" wide landscape bed. The bicycle parking area does not obstruct the pedestrian walkways.

17.52.040.D.4. Accessibility.

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

Finding: Complies as proposed. All of the bicycle parking locations are adjacent to pedestrian accessway which are connected to the main building entrances.

17.52.060 - Parking lot landscaping.

A. Development Standards.

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

Finding: Complies as proposed. The proposed landscaping is distributed throughout the site.

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

Finding: Complies with condition. A majority of the areas in a parking lot not used for parking, maneuvering, or circulation are landscaped with a mix of trees, shrubs, and lawn cover. However, the applicant proposed mexican beach pebble in the perimeter parking lot landscaping to the south of the drive aisle leading to the apparatus bays. Prior to issuance of a permit for the site the applicant shall submit a revised landscaping plan replacing the Mexican beach pebble with landscaping in compliance with OCMC 17.52. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

3. *Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade.*

Finding: Complies as proposed. The landscape plan includes a mix of deciduous and coniferous trees spread throughout the parking lot, including paperbark maple, princeton sentry ginko, and edith brgue magnolia.

4. *Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List;*

Finding: Complies with condition. The proposal induces 3" caliper princeton sentry ginko, and edith brgue magnolia, but the paperbark maple is identified as 7' in height. The applicant shall provide a revised landscaping plan demonstrating that the paperbark maple trees will be planted at a minimum of 2 inches in caliper. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

5. *Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the community development director, that can demonstrate adequate maintenance;*

Finding: Complies as proposed. The applicant has indicated all planting areas shall be irrigated with a permanent below-ground automatic irrigation system providing 100% head-to-head spray coverage or 100% coverage with a subsurface drip irrigation system.

6. *All plant materials, including trees, shrubbery and ground cover should be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City Native Plant List are strongly encouraged and species found on the Oregon City Nuisance Plant List are prohibited.*

Finding: Complies as proposed. The applicant has indicated a variety of plants comprised of a mix of vertical and horizontal elements which include trees, shrubs, and groundcovers have been selected that are hardy to the Pacific Northwest and low maintenance. Plants are spaced so that 100% of the Landscape area will be covered within 3 years. The applicant has provided a landscaping plan to illustrate the distribution of onsite vegetation.

7. *The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of [Chapter 10.32, Traffic Sight Obstructions](#).*

Finding: Complies as Proposed. A mix of shrubs and groundcovers will be selected so as to not inhibit safe traffic operation or obstruct traffic sight lines.

On May 10, 2017, the Planning division received a comment from John Replinger, the City's Traffic Engineering Consultant, who said not transportation analysis was necessary.

8. *Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.*

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

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

1. *The perimeter parking lot are[a] shall include:*

a. Trees spaced a maximum of thirty-five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;

Finding: Complies with condition. The landscaping plan includes perimeter parking lot landscaping between the parking lot and the right-of-way and adjoining properties. Landscape buffers along the perimeter of the parking lot areas meet or exceed the 5-foot minimum. The applicant has provided a landscaping plan denoting the types of vegetation proposed on the site. The proposed landscaping plan appears to need an additional perimeter parking lot landscaping tree north of the pedestrian accessway which crosses the drive aisle and well as an additional tree(s) on the southern portion of the perimeter parking lot landscaping at the front of the site, particularly located adjacent to the right-of-way on the southern portion of the entryway. Prior to issuance of a building permit for the site, the applicant shall provide a revised landscaping plan including an additional tree within the perimeter parking lot landscaping north of the pedestrian crossing as well as trees spaced a maximum of 35 feet apart in front of the structure on the southern portion of the perimeter parking lot landscaping (with a tree at the entryway). **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

b. Ground cover, such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and

Finding: Complies with condition. The applicant has indicated a variety of plants comprised of a mix of vertical and horizontal elements which include trees, shrubs, and groundcovers have been selected that are hardy to the Pacific Northwest and low maintenance. Plants are spaced so that 100% of the Landscape area will be covered within 3 years. The applicant has provided a landscaping plan to illustrate the distribution of onsite vegetation. However, the applicant proposed mexican beach pebble in the perimeter parking lot landscaping to the south of the drive aisle leading to the apparatus bays. Prior to issuance of a permit for the site the applicant shall submit a revised landscaping plan replacing the Mexican beach pebble with landscaping in compliance with OCMC 17.52. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

c. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.

Finding: Complies as proposed. The landscaping plan includes shrubs in the required locations, but the plan does not identify the height of the hedge at time of planting, or that the hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. However, the written narrative demonstrated compliance with this standard.

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

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

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

b. Ground cover such as wild flowers, spaced a maximum of sixteen-inches on center covering one hundred percent

of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and

- c. An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or*
- 2. Seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells.*

Finding: Please refer to the alternative landscaping section below. The applicant proposed onsite stormwater swales in the location of the parking area/building buffer. The size of the landscaping area complies with this standard but the landscaping is evaluated against the criteria in the stormwater manual.

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

Finding: Complies as proposed. The applicant indicated that 1,013 square feet of the parking lot is landscaped, equal to 10%. Per Chapter 17.32.050.G, the interior parking lot landscaping may be counted toward the overall landscaping.

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

Finding: Complies as Proposed. The site plan includes 22 parking stalls requiring 4 trees within the interior parking lot landscaping ($22/4=3.6$). The landscaping plan provided by the applicant illustrates 5 trees within the interior parking lot landscaping.

- b. Ground cover, such as wild flowers, spaced a maximum of sixteen-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.*

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

Finding: Please refer to the alternative landscaping section below. The applicant proposed onsite stormwater swales in the location of the interior parking lot landscaping. The within this area is evaluated against the criteria in the stormwater manual.

- d. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.*

Finding: Complies as Proposed. Proposed parking spaces do not exceed more than 7 contiguous parking spaces and are provided with landscape strips 6-feet in width.

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

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

Finding: Not applicable. No pedestrian accessways are proposed in the parking lot.

E. Installation.

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

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

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

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

17.52.070 - Alternative landscaping plan.

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

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

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

Finding: Complies as proposed. The applicant proposed onsite stormwater swales in the location of the parking area/building buffer and in the interior parking lot landscaping. The size of the landscaping area complies with this standard but the landscaping is evaluated against the criteria in the stormwater manual.

17.52.080 - Maintenance.

The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of the site including but not limited to the off-street parking and loading spaces, bicycle parking and all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:

- a. It will not interfere with the maintenance or repair of any public utility;
- b. It will not restrict pedestrian or vehicular access; and
- c. It will not constitute a traffic hazard due to reduced visibility.

Finding: Complies as Proposed. The property owner acknowledges responsibility for the maintenance of the site.

17.52.090 - Loading areas.

B. Applicability.

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

Finding: Not Applicable. No delivery services to the site are proposed.

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. An Emergency Service Facility (police and fire) is identified as a Conditional use in the underlying C – General Commercial District. When the fire station was built (Unknown year), the current zoning codes were not in place. The existing fire station is considered a legal non-conforming use. Therefore, the proposed demolition and fire station replacement has triggered a review of the current zoning status and compliance with the requirement for a conditional use permit, site and design review, and variance.

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 with Conditions. The site is flat with virtually no overlays, there is a small portion of the NROD that crosses onto the site, but the portion of the site the overlay touches is on the Molalla Ave. sidewalk abutting the site. No changes have been proposed to the Molalla Ave. sidewalk.

There is a fire station currently existing on the site, however the fire station is currently unused due to an unsafe condition with the building. The existing driveway has a large curb cut leading out onto Molalla Ave. No changes have been proposed between access to the site and Molalla Ave.

Emergency Services are a Conditional Use in all zones, this site serves an emergency services facility well by providing quick access onto an arterial street, nearby Highway 213, and convenient access to the central southeastern portion of the City. The location serves the community by providing a distributed fire department to adequately serve all areas of the community in a timely manner.

The proposed building will comply with the Oregon City Municipal Code with the conditions of approval.

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

17.56.010.A.3. Development shall demonstrate compliance with Chapter 12.04, Streets, Sidewalks and Public Places;

Finding:. Please see section 12.04 for analysis.

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;

Findings: Complies as Proposed. The proposed development will not substantially limit, impair or preclude the use of surrounding properties because the proposed fire station is a replacement of the existing fire station onsite. The proposed fire station is comparable in size, height, placement, and thus impact as the existing facility.

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:

Goal 1.1 Citizen Involvement Program Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decision making process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.

Policy 1.1.1 - Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.

Policy 1.2.1 - Encourage citizens to participate in appropriate government functions and land-use planning.

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

Finding: Complies as proposed. The applicant met with the neighborhood association prior to submittal of a complete application. Furthermore, the application was posted on the City's website, posted in a local newspaper and signs were posted on the subject site informing the public. In addition, notice of the proposal was mailed to all property owners within 300 feet of the site and emailed to a variety of agencies, as well as each Citizen Involvement Committee member and each neighborhood association chair. Each of the notifications informed the public of the proposal and invited applicants to comment on the proposal. Lastly, the agenda for each Planning Commission hearing is posted at a variety of City facilities and emailed to the public.

Goal 2.4 Neighborhood Livability - *Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.*

Finding: Complies as proposed. The proposal replaces an existing fire station with a new station of comparable size. The location of the fire station supports sufficient fire department services throughout the City and adjacent county. The fire station supports the community with public restrooms.

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. The proposed fire station provides a location to serve all members of the public. The glass doors on the fire station provide an opportunity for the public to look into the station and see the fire engines, thus contributing to the uniqueness of the neighborhood.

Goal 6.3 Nightlighting *Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while providing for nightlighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, to reduce light trespass onto neighboring properties, to conserve energy, and to reduce light pollution via use of night-friendly lighting.*

Policy 6.3.1 - *Minimize light pollution and reduce glare from reaching the sky and trespassing onto adjacent properties.*

Finding: Complies as proposed. The development submitted a photometric plan which demonstrated that no more than 0.5 foot-candles would be cast on adjacent properties.

Policy 6.3.2 - *Encourage new developments to provide even and energy-efficient lighting that ensures safety and discourages vandalism. Encourage existing developments to retrofit when feasible.*

Finding: Complies as proposed. The applicant proposed LED lighting.

Goal 6.4 Noise - *Prevent excessive noise that may jeopardize the health, welfare, and safety of the citizens or degrade the quality of life.*

Policy 6.4.1 - *Provide for noise abatement features such as sound-walls, soil berms, vegetation, and setbacks, to buffer neighborhoods from vehicular noise and industrial uses.*

Finding: Complies as proposed. As the proposed fire station is replacing an existing station in the same location, the noise would not be increased with the development.

Policy 11.1.4 - Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.

Finding: Complies as proposed. The fire station is proposed to be located on a major arterial street to provide optimal access to serve the public.

Policy 11.4.3 - Ensure parking lot designs that mitigate stormwater impacts. Take measures to reduce waterflow and increase water absorption through the use of bioswales, vegetated landscaped islands with curb cuts to allow water inflow, and tree planting.

Policy 11.4.5 - Design stormwater facilities to discharge surfacewater at pre-development rates and enhance stormwater quality in accordance with criteria in City of Oregon City Public Works Stormwater and Grading Design Standards.

Finding: Complies as proposed. The proposal includes installation of multiple stormwater facilities throughout the site.

Goal 14.2 Orderly Redevelopment of Existing City Areas- Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.

Finding: Complies as proposed. The applicant is proposing to redevelopment of an existing site within the urban growth boundary and on a major roadway within the City.

Policy 14.2.1 - Maximize public investment in existing public facilities and services by encouraging redevelopment as appropriate.

Finding: Complies as proposed. The applicant is proposing to redevelopment of an existing site within the urban growth boundary and on a major roadway within the City.

Policy 14.2.2 - Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.

Finding: Complies as proposed. The applicant is proposing to redevelopment of an existing site served by public facilities. The proposed redevelopment is requesting variances to better accommodate the building on the site in relationship to how the site is going to be used.

Policy 14.3.1 - Maximize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.

Finding: Complies as proposed. The applicant is proposing to redevelopment of an existing site served by public facilities.

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: Complies with Conditions. Staff recommends conditions of approval described in this report.

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

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: Please refer to the analyses within this report.

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. The fire station on this parcel was established prior to the current zoning code and a Conditional Use was not previously identified for the site. The applicant submitted this conditional use application..

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. Clackamas Fire District #1 has not identified future expansion of the proposed fire station.

17.56.020 - Permit—Application.

A. A property owner or authorized agent shall initiate a request for a conditional use by filing an application with the city recorder. The applicant shall submit a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The application shall be accompanied by the filing fee listed in Section 17.50.[0]80 to defray the costs of publication, investigation and processing.

Finding: Complies as Proposed. Clackamas Fire District #1 initiated the request for a conditional use by filing the appropriate land use application, including site plan and filing fees.

B. Before the planning commission may act on a conditional use application, it shall hold a public hearing thereon, following procedure as established in Chapter 17.50.

Finding: Complies as Proposed. The application is being processed as a Type III land use review process, including public notices, and a public hearing before the Oregon City Planning Commission.

17.56.025 - Minor modifications to legal conditional uses.

Minor modifications to an approved conditional use permit may be permitted. If permitted, the modification shall be reviewed as a minor site plan and design review. A minor modification to an approved conditional use permit is considered one of the following:

Finding: Not Applicable. No major modification to a conditional use is proposed.

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. The site is not within 50 feet of a residential zone. The site is adjacent to the General Commercial and General Industrial Districts.

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: Please refer to the analysis in 12.04 of this report.

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 or required 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: Not Applicable. The applicant has not proposed a school use.

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. The applicant has not proposed a helicopter landing facility with this development.

17.56.040.F Residential Care Facilities.

1. In addition to the general provisions of Section 17.56.020, any application shall include a description of the proposed use, including the number of residents and the nature of the condition or circumstances for which care, or a planned treatment or training program will be provided, the number of staff and the estimated length of stay per resident and the name of the agency responsible for regulating or sponsoring the use.

Finding: Not Applicable. The applicant has not proposed a resident care facility.

17.56.040.G Bed and Breakfast Inns.

Finding: Not Applicable. The proposed use is for an Emergency Service Facility

17.56.060 Revocation of conditional use permits.

The Planning Commission or the City Commission may initiate administrative action under Chapter 17.50 to revoke any conditional use permit previously issued by the city or, with regard to lands annexed by the city, those such permits issued by the county. The Planning Commission or, on review, the City Commission, may revoke such permit upon determining:

*A. One or more conditions attached to the grant of the conditional use permit have not been fulfilled;
and*

Finding: Not Applicable. The applicant has applied for a new Conditional Use permit. An existing Conditional Use could not be identified.

B. The unfulfilled condition is substantially related to the issuance of the conditional use permit.

Finding: Not Applicable. The applicant has applied for a new Conditional Use permit.

17.56.070 Periodic review of conditional use permits.

A. The City Commission may provide for the periodic review of some or all of the conditional use permits previously issued by the city, or, with regard to lands annexed by the city, those such permits issued by the county. In providing for such review, the City Commission may designate classes of such previously issued permits for which periodic review shall be undertaken.

B. Such review shall be accomplished as an administrative action under Chapter 17.50 and shall be limited to the question of whether additional conditions should be imposed on a conditional use in the light of changing circumstances and more efficient implementation of the city's comprehensive plan.

C. Notwithstanding the provisions of Chapter 17.58, any additional conditions shall be met as a requirement for continued operation of the conditional use.

Finding: Not applicable. This is a new application for conditional use approval and the applicant has indicated they recognize any conditions that may be placed on the proposed development through the review process.

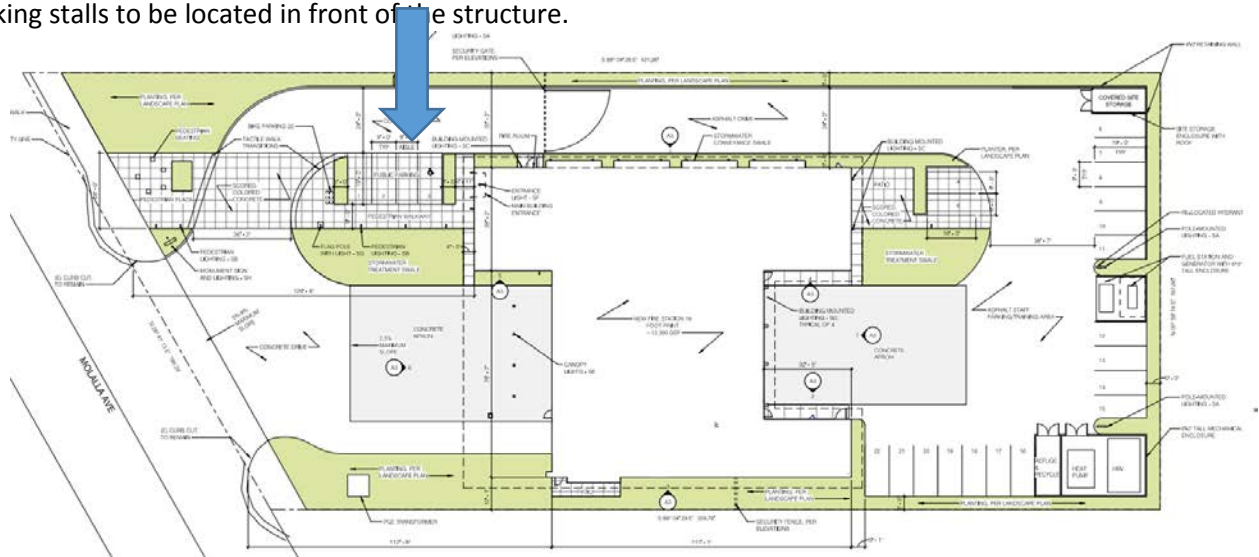
CHAPTER 17.60 - VARIANCE

17.60.030 – Variance - Grounds.

The applicant has submitted the following request for variances:

Variance related to Site Design/Configuration.

Variance to allow the building to be setback from the Molalla Avenue frontage, and allowance of three (3) parking stalls to be located in front of the structure.



Variances to the following criteria are proposed:

- OCMC 17.62.050.A.2.a. Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.
- OCMC 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.
- OCMC 17.62.055.C.5. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of Section 17.62.055D. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line unless a greater setback is accepted under the provisions of Section 17.62.055D.
- OCMC 17.62.055.D.1. Buildings shall be placed no farther than five feet from the front property line. A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:

- OCMC 17.62.055.G.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. – North façade
The proposed design does not include a substantial variation in massing.
- OCMC 17.62.055.H.2. Facades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least twenty percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred horizontal feet. – North facade
The building length along the north facade of the proposed fire station is 140 feet, requiring 4.2' of recess/projection ($140 \times 0.03 = 4.2$) for a length of 28' ($140 \times 0.2 = 28$). The applicant is requesting a variance to the 3% depth of the required projections.
- OCMC 17.62.050.A.21.c.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).
The proposed fire station has been designed with metal siding in a vertical orientation and will have standard trim and moldings. The metal siding will have a highly durable prefinished color. The applicant indicated that base of the metal siding will be set-up off the adjacent grade a minimum of 6-inches with the foundation wall acting as a durable material adjacent to landscape and pedestrian hardscape surfaces.

Variances - Grounds

17.60.030. 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 requested site variances will not impact adjacent properties by reducing light, air, safe access or other desirable or necessary qualities. The current and propose use of the site will remain an emergency use service (Fire Station). Each of the proposed site elements incorporated into the site provide the desirable and necessary qualities promoting design and neighborhood livability. Additionally there are no surround residential uses that will be adversely impact due to the reconstruction of the site.

Variance related to Site Design/Configuration.

The existing structure is proposed in approximately the same location as the existing structure, setback from the Molalla Avenue right-of-way. The configuration allows safe operational requirements of the 24-hour emergency response to remain intact and provide both efficient and safe vehicular site circulation. The adjoining properties would have no increase in reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title.

Variance related to Building Design.

The lack of modulation on the northern façade of the structure will not negatively affect the adjoining post office, as the façade is setback from the property line by two landscaping strips, a drive aisle, and a fence. In addition, the subject site is lower in elevation.

The lack of stone at the base of the proposed building material will also not cause harm, as the structure is proposed in the middle of the property and the base of the structure is visually blocked by landscaping. Additionally the metal will be finished and there will not be any unfinished highly reflective surfaces. One of the reason the Clackamas Fire Department is looking to construct a new building is because the previous building was contaminated by mold.

The newly proposed building materials will be more resistant to environmental factors, as well as, be able to withstand the day to day use of the Fire Department.

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

Finding: Complies as Proposed.

Variance related to Site Design/Configuration.

The variance request to the building setback distance and public parking location is the minimum variance feasible to maintain current emergency operational requirements. Placing the building at the specified 5' setback distance would cause the fire station to be removed from its current location and greatly impact life safety operational requirements for fire apparatus to safely and efficiently travel to a scene of an emergency. While locating the public parking to the rear of the building would jeopardize the security and safety of the fire fighters. Additionally locating the primary building further back on the parcel would allow the fire apparatus more time to assess the road condition prior to leaving the site. The applicant has proposed to install a large public walkway to and from the building and incorporate benches in the public walking area.

The off-street parking area for the public is proposed to be in front of the building. The parking area will accommodate (3) parking spaces, which includes an accessible parking space. The off-street parking area for the staff will be located behind the building. Onsite circulation keeps the emergency response vehicular traffic separate from the public vehicular traffic as much as possible to ensure safe site circulation and secured staff parking and training area. Locating the public parking area to behind the fire station would greatly burden the safety and security of the firefighters. The proposed site plan is designed to provide a safe environment for access to and from the public way for pedestrians and automobiles, while offering appropriate opportunities for privacy and security transitions from public to private spaces/areas. The parking area in front of the building is designed to blend into the public plaza walk as much as possible.

The subject property frontage is approximately 186 feet in length and runs north-south at an obtuse angle from the south property line. The proposed building is oriented perpendicular to the street lot line, thus creating varying setback distances from 112', 126', and 148' along the street frontage. The proposed building front facing facade is 114'-7" wide. The south end (apparatus bay), 67% of this facade is setback between 112' and 126' from the front property, matching the existing fire station setback distance. The north end (Public Entry) of this facade is setback is setback between 126' and 148' from the front property line. In comparison, the existing fire station north end is setback between 147'-0" and 164'-0", thus moving the building closer to the street frontage by an average of 18'-0".

Due to existing site configuration and operational requirements of the 24-hour emergency response, the proposed fire station is set as close as possible to the front property line to maintain operational and emergency response requirements. Each of the fire apparatus vehicles need to be able to utilize the full maneuvering area between the apparatus bay exterior wall and the street to; 1) traverse in a safe and responsive way for emergency responses; 2) Response and turn-out times require fire apparatus vehicles, including a 65-foot ladder truck to fully exit the apparatus bay, stop and then exit out onto Molalla Avenue; 3) The maximum slope the apron can be in in front of the apparatus bay for fire apparatus vehicle maneuvering is 2.5%.

According to the applicant, placing the fire station any closer to the front property line, would greatly jeopardize maneuverability, emergency responses, and generate extensive site grade cuts creating an expenditure that is cost prohibitive.

Variance related to Building Design.

The second variance is requesting a variance to the overall building design of proposed fire station. Those design variances include:

A change to the façade articulation along the north façade.

The portion of the building will have limited visibility from the public right of way. The applicant has proposed a gate that would limit access into the portion of the site where the proposed articulation has been designed. The only time the public will be able to see this portion of the building would be while the gate is open for the fire apparatus vehicle.

The applicant has used windows to break up the massing of the façade and applied for a Variance for the substantial variation on the northern portion of the building. Adjacent to the north facade is an on-site storm treatment/retention swale (which is the required landscaping buffer between the building and the drive aisle) and the main internal driveway aisle used by the fire apparatus and staff vehicles. To minimize the impact the projections would have on the storm treatment/retention swale and driveway aisle, the proposed projection depths are set at a depth of 2'-8". The total length of the proposed projections exceeds the minimum by 40% (83'-0") and have been placed to coincide with the interior bunk rooms.

The proposed fire station has been designed with metal siding in a vertical orientation and will have standard trim and moldings. The metal siding will have a highly durable prefinished color. The applicant indicated that base of the metal siding will be set-up off the adjacent grade a minimum of 6-inches with the foundation wall acting as a durable material adjacent to landscape and pedestrian hardscape surfaces.

The lack of stone at the base of the proposed building material will also not cause harm, as the structure is proposed in the middle of the property and the base of the structure is visually blocked by landscaping. Additionally the metal will be finished and there will not be any unfinished highly reflective surfaces. One of the reason the Clackamas Fire Department is looking to construct a new building is because the previous building was contaminated by mold. The newly proposed building materials will be more resistant to environmental factors, as well as, be able to withstand the day to day use of the Fire Department.

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

Finding: Complies as Proposed.

Variance related to Site Design/Configuration.

The applicant has indicated the purpose of the 5-foot setback maximum and off-street parking placement is to ensure that building placement supports convenient and safe pedestrian access from public streets, and promotes architectural interest and human scale to the street facing facade. As noted above, the proposed site plan configuration is designed to maintain current operational requirements of the 24-hour emergency response while also upholding the utmost safe environment for access to and from the public way for pedestrians and automobiles, while offering appropriate opportunities for privacy and security transitions from public to private spaces/areas. Both the public parking area, pedestrian amenities, and landscape enhancements are meeting the intent of the ordinance.

Additionally, the applicant has demonstrated they are willing to install oversized pedestrian connectivity to compensate for the inconsistency in the design. The increased setback will allow for more fire apparatus maneuverability when responding to an emergency. Granting the variance will allow the proposed development to be rebuilt approximately where the existing building stands today. In replacing the building in its approximate location will not further remove the context of the newly proposed building from the rest of the neighborhood. Directly to the north of the site is the USPS facility, which is approximately 100 feet from the Molalla Ave. right of way at the buildings closest point and approximately 180 feet away from the Molalla Ave. right of way at the furthest point.

The applicant has proposed some variation in the walk, but not as much as the code requires.

Variance related to Building Design.

The second variance is requesting a variance to the overall building design of proposed fire station. Those design variances include:

A change to the façade articulation along the north façade.

The portion of the building will have limited visibility from the public right of way. The applicant has proposed a gate that would limit access into the portion of the site where the proposed articulation has been designed. The only time the public will be able to see this portion of the building would be while the gate is open for the fire apparatus vehicle.

The applicant has used windows to break up the massing of the façade and applied for a Variance for the substantial variation on the northern portion of the building. Adjacent to the north facade is an on-site storm treatment/retention swale (which is the required landscaping buffer between the building and the drive aisle) and the main internal driveway aisle used by the fire apparatus and staff vehicles. To minimize the impact the projections would have on the storm treatment/retention swale and driveway aisle, the proposed projection depths are set at a depth of 2'-8". The total length of the proposed projections exceeds the minimum by 40% (83'-0") and have been placed to coincide with the interior bunk rooms.

D. Any impacts resulting from the adjustment are mitigated.

Complies as proposed.

Variance related to Site Design/Configuration.

The first variance the applicant has requested is a variance to place parking in front of the newly proposed building and requesting to located the building approximately 126 feet, at the furthest point, from the Molalla Ave. right of way. The applicant has requested to place the parking and setback in this configuration to better accommodate for the general function of a fire station.

Placing the parking in the area proposed removes and public vehicles from the direct path of any fire apparatus crossing, while giving the public the best available access to the building.

Maintaining the setback allows be fire apparatus maneuverability on the site, as well as, better access timing to Molalla Ave.

The applicant has listed a variety of items they would like to place on the site to mitigate for the parking and setback situation. Those items include:

- Tables, benches or other approved seating area:
(5) colored precast concrete seats will be provided in the pedestrian plaza area adjacent to the public sidewalk along Molalla Avenue.
- Cobbled, patterned or paved stone or enhanced concrete:
Scored, colored concrete at the pedestrian circulation system/plaza will be utilized to enhance the concrete surface of the pedestrian circulation system/plaza.
- Pedestrian scale lighting:

The use of pedestrian scale lighting (bollards) along the pedestrian circulation system and plaza will be utilized to enhance the pedestrian experience and safety of the site.

- At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.
Approximately 3,625 square feet of landscaped area between the building facade and the front property line is proposed.
- Enhanced landscaping or additional landscaping.
The landscape plan has been designed to maximize the visual interest, create a lively atmosphere, while also maintaining operational functions for the fire station emergency services. The landscape design proposed exceeds the minimum site landscape area requirements by 3% (2,006 sf) and the minimum tree planting requirements by 2 (Minimum required = 24, Proposed = 26). The overall design is to not just meet minimum standards but to create a nice landscape for the proposed fire station and along Molalla Avenue.
There will also be a tree and shrubs in-between the parking spaces and the Molalla Ave. right of way to help mitigate for any visual impact of the vehicles in front of the proposed building.
- Additional elements incorporated into the design.
 - Art: The fire district will procure a piece of public art to be incorporated into the pedestrian plaza area, adjacent or near the seating area. Size and type is unknown at this time.
 - Reader Board: A reader board providing community and emergency service information will be incorporated into the monument sign.

Variance related to Building Design.

The second variance is requesting a variance to the overall building design of proposed fire station. Those design variances include:

A change to the façade articulation along the north façade.

The portion of the building will have limited visibility from the public right of way. The applicant has proposed a gate that would limit access into the portion of the site where the proposed articulation has been designed. The only time the public will be able to see this portion of the building would be while the gate is open for the fire apparatus vehicle.

The applicant has used windows to break up the massing of the façade and applied for a Variance for the substantial variation on the northern portion of the building. Adjacent to the north facade is an on-site storm treatment/retention swale (which is the required landscaping buffer between the building and the drive aisle) and the main internal driveway aisle used by the fire apparatus and staff vehicles. To minimize the impact the projections would have on the storm treatment/retention swale and driveway aisle, the proposed projection depths are set at a depth of 2'-8". The total length of the proposed projections exceeds the minimum by 40% (83'-0") and have been placed to coincide with the interior bunk rooms.

The portion of the building where the widow articulation will occur is going to be screened by a fence limiting accessibility to the site, only fire department personnel will be allowed to access this portion of the site. Neither the side of the building or the windows will be visible from the Molalla Ave. right of way.

The lack of stone at the base of the proposed building material will also not cause harm, as the structure is proposed in the middle of the property and the base of the structure is visually blocked by landscaping. Additionally the metal will be finished and there will not be any unfinished highly reflective surfaces. One of the reason the Clackamas Fire Department is looking to construct a new building is because the previous building was contaminated by mold.

The newly proposed building materials will be more resistant to environmental factors, as well as, be able to withstand the day to day use of the Fire Department.

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

Finding: Complies as Proposed. Variance related to Site Design/Configuration.

The design removes and vehicles directly leaving the building on to Molalla Ave., giving drivers more time to access traffic and for pedestrians and vehicles to react to and emergency vehicle. Only three public parking spaces will be located in front of the building and the applicant has proposed mitigation measure for the requesting parking configuration.

Overall, the site layout best conforms to the fire apparatus vehicles as far as providing adequate access and maneuverability. Any other configurations to the site do not appear to be as practical as the one proposed once and emergency response is added to the equation.

Variance related to Building Design.

The window articulation will be screened by a gate limiting access to site, this portion of the site will only be accessible to fire station employees. The reason for the request is so the design can adequately maintain a swale and a safe lane for the fire apparatus vehicle to travel to and from the fire station.

The purpose of the proposed design is to withstand the day to day operations of the fire station as well as not have the facility be susceptible to the same environmental problems of the past. The proposed materials will be able to accomplish the practical approach the applicant has put forth.

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

Finding: Complies as Proposed. The proposed Fire Station conforms to the Comprehensive Plan finding listed earlier in the staff report.

Variance related to Site Design/Configuration.

Goal 2.4 Neighborhood Livability - Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

Finding: Complies as proposed. The proposal replaces an existing fire station with a new station of comparable size. The location of the fire station supports sufficient fire department services throughout the City and adjacent county. The fire station supports the community with public restrooms.

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. The proposed fire station provides a location to serve all members of the public. The glass doors on the fire station provide an opportunity for the public to look into the station and see the fire engines, thus contributing to the uniqueness of the neighborhood.

Policy 11.1.4 - Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.

Finding: Complies as proposed. The fire station is proposed to be located on a major arterial street to provide optimal access to serve the public.

Policy 11.4.3 - Ensure parking lot designs that mitigate stormwater impacts. Take measures to reduce waterflow and increase water absorption through the use of bioswales, vegetated landscaped islands with curb cuts to allow water inflow, and tree planting.

Policy 11.4.5 - Design stormwater facilities to discharge surfacewater at pre-development rates and enhance stormwater quality in accordance with criteria in City of Oregon City Public Works Stormwater and Grading Design Standards.

Finding: Complies as proposed. The proposal includes installation of multiple stormwater facilities throughout the site.

Variance related to Building Design.

Policy 14.2.1 - Maximize public investment in existing public facilities and services by encouraging redevelopment as appropriate.

Finding: Complies as proposed. The applicant is proposing to redevelopment of an existing site within the urban growth boundary and on a major roadway within the City.

Policy 14.2.2 - Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.

Finding: Complies as proposed. The applicant is proposing to redevelopment of an existing site served by public facilities. The proposed redevelopment is requesting variances to better accommodate the building on the site in relationship to how the site is going to be used.

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

12.04.003 - Applicability.

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

B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage, of all single and two-family dwellings. All applicable single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter. In addition, the frontage of the site shall comply with the following prioritized standards identified in this chapter:

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

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

Finding: Applicable. The proposed development requires a site plan and design review.

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

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

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

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

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

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

Finding: Complies as proposed. The application is being reviewed by the appropriate jurisdictions.

12.04.007 - Modifications.

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

A. The modification meets the intent of the standard;

Finding. Complies as Proposed. No modifications to the site have been proposed.

B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;

Finding. Complies as Proposed. No modifications to the site have been proposed.

The site will have improved traffic signals to sufficiently warn passing traffic and pedestrians of a fire apparatus vehicles leaving the site. There is a proposed plaza on the site which will also give pedestrians a place to move and stand safely when a fire apparatus is leaving the property.

C. The modification is consistent with an adopted plan; and

Finding. Complies as Proposed. No modifications to the site have been proposed.

D. The modification is complementary with a surrounding street design; or, in the alternative;

Finding. Complies as Proposed. The site already contains frontage improvements and no frontage along Molalla Ave. will be altered as a result of this project.

E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

Finding: Complies as proposed. The subject property is served by one access driveway off Molalla Avenue with a width that is approximately 80-feet. The applicant proposes to maintain the driveway's location and width the same, arguing that it is extremely important to have the most unobstructed, safe, and efficient route of travel for the fire apparatus vehicles to ingress and egress the site.

The City will grant the above proposed modification.

12.04.010 - Construction specifications—Improved streets.

All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the

same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.

Finding: Complies with condition. Although Molalla Avenue is fully improved and no improvements are proposed. The existing pedestrian path across the driveway and the pedestrian ramps on each side shall meet ADA requirements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.020 - Construction specifications—Unimproved streets.

Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer and approved by the city commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.

Finding: Not Applicable. Molalla Avenue is fully improved.

12.04.025 - Street design—Driveway curb cuts.

A. One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single or two-family residential property with multiple frontages.

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

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

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

Figure 12.04.025: Example Driveway Curb Cut

Finding: See findings from section 12.04.007 of this report.

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

- 1. To provide adequate space for on-street parking;*
- 2. To facilitate street tree planting requirements;*
- 3. To assure pedestrian and vehicular safety by limiting vehicular access points; and*
- 4. To assure that adequate sight distance requirements are met.*

a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements.

b. Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the "R-5" Single-Family Dwelling District or "R-3.5" Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements.

Finding: Not applicable. No new driveway curb cuts are proposed.

D. For all driveways, the following standards apply.

1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet and preferably twenty feet back into the lot as measured from the current edge of street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.

2. Driving vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or city-approved temporary driveway approach is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.

3. Placing soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.

4. Any driveway built within public street or alley right-of-way shall be built and permitted per city requirements as approved by the city engineer.

Finding: Not applicable. No changes to the existing driveway are proposed or required for this project.

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

Finding: See findings from section 12.04.007 of this report.

12.04.030 - Maintenance and repair.

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

Finding: Complies as proposed. The property owner will maintain the sidewalk.

12.04.031 - Liability for sidewalk injuries.

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

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

Finding: Not applicable. The proposal does not include a sidewalk injury.

12.04.032 - Required sidewalk repair.

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

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

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

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

Finding: Complies with condition. Although Molalla Avenue is fully improved and no improvements are proposed. The existing pedestrian path across the driveway and the pedestrian ramps on each side shall meet ADA requirements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.033 - City may do work.

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

Finding: Not applicable. The city is not proposing to do sidewalk repair with this application.

12.04.034 - Assessment of costs.

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

Finding: Not applicable. The city is not proposing to do sidewalk repair with this application.

12.04.040 - Streets—Enforcement.

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

Finding: Not applicable. This application does not include an enforcement action.

12.04.050 - Retaining walls—Required.

Every owner of a lot within the city, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

Finding: Not applicable. The applicant has not proposed to construct a retaining wall in the right-of-way.

12.04.060 - Retaining walls—Maintenance.

When a retaining wall is necessary to keep the earth from falling or sliding onto the sidewalk or into a public street and the property owner or person in charge of that property fails or refuses to build such a

wall, such shall be deemed a nuisance. The violation of any provision of this chapter is subject to the code enforcement procedures of Chapters [1.16](#), [1.20](#) and [1.24](#).

Finding: Not applicable. Grading of the site with shallow slopes will not allow soil to slide or fall into the street.

12.04.070 - Removal of sliding dirt.

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

Finding: Not Applicable. Grading of the site with shallow slopes will not allow soil to slide or fall into the street.

12.04.080 - Excavations—Permit required.

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

Finding: Not applicable. The applicant does not propose excavations beyond what is to be permitted through the plan review process.

12.04.090 - Excavations—Permit restrictions.

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

Finding: Not applicable. The applicant does not propose excavations beyond what is to be permitted through the plan review process.

12.04.100 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the city for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit application is filed. The city commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

Finding: Complies as proposed. No pavement cut and restoration proposed in the ROW.

12.04.110 - Excavations—Nuisance—Penalty.

Any excavation in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters [1.16](#), [1.20](#) and [1.24](#).

Finding: Not applicable. No violation has been identified.

12.04.120 - Obstructions—Permit required.

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

1. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.

2. The applicant shall submit at least the following information in the permitting process in order to allow the commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:

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

3. If the commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the city engineer shall issue a right-of-way permit with any conditions deemed necessary by the commission.

B. Temporary Obstructions.

1. A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.

2. The city engineer, or designee, is authorized to grant a permit for a temporary obstruction.

3. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.

4. The applicant shall submit, and the city engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the city engineer:

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

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

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

6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.

C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the commission.

Finding: Not applicable. No permanent or temporary obstructions are planned for the project.

12.04.130 - Obstructions—Sidewalk sales.

A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.

B. The city commission may, in its discretion, designate certain areas of the city to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided.

Finding: Not applicable. No sidewalk sales proposed.

12.04.140 - Obstructions—Nuisance—Penalty.

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

Finding: Not applicable. No violation has been identified.

12.04.150 - Street and alley vacations—Cost.

At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by city commission resolution shall be paid to the city.

Finding: No applicable. No street or alley vacations are proposed as part of this project.

12.04.160 - Street vacations—Restrictions.

The commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.

Finding: Not applicable. A street vacation has not been proposed.

12.04.170 - Street design—Purpose and general provisions.

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

Finding: Not applicable. No offsite utility extensions or roadway extensions are proposed as part of this project.

12.04.175 - Street design—Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;

B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with [Chapter] 12.04 shall be required to preserve the objectives of street extensions.

Finding: Not applicable. No new streets are proposed as part of this project.

12.04.180 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The standards provided below are maximum design standards and may be reduced with an alternative street design which may be approved based on the modification criteria in [Section] 12.04.007. The steps for reducing the maximum design below are found in the Transportation System Plan.

Table 12.04.180 Street Design

To read the table below, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation on either side of the street differs, the wider right-of-way standard shall apply.

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

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

Finding: Not applicable. No new streets are proposed as part of this project.

12.04.185 - Street design—Access control.

A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the city as a city controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the

dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

B. The city may grant a permit for the adjoining owner to access through the access control.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

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

Finding: Not applicable. No new streets are proposed as part of this project.

12.04.190 - Street design—Alignment.

The centerline of streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

B. Offset from the centerline by no more than five (5) feet, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

Finding: Not applicable. No new streets are proposed as part of this project.

12.04.194 - Traffic sight obstructions.

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

Finding: Not applicable. No new streets are proposed as part of this project.

12.04.195 - Spacing standards.

A. All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the transportation system plan. The maximum block spacing between streets is five hundred thirty feet and the minimum block spacing between streets is one hundred fifty feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every three hundred thirty feet. The spacing standards within this section do not apply to alleys.

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

Table 12.04.195.B Minimum Driveway Spacing Standards			
Street Functional Classification	Minimum Driveway Spacing Standards		Distance
Major Arterial Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings		175 ft.
Minor Arterial Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings		175 ft.
Collector Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings		100 ft.

Local Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	25 ft.
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The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

Finding: Not applicable. No new streets or driveways are proposed as part of this project.

12.04.199 - Pedestrian and bicycle accessways.

Finding: Not applicable. No new off-site accessways are proposed as part of this project.

12.04.205 - Mobility standards.

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

A. For intersections within the regional center, the following mobility standards apply:

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

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

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

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

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

1. For signalized intersections:

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

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

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

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

I-205/OR 99E Interchange

I-205/OR 213 Interchange

OR 213/Beavercreek Road

State intersections located within or on the Regional Center Boundaries

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

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

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

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

Finding: Complies as proposed. No new intersections are proposed as part of this project.

On May 10, 2017, the Planning division received a comment from John Replinger, the City's Traffic Engineering Consultant, who said not transportation analysis was necessary.

12.04.210 - Street design—Intersection angles.

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

Finding: Not applicable. No new intersections are proposed as part of this project.

12.04.215 - Street design—Off-site street improvements.

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

Finding: Complies with condition. The existing Molalla fire signal does not meet current County standards and must be upgraded as required. Fire signal on Molalla shall be upgraded to meet requirements Clackamas County. Pole style and color will be determined by the City of Oregon City.

Depending on timing of upcoming street improvement project for Molalla, fee in lieu for the signal may be collected for future installation of the signal assembly located on the west side of Molalla.

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

12.04.220 - Street design—Half street.

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets.

When the remainder of an existing half-street improvement is made it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the city's "Moratorium Pavement Cut Standard" or as approved by the city engineer.

Finding: Not applicable. No half street proposed or required.

12.04.225 - Street design—Cul-de-sacs and dead-end streets.

The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the community development director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end roads shall include pedestrian/bicycle accessways as required in this chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and city adopted street standards. Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way/easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.

Finding: Not applicable. No half cul-de-sac or dead end is proposed or required.

12.04.230 - Street design—Street names.

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

Finding: Not applicable. No new street is proposed or required.

12.04.235 - Street design—Grades and curves.

Grades and center line radii shall conform to the standards in the city's street design standards and specifications.

Finding: Not applicable. No new streets are proposed as part of this project.

12.04.240 - Street design—Development abutting arterial or collector street.

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

Finding: Not applicable. The site does abut an arterial street, though no screening or planting is required or proposed.

12.04.245 - Street design—Pedestrian and bicycle safety.

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

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

Finding: Not applicable. No new street improvements are proposed as part of this project.

12.04.255 - Street design—Alleys.

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

Finding: Not applicable. The site is within the General Commercial District.

12.04.260 - Street design—Transit.

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

Finding: Complies as proposed. The subject site is adjacent to a transit street. The development proposal was transmitted to Tri-Met who did not comment on the application.

12.04.265 - Street design—Planter strips.

All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within ten feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed

along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

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

Finding: Not applicable. The site is currently constructed with planter strips. No new streets are proposed as part of this project.

12.04.270 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Design Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

Finding: Applicable. All work shall comply with construction specifications.

12.04.280 - Violation—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters [1.16](#), [1.20](#) and [1.24](#).

Finding: Not applicable. No violation has been identified.

CHAPTER 12.08 - PUBLIC AND STREET TREES^[2]

12.08.015 - Street tree planting and maintenance requirements.

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

Finding: Complies as Proposed. The applicant submitted a street tree plan which included three existing trees placed along the frontage of the development. These trees will not be removed as part of the application.

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

B. The following clearance distances shall be maintained when planting trees:

1. Fifteen feet from streetlights;

2. Five feet from fire hydrants;
 3. Twenty feet from intersections;
 4. A minimum of five feet (at mature height) below power lines.
- C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.

D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.

Finding: Complies with condition. The existing street frontage is approximately 186 feet, requiring 5 street trees ($186/35=5.3$). Three trees are planted along the subject property frontage, and no changes have been proposed. Due to the 80 foot wide driveway, the locations to plant additional trees onsite are limited. The applicant shall submit a revised street tree plan displaying 5 street trees. If 5 trees cannot be located within the frontage due to the limitations of spacing and the curb cut the applicant may plant street trees on the private property (with the recording of a covenant) or provide a fee in lieu for any tree not identified. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.08.020 - Street tree species selection.

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

Finding: Complies with condition. The applicant shall submit a revised street tree plan in compliance with OCMC 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.08.025 - General tree maintenance.

Abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

Finding: Complies as proposed. The maintenance of street trees and planting strips is anticipated to be the responsibility of the property owner.

12.08.030 - Public property tree maintenance.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The natural resources committee may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities or other public improvements.

Finding: Complies as Proposed. The owner recognizes the city has the right to plant, prune, maintain and remove trees in all public ways to ensure public safety.

12.08.035 - Public tree removal.

Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table [12.08.035](#).

All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where necessary due to planting constraints. The community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City in accordance with Oregon City Municipal Code 12.08.

Table 12.08.035

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees
		13" to 18"	3 Trees
		19" to 24"	4 Trees
		25" to 30"	5 Trees
		31" and over	8 Trees

Finding: Not Applicable. No street trees have been proposed for removal.

12.08.040 - Heritage Trees and Groves.

Finding: Not applicable. The applicant did not propose to designate or remove a heritage tree or grove.

CHAPTER 13.12 - STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

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

A. Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:

1. The conveyance facilities are located entirely on one privately owned parcel;
2. The conveyance facilities are privately maintained; and
3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.

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

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

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

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

Finding: Applicable. The proposed development will create or replace more than 5000 sf of impervious area, will create more than 500 sf of new impervious area in the NROD, or will disturb more than 1000 sf of existing impervious surface within the NROD for a commercial development.

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

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

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

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

1. *Bulk petroleum storage facilities;*
2. *Above ground storage of liquid materials;*
3. *Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;*

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

Finding: Not Applicable. The proposal (Application) does not contain elements requiring additional stormwater management practices. However, if the development proposes to utilize the garage as an equipment and/or vehicle washing facilities additional management practices, as defined in the Public Works Stormwater and Grading Design Standards will be required.

13.12.080 - Submittal requirements.

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

Finding: Complies with Condition. The submitted stormwater plan and report did not size proposed stormwater facilities in accordance with Chapter 4 of the Stormwater and Grading Design Standards. The stormwater plan and report shall be revised and resubmitted with facilities designed in accordance with the Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

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

- A. *The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.*
- B. *The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020.*
- C. *The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.*
- D. *Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.*
- E. *Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.*

Finding: Complies with Condition. The stormwater plan and report shall be revised and resubmitted with facilities designed in accordance with the Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the Public Works Stormwater and Grading Design Standards, provided any alternate has been approved and its use authorized by the city engineer. The city engineer may approve any such alternate, provided that the city engineer finds that the

proposed design is satisfactory and complies with the intent of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The city engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the city files.

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

13.12.120 - Standard construction specifications.

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

Finding: Complies as Proposed. The proposal appears to be in accordance with the Stormwater and Grading Design Standards adopted August 18, 2015, which are in effect at time of application.

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: See findings under section 15.48.090 of this report. Submittal of construction plans for review and approval by all applicable City departments is adequate to meet grading permit requirements.

15.48.090 Submittal requirements.

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

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

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

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

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

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

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

Finding: Complies as Proposed. The applicant provided an engineered grading plan with the construction plan submittal.

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 Condition. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City to be reviewed and approved prior to issuance of an Erosion and Sediment Control permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.41 - TREE PROTECTION STANDARDS

17.41.020 - Tree protection—Applicability.

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

Finding: Applicable. The proposed development includes a Site Plan and Design Review, therefore this section applies.

17.41.030 - Tree protection—Conflicting code provisions.

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

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

17.41.040 - Same—Exemptions.

These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of [section 17.49](#). These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930. Farm or forest resources. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The community development director has the authority to modify or waive compliance in this case.

Finding: Not Applicable. The applicant has not proposed an exemption in accordance with this provision.

17.41.050 - Same—Compliance options.

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

A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections [17.41.060](#) or [17.41.070](#). All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.

B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections [17.41.080](#)—[17.41.100](#); or

C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections [17.41.110](#)—[17.41.120](#); or

D. Option 4—Cash-in-lieu of planting pursuant to [Section 17.41.130](#).

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

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

1. Preclude achieving eighty percent of minimum density with reduction of lot size; or

2. Preclude meeting minimum connectivity requirements for subdivisions.

Finding: Complies with condition. The applicant has proposed to utilize option 1, mitigation. As identified in this section, all replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in [Chapter 17.04](#) to the extent practicable. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. At the applicant's expense, the city may require the report to be reviewed by

a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under [section 12.08](#)—Community Forest and Street Trees.

B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:

1. Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or
2. Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in [Section 17.04.1360](#), may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.

Table 17.41.060-1

Tree Replacement Requirements

All replacement trees shall be either:

Two-inch caliper deciduous, or

Six-foot high conifer

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

Steps for calculating the number of replacement trees:

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

8. Determine the total number of replacement trees from steps 6. and 7.

Finding: Complies with Condition. This section requires the tree mitigation plan report be prepared by a certified arborist, horticulturalist, forester or other environmental professionals with experience and academic credentials in forestry or arboriculture, however the name and credentials of the person whom prepared the report was not identified. The applicant has indicated 3 trees will be removed within the construction area to accommodate the proposed building and parking lot. The trees to be removed are (1) 30" tree, (1) 16" tree, and (1) 8" tree. Per table 17.41.060-1, 7 new replacement trees are required. 18 new trees are currently proposed, however, the applicant may not consider a tree required in OCMC 17.52, parking lot landscaping requirements to be considered towards mitigation. Prior to issuance of a building permit associated with this development, the applicant shall submit a revised landscaping plan identifying the trees onsite utilized for each type of the required landscaping as well as mitigation trees. The plan shall demonstrate that the 7 mitigation trees are not counted toward the required landscaping onsite and that the mitigation trees are: planted onsite, planted on another property in Oregon City with a recorded covenant (as necessary), or a fee is paid in lieu of each tree not planted. All options shall comply with the requirements in OCMC 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

A. First Priority. Replanting on the development site.

B. Second Priority. Off-site replacement tree planting locations. If the community development director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and must be approved by the community development director.

Finding: Complies with condition. The applicant indicated that the trees will be planted on the subject site, though as demonstrated within this report, a revised plan is required. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.075 - Alternative mitigation plan.

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

Finding: Complies with condition. The applicant indicated that the trees will be planted on the subject site, though as demonstrated within this report, a revised plan is required. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

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

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

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

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

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

Finding: Not Applicable. The proposed development is not within a land division.

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

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

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

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

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

Finding: Not Applicable. Option 2 is not being proposed.

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

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

Table [17.41.100 A](#)
Lot Size Reduction

ZONE	Min. Lot Size [sq. feet]	Min. Lot Width	Min. Lot Depth
R-10	5,000 sq. feet	50'	65'

R-8	4,000 sq. feet	45'	60'
R-6	3,500 sq. feet	35'	55'
R-5	3,000 sq. feet	30'	50'
R-3.5	1,800 sq. feet	20'	45'

Table 17.41.100 B

Reduced Dimensional Standards for Detached Single-Family Residential Units

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

Table 17.41.100 C

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

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

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

Finding: Not Applicable. Option 2 is not being proposed.

17.41.110 - Tree protection by restrictive covenant (Option 3).

Any regulated tree or grove which cannot be protected in a tract pursuant to [Section 17.41.080](#) above shall be protected with a restrictive covenant in a format to be approved by the community development director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the community development director, are determined to be diseased or hazardous.

Finding: Not Applicable. Option 3 is not being proposed.

17.41.120 - Permitted adjustments (Option 3 Only).

A. The community development director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduce less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.

B. The community development director, pursuant to a Type II procedure, may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.

C. The community development director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.

Finding: Not Applicable. Option 3 is not being proposed.

17.41.1[25] - Cash-in-lieu of planting (tree bank/fund) (Option 4).

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

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

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

Finding: Complies with condition. The applicant indicated that the trees will be planted on the subject site, though as demonstrated within this report, a revised plan is required. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.130 - Regulated tree protection procedures during construction.

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

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

1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.

2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the community development director.

3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.
 4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.
 5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
 6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the community development director.
 7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.
 8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.
 9. The city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.
 10. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.
- C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

Finding: Complies as Proposed. The applicant has indicated that no existing trees will remain on the subject site. The applicant has submitted a landscaping plan illustrating the placement of the new trees required for mitigation of the removal of all the trees on the site.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

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

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

17.50.050 Preapplication Conference

A. *Preapplication Conference.* Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval

standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

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

Finding: Complies as Proposed. A pre-application conference was held on March 15, 2017 with Hennebery Eddy Architects, Clackamas Fire District and City staff to discuss all relevant review procedures and standards.

17.50.055 Neighborhood Association Meeting

Finding: Complies as Proposed. The applicant's representatives attended the Gaffney Lane Neighborhood general membership meeting on April 28, 2017 to present conceptual plans for the proposed development.

17.50.060 Application Requirements.

Finding: Complies as Proposed. All application materials required are submitted with this narrative. The applicant has provided full-size and two reduced size sets of plans to accompany the submittal items.

17.50.070 Completeness Review and 120-day Rule.

Finding: Complies as Proposed. This land use application was submitted on April 17, 2017. The application was deemed incomplete on May 17, 2017 and after the submittal of additional information the application on May 22, 2017, the application was deemed incomplete again on May 25, 2017. Additional information was submitted June 2, 2017 and the application was deemed complete on July 14, 2017. The City has until October 11, 2017 to make a final determination.

17.50.080 Complete Application--Required Information.

Finding: Complies as Proposed. This land use application was submitted on April 17, 2017. The application was deemed incomplete on May 17, 2017 and after the submittal of additional information the application on May 22, 2017, the application was deemed incomplete again on May 25, 2017. Additional information was submitted June 2, 2017 and the application was deemed complete on July 14, 2017.

17.50.090 Public Notices.

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

17.50.100 Notice Posting Requirements.

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

CHAPTER 17.54.010 – ACCESSORY STRUCTURES

Finding: Not Applicable. This section is intended to be applied to single and two-family dwellings. Accessory structures are reviewed through the Site Plan and Design Review criteria.

CHAPTER 17.54.100 - FENCES

Finding: Complies with condition. The applicant has indicated the subject property is bounded by an existing chain-link fence along its north, east and south boundaries. The north chain-link fence is 8'-0" tall and straddles the property line. The east chain-link fence is 5'-0" tall and straddles the property line. The south chain-link fence is 5'-0" tall, straddles the property line and terminates at the west end of the existing fire station. In order to maintain security for the staff and rear apparatus area of the site, (2) steel, powder-coated painted fences are proposed to tie into the north and south chain-link fences. The proposed fence at the north side of the building will incorporate a security gate. The applicant did not indicate the height of the proposed fencing or retaining walls. Prior to issuance of a permit the applicant shall submit documentation demonstrating compliance with the fence height requirements in OCMC 17.54.100. Per OCMC 17.54.100.B.4, fencing may be allowed to be up to 8 feet in height adjacent to or behind the front of the building. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.58 LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS

17.58.015 Applicability.

The regulations of this chapter apply only to those nonconforming situations that were lawfully established or that were approved through a land use decision. All nonconforming structures, uses or lots shall have been maintained over time. These situations have lawful nonconforming status. Nonconforming situations that were not allowed when established or have not been maintained over time have no lawful right to continue.

Finding: Applies. The subject site was developed prior to implementation of the existing zoning code. The structure is constructed in a manner which does not comply with exterior building design standards and in a location which is too far from the frontage. In addition, there is existing chain link fencing onsite and a variety of other designs which do not comply with the current standards in the Oregon City Municipal Code.

A structure that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered a lawful nonconforming structure. Notwithstanding development standard requirements in this Code, minor repairs and routine maintenance of a lawful nonconforming structure are permitted. The continuation of a lawful nonconforming structure is subject to the following:

A. Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.

B. Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.

C. Expansion. An expansion of a lawful nonconforming structure may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.

1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it must be found that the criteria identified in Section 17.58.060 have either been met, can be met by observance of conditions, or are not applicable.

2. An expansion of a nonconforming structure with alterations that exceed the threshold of subparagraph C.2.a. below shall comply with the development standards listed in subparagraph C.2.b. below. The value of the alterations and improvements is based on the entire project and not individual building permits.

a. *Thresholds triggering compliance.* The standards of subparagraph C.2.b. below shall be met when the value of the proposed exterior alterations or additions to the site, as determined by the community development director, is more than seventy-five thousand dollars. The following alterations and improvements shall not be included in the threshold calculation:

1. Proposed alterations to meet approved fire and life safety agreements;
2. Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
3. Alterations required to meet Seismic Design Requirements; and
4. Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.

b. *Standards that shall be met.* Developments not complying with the development standards listed below shall be brought into conformance.

1. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;
2. Minimum perimeter parking lot landscaping;
3. Minimum interior parking lot landscaping;
4. Minimum site landscaping requirements;
5. Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with Chapter 17.52—Off-Street Parking and Loading;
6. Screening; and
7. Paving of surface parking and exterior storage and display areas.

c. *Area of required improvements.*

1. Generally. Except as provided in C.2.c.2. below, required improvements shall be made for the entire site.
2. Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant shall meet the following:

i. The signed ground lease — or excerpts from the lease document satisfactory to the city attorney — shall be submitted to the community development director. The portions of the lease shall include the following:

- The term of the lease. In all cases, there must be at least one year remaining on the ground lease; and
- A legal description of the boundaries of the lease.

ii. The boundaries of the ground lease shall be shown on the site plan submitted with the application. The area of the lease shall include all existing and any proposed development that is required for, or is used exclusively by, those uses within the area of the lease; and

iii. Screening shall not be required along the boundaries of ground leases that are interior to the site.

d. *Timing and cost of required improvements.* The applicant may choose one of the two following options for making the required improvements:

1. *Option 1.* Required improvements may be made as part of the alteration that triggers the required improvements. The cost of the standards that shall be met, identified in subparagraph C.2.b. above, is limited to ten percent of the value of the proposed alterations. It is the responsibility of the applicant to document to the community development director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal. When all required improvements are not being made, the priority for the improvements shall be as listed in subparagraph C.2.b. above.

2. *Option 2.* Required improvements may be made over several years, based on the compliance period identified in Table 17.58—1 below. However, by the end of the compliance period, the site shall be brought fully into compliance with the standards listed in subparagraph C.2.b. Where this option is chosen, the following must be met:

i. Before a building permit is issued, the applicant shall submit the following to the community development director:

- A Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in Subparagraph C.2.b.

- A covenant, in a form approved by the city attorney, executed by the property owner that meets the requirements of 17.50.150. The covenant shall identify development on the site that does not meet the standards listed in Subparagraph C.2.b., and require the owner to bring that development fully into compliance with this title. The covenant shall also specify the date by which the owner will be in conformance. The date must be within the compliance periods set out in Table 17.58 — 1.

ii. The nonconforming development identified in the Nonconforming Development Assessment shall be brought into full compliance with the requirements of this Title within the following compliance periods. The compliance period begins when a building permit is issued for alterations to the site of more than seventy-five thousand dollars. The compliance periods are based on the size of the site (see Table 17.58— 1 below).

iii. By the end of the compliance period, the applicant or owner shall request that the site be certified by the community development director as in compliance. If the request is not received within that time, or if the site is not fully in conformance, no additional building permits will be issued.

iv. If the regulations referred to by subparagraph C.2.b. are amended after the Nonconforming Development Assessment is received by the community development director, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant shall address the new nonconforming development using Option 1 or 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant and compliance period will be required for the new nonconforming development.

Table 17.58—1

Compliance Periods for Option 2

<i>Square footage of site</i>	<i>Compliance Period</i>
<i>Less than 150,000 sq. ft.</i>	<i>2 years</i>
<i>150,000 sq. ft. or more, up to 300,000 sq. ft.</i>	<i>3 years</i>
<i>300,000 sq. ft. or more, up to 500,000 sq. ft.</i>	<i>4 years</i>
<i>More than 500,000 sq. ft.</i>	<i>5 years</i>

Finding: Complies as proposed. The proposed development would comply with the Oregon City Municipal Code with approval of the proposed Variances and with compliance with the conditions of approval. The applicant proposed to demolish the site and reconstruct the following items in compliance with the code.

1. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;
2. Minimum perimeter parking lot landscaping;
3. Minimum interior parking lot landscaping;
4. Minimum site landscaping requirements;
5. Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with Chapter 17.52—Off-Street Parking and Loading;
6. Screening; and
7. Paving of surface parking and exterior storage and display areas.

As all of the upgrades are being completed, no additional nonconforming improvements are required.

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

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff concludes that the proposed Site Plan and Design Review, Condition Use, and two Variances for a site located at 19340 Molalla Avenue, Oregon City, Oregon 97045 and identified as Clackamas County Map 3-2E-9B, Tax Lot 1601, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends the Planning Commission approve files SP 17-40, CU 17-02, VR 17-02, & VR 17-03 with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

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