



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Site Plan and Design Review

Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☒ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

File Number(s): PA 17-02 & PA 16-30 DP-17-0003

Proposed Land Use or Activity: DDP FOR PHASE ONE OF ABERNATHY PLACE GDP INCLUDING HOTEL + EXISTING HISTORIC BUILDING (OFFICE)

Project Name: OREGON CITY HAMPTON INN & SUITES Number of Lots Proposed (If Applicable): N/A

Physical Address of Site: 415 17th ST + (NO ADDRESS) ON WASHINGTON ST.

Clackamas County Map and Tax Lot Number(s): MAP 25-2E-29CA, LOTS 601, 900, 1000, 1100, 1200, 1300, 1301

Applicant(s):

Applicant(s) Signature: [Signature]

Applicant(s) Name Printed: HILL ARCHITECTS

Date: 4/14/2017

Mailing Address: 1750 BLANKENSHIP RD., SUITE 400, WEST Linn, OR 97068

Phone: (503) 305-8033 Fax: (503) 305-8034 Email: lloyd.hill@hillarchitects.com

Property Owner(s):

Property Owner(s) Signature: [Signature]

Property Owner(s) Name Printed: HACKETT HOSPITALITY GROUP, LLC

Date: 4/14/2017

Mailing Address: 1419 W. MAIN ST., BATTLEGROUND, WA 98604

Phone: (360) 655-1455 Fax: _____ Email: ajkesh@trupadi.com

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____

Date: _____

Mailing Address: _____

Phone: _____

Fax: _____

Email: _____

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

HAMPTON INN & SUITES

Oregon City, Oregon

An Application for:
Detailed Development Plan (DDP)

Submitted:
14 April 2017

Owner:

Hackett Hospitality Group, LLC
1419 W. Main Street
Battleground, WA
(360) 666-5551

Applicant:
Hill Architects
1750 Blankenship Road
West Linn, Oregon
(503) 305-8033

Oregon City Planning Project Number **PA 17-02**
PA 16-30
PA-15-25
Hill Architects Project # **13647**

Contents

I.	BACKGROUND :	3
II.	RESPONSES TO THE OREGON CITY MUNICIPAL CODE :	4
	CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES.....	4
	CHAPTER 12.08 - PUBLIC AND STREET TREES	20
	CHAPTER 13.12 - STORMWATER CONVEYANCE, QUANTITY AND QUALITY	25
	CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING.....	26
	CHAPTER 17.34 - “MUD” MIXED USE DOWNTOWN DISTRICT.....	27
	CHAPTER 17.41 - TREE PROTECTION STANDARDS.....	30
	CHAPTER 17.44 - GEOLOGIC HAZARDS	36
	CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL.....	43
	CHAPTER 17.49 - NATURAL RESOURCE OVERLAY DISTRICT	43
	CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES	43
	CHAPTER 17.52 - OFF-STREET PARKING AND LOADING	44
	CHAPTER 17.54.100 – FENCES, HEDGES AND WALLS	57
	CHAPTER 17.56 - CONDITIONAL USES	58
	CHAPTER 17.58 - LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS	58
	CHAPTER 17.60 - VARIANCE.....	60
	CHAPTER 17.62 - SITE PLAN AND DESIGN REVIEW	60
	CHAPTER 17.65.60 - DETAILED DEVELOPMENT PLAN	80
	CHAPTER 17.65.070 - ADJUSTMENTS TO DEVELOPMENT STANDARDS.	81
III.	EXHIBITS :	84

Applicant's Submittal

APPLICANT: Hill Architects
1750 Blankenship Road, Suite 400
West Linn, OR 97068

OWNER: Hackett Hospitality Group, LLC
1419 W. Main Street
Battleground, WA
(360) 666-5551

Historic Properties, LLC
1300 Adams Street
Oregon City, OR
(503)655-1455

REQUEST: GDP for hotel + mixed use project
DDP for hotel

LOCATION: 415 17th Street + no address on Washington Street
map number 2-2E-29CA, tax lots 601, 900, 1000, 1100, 1200, 1300, 1301

I. BACKGROUND :

1. Existing Conditions

See various drawings and exhibits included with this submittal and GDP submittal for additional information.

Abernethy Place General Development Plan area consists of approximately 4 acres of privately owned land bounded on the south by 17th Street, Washington Street on the east, the Oregon City Trail Station on the north, and the railroad right-of-way on the west. The Phase 1 DDP includes slightly over 2.1 acres.

All parcels within the phase 1 DDP are zoned MUD and are within the Downtown Parking Overlay District. (See "Taxlot Reports", Exhibit C). Taxlot parcels 1200 & 1301 abutting 17th Street are within the Geologic Hazard and Natural Resources Overlay Districts.

Abernethy Creek is located across 17th Street and the End of the Oregon Trail Interpretive Center is located across Washington Street from the GDP area. (See "Surrounding Uses", GDP drawing 1.4).

The historic Hackett House is located within the DDP and fronts 17th Street. Currently the Hackett House functions as an office building. The remainder of the DDP area contains a mix of uses including commercial, retail, storage, and vacant land. (See "Existing Uses", GDP drawing 1.5).

Vehicular access is available from Washington Street and 17th Street. No curbs, sidewalks, or on-street parking exists along DDP frontage. Existing uses have multiple driveways fronting Washington Street.

Topography of the DDP area is relatively flat with the exception of a 8-12 foot change in grade located roughly along the north edge of taxlot 1200.

2. Project Description

Phase 1 of Abernethy Place is a portion of a GDP planned as a phased mixed-use development including a variety of complementary uses including hotel, retail, office, and multi-family.

The historic Hackett House fronts 17th street and will remain in its current office use anchoring the south end of project. Phase 1 DDP includes development of a hotel located adjacent to the north side of the Hackett House, parking as required for the Hackett House and hotel, and public improvements along 17th Street and Washington Street at the Phase 1 frontage.

Primary entrance to the hotel will be located on Washington Street. The Hackett House primary entrance is on 17th Street. Street sidewalk improvements will provide connectivity to neighborhoods, while on-site pedestrian walkways will provide connectivity between on-site uses. (See "Site Plan", drawing A100).

Primary vehicular access to the hotel will be from Washington Street. Secondary vehicular access to the hotel and primary vehicular access to the Hackett House will be provided from 17th Street adjacent to the Hackett House.

Directly across from the End of the Oregon Trail Interpretive Center, the Washington Street frontage will be improved with right-of-way dedication, relocation of utilities underground, on-street parking, curbs, gutters, sidewalks, and street trees.

Vehicle parking is primarily located behind existing buildings (to be redeveloped in Phase 2), with additional parking to the west of the Hackett House and along the hotel porte cochere access drive. Parking spaces provided are designed to meet the demands of hotel franchise and office use and significantly exceed Oregon City code requirements for number of spaces.

A 5 story, 99 room hotel is located adjacent to the Hackett House. The building location is constrained to the north by the existing Tri-Cities sewer easement. These on-site conditions as well as the owner's desire to protect and retain the Hackett House restrict the hotel building orientation and footprint size. As a result, an adjustment is requested to exceed the allowable height and maintain a viable hotel project with a franchise minimum acceptable number of rooms.

The lobby floor of the hotel will be elevated above Washington Street at elevation 51.7 feet in order to keep the floor above the flood elevation of 50.7 feet.

Along the Washington Street frontage, a stepped landscape feature will provide a visual and acoustic buffer between the access drive and an elevated pedestrian plaza adjacent to meeting rooms at the Washington Street end of the Hotel. Stone faced stairs connect the public sidewalk with the Hotel entry at Washington Street.

II. RESPONSES TO THE OREGON CITY MUNICIPAL CODE :

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.

Applicant's Response: It is expected that public street and sidewalk improvements required by the City will not exceed 10% of the total development costs and therefore these required improvements are applicable to the proposed developments.

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.

Applicant's Response: To the best of the applicant's knowledge the City of Oregon City has sole jurisdiction and management of adjacent public street rights-of-way adjacent to the site.

12.04.007 - Modifications.

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

- A. The modification meets the intent of the standard;*
- B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;*
- C. The modification is consistent with an adopted plan; and*
- D. The modification is complementary with a surrounding street design; or, in the alternative;*
- E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or*

federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

Applicant's Response: Modification from normal street design standards will be requested in the following areas

On Washington Street

- Having a half street right-of-way width of 43 feet, (up to 58 feet can be requested/required under 12.04.180 for arterials.
- Having driveway entrance with curbed entries on radius, in combination with street water quality planter
- Having a 4 foot gutter pan between the on-street parking area and bike lane
- Having a parking stall area that slopes towards the gutter pan and away from the curbline
- Having a 6 foot wide through pedestrian way on the sidewalk and a 4 foot street tree area, rather than the standard 5 foot through way and 5 foot street tree area (street tree wells would be 4'x6' rather than 5'x5')
- Having a standard curb, instead of curb and gutter along the on-street parking area, as the street is proposed to drain back towards the gutter pan instead of to the curb.

On 17th Street

- Having a 24 feet wide street section, as can be fitted without extending street pavement towards Abernethy Creek
- Stopping the sidewalk short of the railroad right-of-way, and allowing for a mid-block ramp that could be utilized for a possible future pedestrian extension under the railroad trestle.
- Having a 7 foot sidewalk rather than the required 5 foot sidewalk.
- In order to save a large tree near the Hackett House, routing the public sidewalk around the tree onto a public sidewalk easement on private property.

12.04.195 Spacing Standards

- Because of the narrow depth between Washington Street and the railroad right-of-way, it is requested that no public street or public pedestrian connection be imposed on the development as the railroad right-of-way blocks any through connection to Main St.

The modification requests are intended to meet the of the standards. All would allow for safe and efficient movement of pedestrians, motor vehicles, bicycles and freight and would hopefully reduce conflicts of such. The proposed changes are generally consistent with the adopted plan and together provide a complimentary package to make the streetscape work better for pedestrians and drainage while still allowing vehicular traffic to use a visually better defined through street area with the extended landscape area marking the through street area from the parking area. We also note the proposed driveway entrance / planter extensions and radiuses would match that already in place for the Amtrak Station.

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.

Applicant's Response: Construction to City standards would be the intent except as noted in the modification requests under Chapter 12.04.007

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.

Applicant's Response: Both street frontages are proposed to be improved so this section is not applicable.

12.04.025 - Street design—Driveway curb cuts.

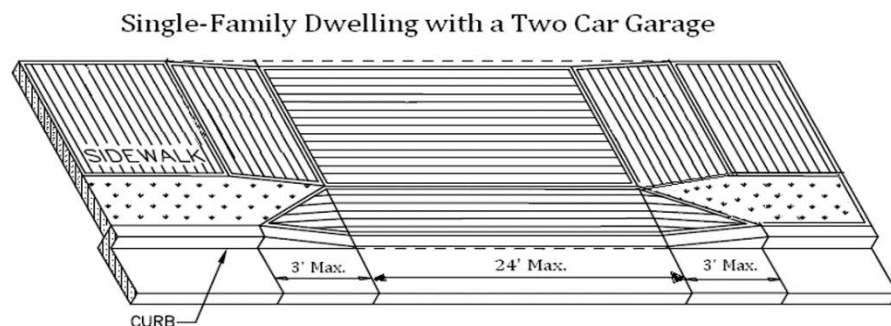
A. One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single or two-family residential property with multiple frontages.

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

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

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



Applicant's Response: The proposed driveways will all be between 15 and 40 feet wide as permitted for non-residential or multi-family residential.

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.

Applicant's Response: This is not applicable to this application.

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.

Applicant's Response: The proposed would meet the City standards, except for the modification requested to allow the use of radiuses for the driveway wings.

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.

Applicant's Response: The applicant is not request waiving of the standard but is requesting certain modifications noted in 12.04.007.

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.

Applicant's Response: Noted.

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.

Applicant's Response: Noted.

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.

Applicant's Response: Noted.

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.

Applicant's Response: Noted.

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.

Applicant's Response: Noted.

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.

Applicant's Response: Noted.

12.04.045 - Reserved.

Editor's note— Ord. No. 13-1003, § 1, Exhibit 1, adopted July 17, 2013, repealed § 12.04.045 in its entirety. Former § 12.04.045 pertained to "Street Design—Constrained local streets and/or rights-of-way." See Prior Code Cross-Reference Table and Code Comparative Table and Disposition List for derivation.

Applicant's Response: Noted.

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.

Applicant's Response: No soil is expected to fall or slide from the proposed improvements into public street 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.

Applicant's Response: Noted.

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.

Applicant's Response: **Noted.**

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.

Applicant's Response: **Noted.**

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.

Applicant's Response: **Noted.**

12.04.095 - Reserved.

Editor's note— Ord. No. 13-1003, § 1, Exhibit 1, adopted July 17, 2013, repealed § 12.04.095 in its entirety. Former § 12.04.095 pertained to "Street Design—Curb Cuts." See Prior Code Cross-Reference Table and Code Comparative Table and Disposition List for derivation.

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.

Applicant's Response: **Noted.**

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.

Applicant's Response: **Proposed project will comply with excavation nuisance requirements as set forth in this code.**

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.

Applicant's Response: Proposed site design does not incorporate any permanent obstructions.

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.

Applicant's Response: Proposed project site does not propose using public sidewalks for packing, unpacking or storage of goods or merchandise, or to display merchandise for sale. Site design provides for private walks and loading unloading areas for use of tenants of the proposed structures on the proposed site.

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.

Applicant's Response: Project will comply with this chapter of the code.

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.

Applicant's Response: The proposed project does not include the vacation of any streets.

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.

Applicant's Response: The proposed project does not include the vacation of any streets.

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.

Applicant's Response: *Is the intent to conform with City standards, except as per the modifications as requested under Chapter 12.04.007.*

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.

Applicant's Response: *Extension of new or existing streets is not needed for the proposed development nor for adjoining parcels, this code section is not applicable to this application.*

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

<i>Minor Arterial</i>	<i>Mixed Use, Commercial or Public/Quasi Public</i>	<i>116 ft.</i>	<i>94 ft.</i>	<i>0.5 ft.</i>	<i>10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells</i>		<i>6 ft.</i>	<i>8 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>6 ft.</i>
	<i>Industrial</i>	<i>118 ft.</i>	<i>86 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Residential</i>	<i>100 ft.</i>	<i>68 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>6 ft.</i>

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

- 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.*

Applicant's Response: **The applicant has proposed several modifications, as outlined in Chapter 12.04.007 to the standard street sections.**

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."

Applicant's Response: This is not applicable to the proposed development.

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.

Applicant's Response: This is not applicable to the proposed development.

12.04.194 - Traffic sight obstructions.

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

Applicant's Response: This not applicable as no new streets are proposed.

12.04.195 - Spacing standards.

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

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

Table 12.04.195.B Minimum Driveway Spacing Standards			
Street Classification	Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Streets	Arterial	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 Streets	Arterial	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.

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.

Applicant's Response: A modification to the maximum block spacing between streets standard is requested due to the railroad right-of-way which parallels Washington Street, and which prevents any vehicular or pedestrian connections between Washington Street and Main Street.

12.04.199 - Pedestrian and bicycle accessways.

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

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

Applicant's Response: Pedestrian-bicycle accessway connections through the property perpendicular to Washington St, is not possible because of the railroad right-of-way that would block continuing connections to Main Street. Pedestrian-bicycle accessway connections parallel with Washington Street is not needed as the width of the parcel between Washington Street and the railroad right-of-way does not exceed 350 feet.

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

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

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

Applicant's Response: This is not applicable as accessways are not practical or needed as noted under 12.04.199A above.

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

Applicant's Response: This is not applicable as accessways are not practical or needed as noted under 12.04.199A above.

D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.

Applicant's Response: This is not applicable as accessways are not practical or needed as noted under 12.04.199A above.

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

Applicant's Response: This is not applicable as accessways are not practical or needed as noted under 12.04.199A above.

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

1. Within the three-foot planter strip, an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average;
2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees;
3. Within the five-foot planter strip, two-inch minimum caliper trees with a maximum of thirty-five feet of separation between the trees to increase the tree canopy over the accessway;
4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.

Applicant's Response: This is not applicable as accessways are not practical or needed as noted under 12.04.199A above.

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

Applicant's Response: This is not applicable as accessways are not practical or needed as noted under 12.04.199A above.

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

Applicant's Response: This is not applicable as accessways are not practical or needed as noted under 12.04.199A above.

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

Applicant's Response: This is not applicable as accessways are not practical or needed as noted under 12.04.199A above.

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

Applicant's Response: This is not applicable as accessways are not practical or needed as noted under 12.04.199A above.

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

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

Applicant's Response: This is not applicable as accessways are not practical or needed as noted under 12.04.199A above.

12.04.200 - Reserved.

Editor's note— Ord. No. 13-1003, § 1, Exhibit 1, adopted July 17, 2013, repealed § 12.04.200 in its entirety. Former § 12.04.200 pertained to "Street Design—Constrained local streets and/or rights-of-way." See Prior Code Cross-Reference Table and Code Comparative Table and Disposition List for derivation.

12.04.205 - Mobility standards.

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

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

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

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

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

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

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

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

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

1. For signalized intersections:

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

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

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

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

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

I-205/OR 99E Interchange

I-205/OR 213 Interchange

OR 213/Beavercreek Road

State intersections located within or on the Regional Center Boundaries

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

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

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

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

Applicant's Response: A traffic impact study is included in this application including assessment of the development's impact on the intersections identified in this exemption.

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.

Applicant's Response: No new streets are proposed therefore new intersections are not proposed either.

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.

Applicant's Response: Traffic impact study proportionality analysis indicates construction of left-turn lane serving the site access would be proportionate to the impacts of the proposed development.

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.

Applicant's Response: A half street development is not applicable to this site.

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.

Applicant's Response: No new streets are proposed nor will any existing street be extended; thus this code section is not applicable.

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.

Applicant's Response: No new streets are proposed and thus this is not applicable.

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.

Applicant's Response: No new streets are proposed and thus this is not applicable.

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.

Applicant's Response: No restrictive covenant or other form of protection is needed for the proposed developments.

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.

Applicant's Response: Washington Street is an arterial, not a local street so this code section is not applicable to Washington St. 17th Street has no sidewalk on its southerly side, however the applicant is setting up the northerly sidewalk for a mid-block crossing to allow for a future pedestrian connection under the railroad trestle in the future if approval could be obtained from the railroad.

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.

Applicant's Response: The parcel is zoned MUD, and thus the code section is not applicable to the site.

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.

Applicant's Response: Washington St., north of 17 St. is not a transit route. Therefore, this code section is not applicable.

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.

Applicant's Response: Tree wells are proposed, as well as landscape extensions into the on street parking areas for use as both water quality and greenery.

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.

Applicant's Response: Noted.

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.

Applicant's Response: Noted.

CHAPTER 12.08 - PUBLIC AND STREET TREES

12.08.010 - Purpose.

The purpose of this chapter is to:

- A. Develop tree-lined streets to protect the living quality and beautify the city;
- B. Establish physical separation between pedestrians and vehicular traffic;
- C. Create opportunities for solar shading;
- D. Improve air quality; and
- E. Increase the community tree canopy and resource.

Applicant's Response: Duly Noted

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.

Applicant's Response: Street trees will be selected from the Oregon City Street Tree List or otherwise approved as appropriate for use along the street frontages. Street trees along Washington Street will be in tree wells, trees along 17th Street will be planted behind the curb tight sidewalk.

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.

Applicant's Response: Every attempt will be made to plant street trees at the ratio of 1 tree per 35 feet, allowing for restrictions for plantings around driveways, street lights and other utility elements, and minimal tree spacing requirements that would prevent otherwise number of street trees to be planted.

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.*

Applicant's Response: Duly Noted

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

Applicant's Response: All street trees will meet the standard.

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.

Applicant's Response: Duly Noted

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.

Applicant's Response: Duly Noted

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.

Applicant's Response: Duly Noted

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.

Applicant's Response: Duly Noted

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

Applicant's Response: No street trees currently exist, but care will be taken to preserve a large tree adjacent to the 17th St. ROW and near the Hackett House.

12.08.040 - Heritage Trees and Groves.

A. Purpose. Certain trees, because of their age, species, natural resource value, ecological or historical association, are of special importance to the city. These trees may live on private or public property.

1. The purpose of this chapter is to recognize, foster appreciation and provide for voluntary protection of Heritage Trees.

2. In particular, the following trees are shall be considered significant, and therefore eligible for heritage tree nomination in Oregon City, if they meet the minimum size requirements of the table below:

Tree Eligibility based on Size

Species	Common Name	Size (d.b.h)
<i>Quercus garryana</i>	Oregon white oak	8"
<i>Pseudotsuga menziesii</i>	Douglas-fir	18"
<i>Thuja plicata</i>	Western red cedar	12"
<i>Pinus ponderosa</i>	Ponderosa pine	12"

<i>Taxus brevifolia</i>	Western yew	6"
<i>Other deciduous and horticultural tree species</i>		20"
<i>Other evergreen and conifer trees</i>		18"

Applicant's Response: We are not aware of a heritage tree, but aware of the significance of the large tree (Spanish Chestnut) near the Hackett House and will save it.

B. Recommendation.

1. Any citizen may recommend tree(s) to be designated as a Heritage Tree or Grove. If the proposed Heritage Tree or Grove is located on property other than city property or public right-of-way under city jurisdiction, the recommendation shall be submitted by the property owner or accompanied by the property owner's written consent. If the proposed Heritage Tree or Grove is located on city property or public right-of-way under city jurisdiction, the recommendation shall be submitted to the community development director; if the recommendation is consented to by the city, the community development director shall submit the recommendation to the city commission.

2. Recommendation shall be made on such form as required by the community development director. The recommendation form shall include a narrative explaining why the tree qualifies for Heritage Tree or Grove status pursuant to the definition in subsection 1. and the written consent of the property owner as described in subsection 1., of this section.

Applicant's Response: Duly Noted.

C. Review Process.

1. The city commission shall review all Heritage Trees and Grove recommendations at a public meeting. Notice of the meeting shall be provided to the recommending applicant, the property owner (unless the recommended tree or grove is located on public right-of-way under city jurisdiction, in which event notice shall be given to the community development director), the chair of any recognized neighborhood association in which the tree or grove is located, and the parks and recreation advisory committee (PRAC), if applicable.

2. Staff shall prepare a report for the city commission analyzing whether the tree or grove complies with the requirements for designation.

3. After considering the staff report and any testimony by interested persons, the city commission shall vote on the recommendation.

4. Following approval by the city commission:

a. If the tree or grove is located on private property, the designation shall be complete upon the property owner's execution of a covenant running with the land suitable for recordation by the city. The covenant shall describe the subject property, generally describe the location of the heritage tree or grove, and covenant that the tree or grove is protected as a "Heritage Tree" or "Heritage Grove" by the City of Oregon City and is therefore subject to special protection as provided in this Title.

b. If the tree or grove is located on public right-of-way, the designation shall be complete upon the Staff's listing of the tree or grove on the city Heritage Tree and Grove records.

c. If the tree or grove is located on the public right-of-way, the city shall condition any future property owner-requested vacation of the public right-of-way upon the execution of a covenant in accordance with subsection a., above, which shall be recorded by the city upon the vacation of the right-of-way.

Applicant's Response: Duly Noted.

D. Criteria.

1. The city commission may designate a tree or grove as a Heritage Tree or Heritage Grove if the commission determines that the following criteria are met:

a. The tree or grove is of landmark importance to the City of Oregon City due to age, size, species, horticultural quality or historic importance; or

Applicant's Response: Duly Noted.

b. It is listed as a State Heritage Tree, as designated by the state division of forest resources; or

Applicant's Response: Duly Noted.

c. It is a rare species, or provides a habitat for rare species of plants, animals or birds; and

Applicant's Response: Duly Noted.

d. The tree is not irreparably damaged, diseased, hazardous or unsafe, or the applicant is willing to have the tree treated by an arborist and the treatment will alleviate the damage, disease or hazard;

Applicant's Response: Duly Noted.

E. Protection of Heritage Trees and Groves.

1. No Heritage Tree or Grove may be removed, topped, or otherwise altered unless permitted by this section.

2. An application to remove a Heritage Tree or Grove shall demonstrate that the burden imposed on the property owner, or, if the tree is located within the public right-of-way under city jurisdiction, then the burden imposed on the city by the continued presence of the tree outweighs the public benefit provided by the tree. For the purposes of making this determination, the following tree impacts shall not be considered unreasonable burdens on the property owner, or if appropriate, the city:

a. View obstruction;

b. Routine pruning, leaf raking and other maintenance activities; and

c. Infrastructure impacts or tree hazards that can be controlled or avoided by appropriate pruning or maintenance.

3. Unless the tree is permitted to be removed due to poor health or hazard pursuant to Section 12.08.042, the applicant shall be required to mitigate for the loss of the tree pursuant to Table 12.08.042.

4. Any person who removes a Heritage Tree or Grove in violation of this chapter shall be subject to the penalties provided in this chapter.

Applicant's Response: Duly Noted.

F. Recognition of Heritage Trees and Groves.

1. A Heritage Tree plaque may be designed and furnished by the city to the property owner, or if the tree is in the public right-of-way, to the appropriate city official, of a designated Heritage Tree or Grove. The city may charge a fee to cover the costs of the providing the plaque. The plaque shall be posted at a location at or near the tree or grove and, if feasible, visible from a public right-of-way.

2. The community development director shall maintain a list and map of designated Heritage Trees and Groves.

G. Removal of Heritage Tree or Grove Designation.

1. A Heritage Tree or Grove may be removed from designation if it dies or is removed pursuant to this chapter. If removed from private property, the city shall record a document extinguishing the covenant.

Applicant's Response: Duly Noted.

12.08.045 - Gifts and funding.

The City of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the city. the community development director may allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City. The community development director may determine the type, caliper and species of the trees purchased with the fund. The cost of each tree may be adjusted annually based upon current market prices for materials and labor as calculated by the community development director. A separate fund shall be established and maintained for revenues and expenditures created by activities specified in this chapter. The natural resources committee shall have authority on behalf of the city to seek grants and alternative funding for tree projects. Funds from such grant awards shall be administered by the city pursuant to this section.

Applicant's Response: Duly Noted.

12.08.050 - Violation—Penalty.

The violation of any provision of this chapter shall be constitute a civil infraction, subject to code enforcement procedures of Chapter 1.16 and/or Chapter 1.20.

Applicant's Response: Duly Noted.

CHAPTER 13.12 - STORMWATER CONVEYANCE, QUANTITY AND QUALITY

13.12.050 Pursuant to each of the subsections below, proposed activities may be required to meet the performance standards for stormwater conveyance, stormwater quantity or stormwater quality.

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

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

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

Applicant's Response: Chapter 13.12 is applicable to the proposed developments.

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

- 1. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven-year period;*
- 2. Activities that create more than two thousand square feet of impervious surface, cumulated over any given seven year period; or*
- 3. Redevelopment of a commercial or industrial land use that will disturb more than five thousand square feet of existing impervious surface. This five thousand square foot measurement cumulates over any given seven year period;*
- 4. An exemption to the stormwater quantity control requirements of this chapter will be granted in the following circumstances:*
 - a. The development site discharges to a stormwater quantity control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater, or,*
 - b. The development site discharges to one of the following receiving bodies of water: Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred year floodplain or is up to ten feet above the design flood elevation as defined in Chapter 17.42*

Applicant's Response: Most of the development site lies within the 100 year floodplain of the Willamette River/ Abernethy Creek floodplain and all of the subject site lies within 10 feet vertically of the design flood elevation as defined in Chapter 17.42 and therefore the site meets the exception of 13.12.050.B4(b).

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

- 1. Category A. Activities subject to general water quality requirements of this chapter:*
 - a. The construction of four or more single-family residences;*
 - b. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven year period; or*
 - c. Activities that create more than eight thousand square feet of new impervious surface for other than a single-family residential development. This eight thousand square foot measurement will be considered cumulative for any given seven year period;*
 - d. An exemption to the stormwater quantity control requirements of this subsection will be granted if the development site discharges to a stormwater quality control facility approved by the city engineer to*

receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater.

2. *Category B. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices as contained in the Public Works Stormwater and Grading Design Standards:*
 - a. *Fuel dispensing facilities;*
 - b. *Bulk petroleum storage in multiple stationary tanks;*
 - c. *Solid waste storage areas for commercial, industrial or multi-family uses;*
 - d. *Loading and unloading docks for commercial or industrial uses; or*
 - e. *Covered vehicle parking for commercial or industrial uses.*
3. *Category C. Clackamas River Watershed. In addition to any other applicable requirements of this chapter, any development that creates new waste discharges and whose stormwater runoff may directly or indirectly flow into the Clackamas River is subject to additional requirements associated with Oregon Administrative Rules (OAR) 340-41-470 (Thee Basin Rule).*

Applicant's Response: Chapter 13.12.050C1 is applicable to the site areas.

13.12.090 Approval criteria for engineered drainage plans and drainage report.

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

- A. *The plan and report demonstrate how the proposed development and stormwater management facilities will accomplish the purpose statements of this chapter;*
- B. *The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020*
- C. *Unless otherwise exempted by Section 13.12.050(B), the plan and report includes adequate stormwater quantity control facilities, so that when the proposed land development activity takes place, peak rates and volumes of runoff:*
 1. *Do not exceed the capacity of receiving drainage conveyance facilities;*
 2. *Do not increase the potential for streambank erosion; and*
 3. *Do not add volume to an off-site closed depression without providing for mitigation.*
- D. *Unless otherwise exempted by Section 13.12.050(C), the proposed development includes:*
 1. *Adequate stormwater quality control facilities, so that when the proposed land development activity takes place, the temperature and overall pollution level of stormwater runoff is no greater than the water entering. When no water enters a project, then stormwater runoff shall be compared to rain samples; and*
 2. *Stormwater quality control facilities which:*
 - a. *Are in compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements;*
 - b. *Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures; and*
 - c. *Minimize any increase in nonpoint source pollution.*
- E. *The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.*
- F. *Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams. The post-development peak stormwater discharge rate from a development site for the two year, twenty-four hour duration storm event shall not exceed fifty percent of the two year, twenty-four hour predevelopment peak runoff rate.*
- G. *Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.*

Applicant's Response: Plans for drainage improvements will be prepared in accordance with City requirements.

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.

Applicant's Response: A grading permit will be required for the proposed improvements. Permits will be acquired prior to commencing grading activities.

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.

Applicant's Response: Code section 15.48.090B is applicable to this site. Grading plans will be submitted in accordance with this code.

CHAPTER 17.34 - "MUD" MIXED USE DOWNTOWN DISTRICT

17.34.020 - Permitted uses.

Permitted uses in the MUD district are defined as:

A. Any use permitted in the mixed-use corridor without a size limitation, unless otherwise restricted in Sections 17.34.020, 17.34.030 or 17.34.040;

B. Hotel and motel, commercial lodging;

C. Marinas;

D. Religious institutions;

E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);

F. Live/work units.

Applicant's Response: Phase 1 includes a new hotel and retention of offices at the Hackett House building. These uses are permitted uses in the MUD zone.

17.34.030 - Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56.

A. Ancillary drive-in or drive-through facilities;

B. Emergency services;

C. Hospitals;

D. Outdoor markets that do not meet the criteria of Section 17.34.020;

E. Parks, playgrounds, play fields and community or neighborhood centers;

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

G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;

H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;

I. Public utilities and services such as pump stations and sub-stations;

J. Distributing, wholesaling and warehousing;

K. Gas stations;

L. Public and or private educational or training facilities;

M. Stadiums and arenas;

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

O. Recycling center and/or solid waste facility.

Applicant's Response: Proposed project does not include any of the above Conditional Uses. Project Site design consists of Permitted Uses within the Mixed Use District.

17.34.040 - Prohibited uses.

The following uses are prohibited in the MUD district:

A. Kennels;

B. Outdoor storage and sales, not including outdoor markets allowed in Section 17.34.030;

C. Self-service storage;

D. Single-Family and two-family residential units;

E. Motor vehicle and recreational vehicle repair/service;

F. Motor vehicle and recreational vehicle sales and incidental service;

G. Heavy equipment service, repair, sales, storage or rental² (including but not limited to construction equipment and machinery and farming equipment)

Applicant's Response: Proposed project does not include any of the above listed Prohibited Uses.

17.34.050 - Pre-existing industrial uses.

Tax lot 5400 located at Clackamas County Tax Assessors Map #22E20DD, Tax Lots 100 and two hundred located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for industrial uses. These properties may maintain and expand their industrial uses on existing tax lots. A change in use is allowed as long as there is no greater impact on the area than the existing use.

Applicant's Response: Proposed project Site does not contain any of the above-mentioned Tax Lots. Therefore, this section does not apply.

17.34.060 - Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.

A. Minimum lot area: None.

Applicant's Response: Proposed project site is located outside of the downtown design district, therefore no minimum lot area is required.

B. Minimum floor area ratio: 0.30.

Applicant's Response: Floor Area Ratio of the proposed project will exceed 0.30.

C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.

Applicant's Response: New structures will exceed 25 feet or 2 stories in compliance with this section. The existing Hackett House is an existing nonconforming one and two story structure of approximately 25 feet in height at the two story portion and 15 feet in height at the one story portion.

D. Maximum building height: Seventy-five feet, except for the following locations where the maximum building height shall be forty-five feet:

1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
2. Property within five hundred feet of the End of the Oregon Trail Center property; and
3. Property within one hundred feet of single-family detached or detached units.

Applicant's Response: Project property is within 500 feet of the End of the Oregon Trail Center property, therefore the maximum allowable building height is 45 feet. Building height has been measured from the flood plain elevation (see 17-02 pre-app notes – community development).

Applicant requests an adjustment to the maximum building height for the hotel. The existing Hackett House does not exceed the 45 foot maximum height.

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

Applicant's Response: Proposed project does not abutt a residential zone. Therefore, there is no minimum setback requirement. ODOT recommends a 15' minimum setback from the railroad right-of-way adjoining the property to the West. Proposed project will comply with 15' minimum setback along railroad right-of-way.

F. Minimum required interior side yard and rear yard setback if abutting a residential zone: Fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.

Applicant's Response: Proposed project does not abutt a residential zone. Therefore, there the minimum required interior side yard and rear yard does not apply.

G. Maximum Allowed Setbacks.

1. Front yard: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.

Applicant's Response: Front yard setbacks will not exceed the twenty-foot maximum.

2. Interior side yard: No maximum.

Applicant's Response: Project will comply with no maximum side yard setback requirement.

3. Corner side yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.

Applicant's Response: Project does not include corner side yard abutting street, therefore this requirement does not apply.

4. Rear yard: No maximum.

Applicant's Response: Project will comply with no maximum rear yard setback requirement.

5. Rear yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.

Applicant's Response: Rear yard does not abutt a street, therefor this requirement does not apply.

H. Maximum site coverage including the building and parking lot: Ninety percent.

Applicant's Response: Proposed project will not exceed ninety percent site coverage.

I. Minimum landscape requirement (including parking lot): Ten percent.

Applicant's Response: The landscape plan provides landscaping exceeding 10% of the total property area.

17.34.070 - Mixed-use downtown dimensional standards—For properties located within the downtown design district.

Applicant's Response: Project is located outside of the downtown design district; therefore, this section does not apply.

17.34.080 - Explanation of certain standards.

A Floor Area Ratio (FAR).

1. Purpose. Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

2. Standards.

a. The minimum floor area ratios contained in sections 17.34.060 and 17.34.070 apply to all non-residential and mixed-use building developments.

b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.

c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

B. Building height.

1. Purpose.

a. The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of fifty-eight feet measured from Main Street. The maximum building height limit of fifty-eight feet will ensure that no new building will be taller than the Masonic Hall.

b. A minimum two-story (twenty-five feet) building height is established for the Downtown Design District Overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.

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.

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.

Applicant's Response: Tree protection is integral to the site clearing and demolition plan. The pre-existing industrial use of the site has compromised its overall ecological health and value. This project aims to meet or exceed the City intent to repair and reestablish ecological value to this site with the use of as many native and naturalized species as possible to suit the site's context and to meet the requirements set forth in the 17.62.050 Standards.

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.

Applicant's Response: The exemptions as noted above are not applicable to this site.

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.

Applicant's Response: The requirements for compliance will be met by one of the approved methods.

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.

Applicant's Response: It is estimated that approximately 150 replacement trees will be required for the Hotel development and parking areas to meet the replacement requirements of Columns 1 and 2 above appropriate.

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.

Applicant's Response: Where possible trees will be planted on site but some off-site planting may be required. As much as is feasible, this project strives to meet the requirements for replanting on the development site, using a favorable variety of native or naturalized species. Provided is a landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above the ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacing of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems require to maintain plant materials.

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.

Applicant's Response: An alternative mitigation plan is not proposed.

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

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

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

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

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

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

Applicant's Response: Proposed development is not a subdivision or partition, therefore this section is not applicable.

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.

Applicant's Response: Proposed project is not seeking a density transfer for tree protection.

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

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

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

Applicant's Response: This is not applicable as the no single family or two family residential units are 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.

Applicant's Response: Does Not Apply.

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.

Applicant's Response: Does Not Apply.

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.

Applicant's Response: The proposed project is not seeking the tree bank/fund option.

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.

Applicant's Response: Duly Noted.

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.*

Applicant's Response: See "Arborist Report", Exhibit F included with this submittal.

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.

Applicant's Response: Civil drainage and grading plans will include coordination with arborists recommendations for tree protection.

CHAPTER 17.44 - GEOLOGIC HAZARDS

17.44.035 - Exemptions.

The following activities, and persons engaging in same, are EXEMPT from the provisions of this chapter.

- A. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;*

- B. A fill which does not exceed two feet in depth or twenty-five cubic yards of volume;
- C. Structural alteration of any structure of less than five hundred square feet that does not involve grading as defined in this chapter;
- D. Installation, construction, reconstruction, or replacement of utility lines in city right-of-way, or public easement, not including electric substations;
- E. The removal or control of noxious vegetation;
- F. Emergency actions which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property. The person undertaking emergency action shall notify the building official on all regulated activities associated with any building permit or city engineer/public works director on all others within one working day following the commencement of the emergency activity. If the city engineer/public works director or building official determine that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken.

Applicant's Response: Geologic hazards are identified on the project property along 17th Street at the south edge of lot 1200 and 1301. Proposed development in this area is limited to utilities, sidewalks, parking, landscaping, and public street improvements. With the possible exception of excavations for utilities anticipated work within the geologic hazard area would be exempt from the provisions of this chapter. A "Geologic hazard Evaluation Report" is included with this submittal as Exhibit F.

17.44.050 Development - Application Requirements and Review Procedures and Approvals.

Except as provided by subsection B of this section, the following requirements apply to all development proposals subject to this chapter:

A. A geological assessment and geotechnical report that specifically includes, but is not limited to:

- 1) Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:
 - a) The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area;
 - b) Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);
 - c) Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);
 - d) DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);
 - e) "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);

Applicant's Response: A preliminary geologic hazard evaluation report is included with this submittal.

- 2) Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;

Applicant's Response: See included preliminary geologic hazard evaluation report for information and recommendations for existing local drainage.

- 3) Comprehensive information about site topography;

Applicant's Response: See included preliminary geologic hazard evaluation report and civil drawings for information about site topography.

- 4) Opinion as to the adequacy of the proposed development from an engineering standpoint;

Applicant's Response: See included preliminary geologic hazard evaluation report for opinion as to the adequacy of the proposed development from an engineering standpoint.

- 5) Opinion as to the extent that instability on adjacent properties may adversely affect the project;

Applicant's Response: See included preliminary geologic hazard evaluation report for opinion concerning stability assessments.

6) Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;

Applicant's Response: See included preliminary geologic hazard evaluation report for investigations, findings and lab reports.

7) Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;

Applicant's Response: See included preliminary geologic hazard evaluation report for conclusory statements.

8) Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;

Applicant's Response: A geotechnical report addressing requirements of this section will be provided with building permit submittals.

9) Recommendations and types of considerations as appropriate for the type of proposed development:

- a. General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill,*
- b. Location of residence on lot,*
- c. Building setbacks from slopes,*
- d. Erosion control techniques applicable to the site,*
- e. Surface drainage control to mitigate existing and potential geologic hazards,*
- f. Subdrainage and/or management of groundwater seepage,*
- g. Foundations,*
- h. Embedded/retaining walls,*
- i. Management of surface water and irrigation water, and*
- j. Impact of the development on the slope stability of the lot and the adjacent properties.*

Applicant's Response: A geotechnical report addressing requirements of this section will be provided with building permit submittals.

Scaled drawings that describe topography and proposed site work, including:

- a. Natural physical features, topography at two or ten-foot contour intervals locations of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and manmade structures or features all fully dimensioned, trees six- inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities;*
- b. All of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.*
- c. A cross-section diagram, indicating depth, extent and approximate volume of all excavation and fills.*

Applicant's Response: See "Topographic Survey" for existing conditions and features. Civil drawings showing preliminary grading are included with GDP. Detailed Civil drawings addressing the remainder of this section will be provided with DDP submittals. A geotechnical report showing boring locations will be provided with building permit submittals.

11) For properties greater than 1 acre, a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.

Applicant's Response: See Exhibit H included in this submittal.

17.44.050.B. Review Procedures and Approvals require the following:

- 1) Examination to ensure that:
 - a) Required application requirements are completed;
 - b) Geologic assessment and geotechnical report procedures and assumptions are generally accepted; and
 - c) All conclusions and recommendations are supported and reasonable.

Applicant's Response: Duly Noted.

17.44.050.B.2 Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity.

Applicant's Response: Duly Noted.

17.44.050.B.3 All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or geologic engineering and geotechnical engineering, respectively, as determined by the City. The City will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.

Applicant's Response: Duly Noted.

17.44.050.C. The city engineer may waive one or more requirements of subsections A and B of this section if the city engineer determines that site conditions, size or type or development of grading requirements do not warrant such detailed information. If one or more requirements are waived, the city engineer shall, in the staff report or decision, identify the waived provision(s), explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority.

Applicant's Response: Duly Noted

17.44.060 Development Standards.

Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter. Requirements of this chapter are in addition to other provision of the Oregon City Municipal Code. Where provision of this chapter conflict with other provision of the Oregon City Municipal Code, the provisions that are more restrictive of regulated development activity shall govern.

17.44.060.A All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal and fill and grading for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.

Applicant's Response: The proposed development has been designed so as to minimize unnecessary disturbances as applicable.

17.44.060B All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Erosion control measures shall be installed and functional prior to any disturbances. The City Engineer may allow grading, drainage improvements or other land disturbances to begin before May 1 (but no earlier than March 16) and end after October 31 (but no later than November 30), based upon weather conditions and in consultation with the project geotechnical engineer. The modification of dates shall be the minimum necessary, based upon the evidence provided by the applicant, to accomplish the necessary project goals. Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.

Applicant's Response: Erosion control measures will be in place for construction activities between October 31 to May 1.

17.44.060.C Designs shall minimize the number and size of cuts and fills.

Applicant's Response: Proposed project design minimizes the use of cuts and fills while also providing for a site that is most efficient for its intended use.

17.44.060.D Cut and fill slopes, such as those for a street, driveway accesses, or yard area, greater than seven feet in height (as measured vertically) shall be terraced. Faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut and fill slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut or fill slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.

Applicant's Response: Proposed development includes cut and fill slopes exceeding seven feet in parking area north of the hotel, however this area is not within the Geologic Hazard area.

17.44.060.E Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter.

Applicant's Response: The above requirement is Duly Noted.

17.44.060.F Retaining walls shall be constructed in accordance with the Oregon Structural Specialty Code adopted by the State of Oregon.

Applicant's Response: Retaining walls will be engineered with accordance with all applicable codes and regulations.

17.44.060.G Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the City's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.

Applicant's Response: There are no new roads proposed for the proposed project, therefore this Does Not Apply.

17.44.060.H Density shall be determined as follows

- 1) For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district;
- 2) For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;
- 3) For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection I 4 of this section.

Applicant's Response: The Density calculations for the proposed project are in accordance with 17.00.060.H.1, following the allowed density permitted by the zoning district.

17.44.060.I For properties with slopes of twenty-five to thirty-five percent between grade breaks:

- 1) For those portions of the property with slopes of twenty-five to thirty-five percent, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;
- 2) An individual lot or parcel with slopes between twenty-five and thirty-five percent shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.
- 3) No cut into a slope of twenty-five to thirty-five percent for the placement of a housing unit shall exceed a maximum vertical height of 15 feet for the individual lot or parcel.
- 4) For those portions of the property with slopes over thirty-five percent between grade breaks:
 - a. Notwithstanding any other City land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This

determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable City requirements as well as any applicable State, Federal or other requirements;

- b. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.

Applicant's Response: Not applicable as individual dwelling units are not proposed.

17.44.060.J The geotechnical engineer of record shall review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report.

Applicant's Response: The proposed project has a Geotechnical Engineer on the team, for review of final grading, drainage, and foundation plans and specifications, and they will provide written reports, confirming compliance with their recommendations.

17.44.060.K At the City's discretion, peer review shall be required for the geotechnical evaluation/investigation report submitted for the development and/or lot plans. The peer reviewer shall be selected by the City. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer prior to issuance of building permit.

Applicant's Response: The above discretionary requirement is understood.

17.44.060.L The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the City's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur.

Applicant's Response: The above requirement is duly noted.

17.44.070 Access to Property.

- A. Shared private driveways may be required if the city engineer or principal planner determines that their use will result in safer location of the driveway and lesser amounts of land coverage than would result if separate private driveways are used.
- B. Innovations in driveway design and road construction shall be permitted in order to keep grading and cuts or fills to a minimum and to achieve the purpose and policy of this chapter.
- C. Points of access to arterials and collectors shall be minimized.
- D. The city engineer or principal planner shall verify that adequate emergency services can be provided to the site.

Applicant's Response: Shared access drives are included in the proposed design for this project.

17.44.080 Utilities.

All new service utilities, both on-site and off-site, shall be placed underground and under roadbeds where practicable. Every effort shall be made to minimize the impact of utility construction. Underground utilities require the geologic hazards permitting and review prescribed herein.

Applicant's Response: Proposed project includes the implementation of underground utilities.

17.44.090 Stormwater Drainage.

The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: curbs, gutters, inlets, catch basins, detention facilities and

stabilized outfalls. Detention facilities shall be designed to City standards as set out in the City's drainage master plan and design standards. The review authority may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality consistent with Oregon City's Title III section of the Oregon City Municipal Code Chapter 17.49 and the Oregon City Public Works Stormwater Management Design Manual and Standards Plan or other adopted standards subsequently adopted by the City Commission. Drainage design shall be approved by the city engineer before construction, including grading or other soil disturbance, has begun.

Applicant's Response: The proposed project includes preliminary Stormwater plans; final plans will be submitted for review at a future date.

17.44.100. Construction Standards.

During construction on land subject to this chapter, the following standards shall be implemented by the developer:

17.44.100.A *All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47 – Erosion and Sediment Control.*

Applicant's Response: Development activity shall minimize vegetation removal where such practices are prudent and erosion prevention measures will be in place as required.

17.44.100.B *No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the city engineer shall authorize the site access, brush to be cleared and the location of the test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The grading plan shall be approved by the city engineer as part of the city's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.*

Applicant's Response: It is understood that work shall not commence prior to approvals.

17.44.100.C *Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).*

Applicant's Response: Measures for prevention of landslides, mudflows, soil slump and erosion shall be implemented by the Contractor where prudent, in accordance with the Oregon City Public Works Standards for Erosion and Sedimentation Control.

17.44.100.D *All disturbed vegetation shall be replanted with suitable vegetation upon completion of the grading of the steep slope area.*

Applicant's Response: Preliminary Landscape plans are included with this submittal.

17.44.100.E *Existing vegetative cover shall be maintained to the maximum extent practicable. No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip line of trees designated for protection, unless approved by the City.*

Applicant's Response: Where possible, we have strived to keep existing trees intact, with little or no change in grade, soil hydrology, or site drainage about the drip line of existing trees to remain. An Arborists Report and Tree Removal plan are included with this submittal.

17.44.100.F *Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts.*

Applicant's Response: If it is determined that there are watercourses onsite, then they will be protected from impacts of construction.

17.44.100.G *All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the city engineer. Such maintenance shall be the responsibility of the developer. If erosion or*

sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the City may order work to be stopped.

Applicant's Response: Contractor will provide soil and sediment control measures during construction.

17.44.100.H *All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of 35% or less.*

Applicant's Response: Proposed project is on existing lots, therefore this does not apply.

17.44.100.I *The applicant's geotechnical engineer shall provide special inspection during construction to confirm that the subsurface conditions and assumptions made as part of their geotechnical evaluation/investigation are appropriate. This will allow for timely design changes if site conditions are encountered that are different from those anticipated.*

Applicant's Response: Geotechnical Engineer of record will be contracted to provide inspection services.

17.44.100.J *Prior to issuing an occupancy permit, the geotechnical engineer shall prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations.*

Applicant's Response: Soils report for this proposed project will be submitted prior to foundation design and will be submitted along with construction permit documents.

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.

Applicant's Response: See erosion control plan, drawing C402. As the disturbance area will exceed one acre a DEQ 1200-C permit will be required.

CHAPTER 17.49 - NATURAL RESOURCE OVERLAY DISTRICT

Applicant's Response: Not applicable. See GDP for:

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

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

17.50.050 *Preapplication Conference*

A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a

preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

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

Applicant's Response: Pre Application conferences were attended on:

- February 8, 2017 (PA 17-02)
- July 6, 2016 (PA 16-30)
- August 18, 2015 (PA 15-25)

17.50.055 Neighborhood Association Meeting

- *The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.*

1. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, planning commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

2. The applicant shall send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the citizen involvement committee describing the proposed project. Other communication methods may be used if approved by the neighborhood association.

3. A meeting shall be scheduled within thirty days of the notice. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall hold their own meeting after six p.m. or on the weekend, with notice to the neighborhood association, citizen involvement committee, and all property owners within three hundred feet. If the applicant holds their own meeting, a copy of the certified letter requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a city facility.

4. If the neighborhood association is not currently recognized by the city, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.

5. To show compliance with this section, the applicant shall submit a sign-in sheet of meeting attendees, a summary of issues discussed, and letter from the neighborhood association or citizen involvement committee indicating that a neighborhood meeting was held. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, a sign in sheet of attendees and a summary of issues discussed.

Applicant's Response: A neighborhood meeting with the Two Rivers Home Owners Association Occurred on January 25th, 2017. Additionally, as a courtesy, another meeting was held with the McLoughlin Home Owners association, a neighboring community, on February 2, 2017.

CHAPTER 17.52 - OFF-STREET PARKING AND LOADING

17.52.010 - Applicability.

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

Applicant's Response: Proposed project includes parking lots. Site plan review is requested as part of DDP review.

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.

Applicant's Response: The proposed site design is intended to meet the parking standards applicable to the zone and intended uses.

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.

Table 17.52.020		
LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
	MINIMUM	MAXIMUM

<i>Multi-Family: Studio</i>	<i>1.00 per unit</i>	<i>1.5 per unit</i>
<i>Multi-Family: 1 bedroom</i>	<i>1.25 per unit</i>	<i>2.00 per unit</i>
<i>Multi-Family: 2 bedroom</i>	<i>1.5 per unit</i>	<i>2.00 per unit</i>
<i>Multi-Family: 3 bedroom</i>	<i>1.75 per unit</i>	<i>2.50 per unit</i>
<i>Hotel, Motel</i>	<i>1.0 per guest room</i>	<i>1.25 per guest room</i>
<i>Correctional Institution</i>	<i>1 per 7 beds</i>	<i>1 per 5 beds</i>
<i>Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes</i>	<i>1 per 7 beds</i>	<i>1 per 5 beds</i>
<i>Hospital</i>	<i>2.00</i>	<i>4.00</i>
<i>Preschool Nursery/Kindergarten</i>	<i>2.00</i>	<i>3.00</i>
<i>Elementary/Middle School</i>	<i>1 per classroom</i>	<i>1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium</i>
<i>High School, College, Commercial School for Adults</i>	<i>0.20 per # staff and students</i>	<i>0.30 per # staff and students</i>
<i>Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater,</i>	<i>.25 per seat</i>	<i>0.5 per seat</i>
<i>Retail Store, Shopping Center, Restaurants</i>	<i>4.10</i>	<i>5.00</i>
<i>Office</i>	<i>2.70</i>	<i>3.33</i>
<i>Medical or Dental Clinic</i>	<i>2.70</i>	<i>3.33</i>
<i>Sports Club, Recreation Facilities</i>	<i>Case Specific</i>	<i>5.40</i>
<i>Storage Warehouse, Freight Terminal</i>	<i>0.30</i>	<i>0.40</i>
<i>Manufacturing, Wholesale Establishment</i>	<i>1.60</i>	<i>1.67</i>
<i>Light Industrial, Industrial Park</i>	<i>1.3</i>	<i>1.60</i>

Applicant's Response: Required parking spaces per table 17.52.020:

- **Hackett House (2,110 net SF offices)** **5.69 spaces min** **7.02 spaces max**
- **Hotel (99 rooms)** **99** **123.75**
- **TOTAL** **105 spaces min** **131 spaces max**

See also response to 17.52.020C for reduced parking requirement and summary of proposed parking.

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.

Applicant's Response: Required parking spaces have been calculated as the sum of required spaces for all uses.

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.*

Applicant's Response: Proposed design does not include uses not listed in the table.

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.*

Applicant's Response: Total required parking spaces have been adjusted to whole numbers as required by this section.

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.*

Applicant's Response: The minimum required parking spaces will be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only.

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.*

Applicant's Response: Project includes existing Hackett House office building and new hotel building. Parking requirements have been calculated using the sum of the requirements for each as required by Table 17.52.020 and Section 17.52.020.C.

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.

Applicant's Response: Required parking spaces have been calculated as the sum of required spaces for all uses.

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.

Applicant's Response: Shared parking is not proposed to meet the required parking.

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.*

Applicant's Response: Two 22' parallel on-street parking spaces are proposed on Washington Street abutting the project site.

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.*

Applicant's Response: Project is within the Downtown Parking Overlay District and qualifies for a 50% reduction in required parking spaces. Application of this reduction reduces the minimum required parking spaces from 105 to 53 spaces. As designed, the project includes 101 on-site spaces and 2 on-street spaces for a total of 103 spaces. The 103 proposed spaces are less than the maximum allowable 131 spaces, therefore the project meets the parking space requirements.

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.*

Applicant's Response: All parking stalls will be served by driveways that will not require backing movements into public rights-of-way. No driveway will exceed 15% grade. A temporary access, approximately 12% slope, will be developed between the upper parking areas around the hotel and the lower parking area to the north of the primary hotel grounds. When the Phase 2 portion of the Abernethy Place site is redevelopment, a flatter access, suitable for ADA access will be constructed.

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.

Applicant's Response: All off-street parking spaces and drive aisles will have paved surfacing. Low impact development design is intended for the majority of the hotel parking and access area. This facility will be in a landscape strip between rows of parking in the lower parking area and will be extended in the next phase is developed to accommodate the additional parking developed at that time. A portion of the hotel site will require draining through a filter system near the driveway entrance onto Washington Street.

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.

Applicant's Response: Drainage will be designed in accordance of Chapter 13.12 and the City's public works stormwater and grading standards. A public storm water extension in Washington St. will be constructed as well as on-site storm drain facilities as noted on application plan sheets.

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.

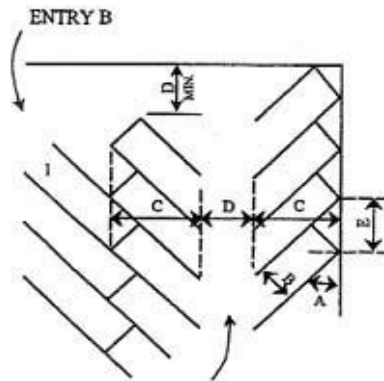
PARKING

STANDARD

PARKING ANGLE SPACE DIMENSIONS

A Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9.0	12	20	0
30 degrees	Standard Compact	9' 8'	17.3' 14.9'	11' 11'	18' 16'	
45 degrees	Standard Compact	8.5 8.5	19.8' 17.0'	13' 13'	12.7' 11.3'	1.4
60 degrees	Standard Compact	9' 8'	21' 17.9'	18' 16'	10.4' 9.2'	1.7
90 degrees	Standard Compact	9' 8'	19.0' 16.0'	24' 22'	9' 8'	1.5

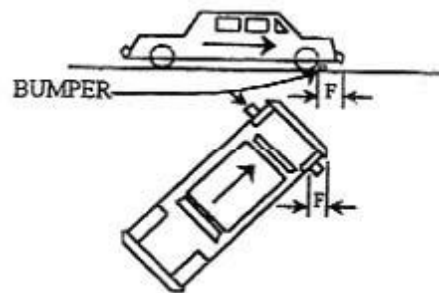
All dimensions are to the nearest tenth of a foot.



L. TYPICAL PARKING LAYOUT

M. ENTRY

A



NOTE: SPACE 1 CONTINGENT UPON ENTRY B OVERHANG

NOTE: Overhang dimensions are intended to indicate possible location from parking area edge for location of bumpers.

Applicant's Response: All parking stalls will meet the dimensional standards of either the City's standard or compact stall dimensions. See Site Plan, drawing A100 for dimensioned parking. 23 compact spaces are required, 22% of the parking spaces provided.

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."

Applicant's Response: 5% of 40 employee spaces would result in 2 carpool/vanpool spaces. The proposed project will have less than 40 employees, therefore, two carpool/vanpool spaces are required. These spaces are marked on the Site Plan, drawing A100 as "CARPOOL" and are located near the south side of the hotel, in close proximity to the hotel entrance and Hackett House.

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.

Applicant's Response: Bicycle parking is provided adjacent to the South side of the hotel, in close proximity to the Hackett House, See Site Plan, drawing A100.

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.

<i>USE</i>	<i>MINIMUM BICYCLE PARKING</i>	<i>MINIMUM BICYCLE PARKING - COVERED - The following percentage of bicycle parking is required to be covered</i>
<i>Multi-family (three or more units)</i>	<i>1 per 10 units (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Institutional</i>		
<i>Correctional institution</i>	<i>1 per 15 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Nursing home or care facility</i>	<i>1 per 30 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Hospital</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Park-and-ride lot</i>	<i>1 per 5 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Transit center</i>	<i>1 per 5 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Parks and open space</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>0%</i>
<i>Public parking lots</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Automobile parking structures</i>	<i>1 per 10 auto spaces (minimum of 4)</i>	<i>80% (minimum of 2)</i>
<i>Religious institutions, movie theater, auditorium or meeting room</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Libraries, museums</i>	<i>1 per 5 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>

<i>Preschool, nursery, kindergarten</i>	<i>2 per classroom (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Elementary</i>	<i>4 per classroom (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Junior high and High school</i>	<i>2 per classroom (minimum of 2)</i>	<i>50% (minimum of 2)</i>
<i>College, business/commercial schools</i>	<i>2 per classroom (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Swimming pools, gymnasiums, ball courts</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Retail stores and shopping centers</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>50% (minimum of 2)</i>
<i>Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental</i>	<i>1 per 40 auto spaces (minimum of 2)</i>	<i>0%</i>
<i>Bank, office</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Medical and dental clinic</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Eating and drinking establishment</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>0%</i>
<i>Gasoline service station</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>0%</i>

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

Applicant's Response: **10 bicycle spaces are provided. All spaces are covered.**

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.

Applicant's Response: **All Bicycle spaces will include stationary steel pipe bicycle racks secured to concrete paving. No bicycle parking is located within the right-of-way.**

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.

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.

Applicant's Response: Bicycle parking is located adjacent to the South entrance of the hotel, in close proximity to the Hackett House, convenient to both buildings, easily accessible by walkway, and in a location visible from both buildings for security.

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.

Applicant's Response: Bicycle parking is clearly visible from both the South entry to the Hotel and the Hackett House.

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.

Applicant's Response: The bicycle parking area is separated from motor vehicle areas by more than 5' located where it will not obstruct pedestrian walkways.

4. Accessibility.

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

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

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

Applicant's Response: The bicycle parking area is connected to the hotel and Hackett House entries by pedestrian accessible walkways. Direct access to 17th street is provided by pedestrian walkway or parking drive aisle. Bicycle parking is located closer to the Hotel entry than the closest vehicle space.

17.52.060 - Parking lot landscaping.

Purpose. The purpose of this code section includes the following:

1. To enhance and soften the appearance of parking lots;

2. To limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas;

3. To shade and cool parking areas;

4. To reduce air and water pollution;

5. To reduce storm water impacts and improve water quality; and

6. To establish parking lots that are more inviting to pedestrians and bicyclists.

Applicant's Response: Parking lot perimeter and interior landscaping treatments are paramount to the user's and public enjoyment of this site. Priority is given to maintaining any existing native plantings that have significant ecological value and to proposing native and naturalized species to promote the reparation, reestablish and sustain local and regional ecology. The landscape design will provide alternative species when site conditions warrant to fulfill required public safety and enjoyment goals.

Stormwater mitigation plantings will be addressed in an integrated manner to supply the required water quality mitigation.

A. Development Standards.

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

Applicant's Response: Parking lot landscaping are located in defined landscape areas and uniformly distributed throughout the parking area.

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

Applicant's Response: All areas in a parking lot not used for parking, maneuvering, or circulation are landscaped.

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.

Applicant's Response: Proposed Landscape design includes a mixture of deciduous shade trees and coniferous trees, see Planting Plan, drawing L1.0.

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;

Applicant's Response: See Planting Plan, drawing L1.0, showing tree species and 2" minimum caliper size of trees.

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;

Applicant's Response: All landscaped areas will include irrigation systems.

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.

Applicant's Response: See Planting Plan, drawing L1.0, showing proposed plant materials.

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.

Applicant's Response: See Planting Plan, drawing L1.0.

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

Applicant's Response: All Landscape areas, in the lower parking area, will incorporate the design standards for water quality in accordance with Chapter 13.12.

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;

Applicant's Response: See Planting Plan, drawing L1.0, showing perimeter parking lot landscaping.

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

Applicant's Response: See Planting Plan, drawing L1.0, showing perimeter parking lot landscaping.

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.

Applicant's Response: See Planting Plan, drawing L1.0, showing perimeter parking lot landscaping.

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:

Applicant's Response: See Planting Plan, drawing L1.0, showing perimeter parking area/building buffer.

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

Applicant's Response: See Planting Plan, drawing L1.0, showing perimeter parking area/building buffer.

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

Applicant's Response: See Planting Plan, drawing L1.0, showing perimeter parking area/building buffer.

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

Applicant's Response: See Planting Plan, drawing L1.0, showing perimeter parking area/building buffer.

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

Applicant's Response: See Planting Plan, drawing L1.0, showing perimeter parking area/building buffer.

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:

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

Applicant's Response: Proposed project is within the MUD zone. As required by 17.34.060.I the minimum landscape requirement including parking area is 10 percent of the lot area. See Planting Plan, drawing L1.0, showing 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.

Applicant's Response: See Planting Plan, drawing L1.0, showing interior parking lot landscaping.

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

Applicant's Response: See Planting Plan, drawing L1.0, showing interior parking lot landscaping.

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

Applicant's Response: See "Site Plan", drawing A100 for parking space layout. Plan includes no more than 8 contiguous parking spaces without an interior landscape strip between them. Landscape strips are at least 6 feet wide x 10 feet long.

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.

Applicant's Response: See Planting Plan, drawing L1.0, showing landscaping at pedestrian walkways.

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.

Applicant's Response: Landscaping and irrigation will comply with the requirements of this section.

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).

Applicant's Response: At this time there is no request or need for alternative landscape plan review.

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.

Applicant's Response: The owners and/or operators of properties within the proposed site will provide maintenance in accordance with this code.

17.52.090 - Loading areas.

A. Purpose.

1. *The purpose of this section is to provide adequate loading areas for commercial, office, retail and industrial uses that do not interfere with the operation of adjacent streets.*

Applicant's Response: The proposed hotel brand typically has minimal loading area needs. Passenger shuttle vans providing guest transit connections to airport, car rental, and other tourist destinations may make daytime stops at the lobby entry under the porte cochere. Regular deliveries are anticipated for food supplies, and would be received at the porte cochere as well. The hotel does not include a full service restaurant, and as the food service is of a limited nature, the required deliveries are of a nature more limited than a typical restaurant. These deliveries typically occur at night or early morning, when they would not likely conflict with shuttle services. No interference with the operation of adjacent streets is anticipated.

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.*

Applicant's Response: The proposed hotel uses does not expect 40 foot or longer wheelbase vehicles at a frequency of one or more vehicles per week.

C. Standards.

1. *The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the city engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.*

Applicant's Response: Vehicles for hotel needs vary in size from 20 feet to about 30 feet but all should be accommodated within the dedicated porte cochere drop-off area which provides width for two side-by-side vehicles. The porte cochere includes a 24' drive aisle separate from normal on-site vehicle circulation, and is set back from the street to eliminate interference with other uses.

2. *Where parking areas are prohibited between a building and the street, loading areas are also prohibited.*

Applicant's Response: No loading areas are proposed between the building and the street.

3. *The city engineer and decision maker, through site plan and design review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:*

a. *Short in duration (i.e., less than one hour);*

b. *Infrequent (less than three operations daily between 5:00 a.m. and 12:00 a.m. or all operations between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);*

c. *Does not obstruct traffic during peak traffic hours;*

d. *Does not interfere with emergency response services; and*

e. *Is acceptable to the applicable roadway authority.*

Applicant's Response: No loading areas adjacent to or within a street right-of-way are proposed.

CHAPTER 17.54.100 – FENCES, HEDGES AND WALLS

A. Generally. Fence, hedge, or wall.

1. *Fences and walls—Fences and walls over forty-two inches shall not be located in front of the front façade or within forty feet of the public right-of-way, whichever is less. All other fences (including fences along the side and rear of a property) shall not exceed six feet in total height unless as permitted [in] Section 17.54.100.B.*

2. *Hedges shall not be more than forty-two inches in the underlying front yard setback. Individual plants and trees taller than forty-two inches tall may be permitted provided there is at least one foot clearance between each plant.*

3. *Property owners shall ensure compliance with the traffic sight obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.*

4. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city manager.

Applicant's Response: In response to ODOT pre-app comments an 8 foot tall metal picket fence is proposed along the west property line abutting the railroad right-of-way. An adjustment is requested in the GDP.

B. Exception. Fence, hedge, wall, or other obstructing vegetation on retaining wall. When a fence, hedge, wall, or other obstructing vegetation is built on a retaining wall or an artificial berm that is not adjacent to or abutting a public right-of-way, the following standards shall apply:

- 1. When the retaining wall or artificial berm is thirty inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.*
- 2. When the retaining wall or earth berm is greater than thirty inches in height, the combined height of the retaining wall and fence or, wall from finished grade shall not exceed eight and one-half feet.*
- 3. Fences, hedges or walls located on top of retaining walls or earth berms in excess of eight and one-half feet in height shall be set back a minimum of two feet from the edge of the retaining wall or earth berm below and shall not exceed a combined height of eight and one-half feet.*
- 4. An alternative height or location requirement may be approved within a land use process for all non-single-family and two-family residential properties. The fence, hedge or wall shall be compatible with the adjacent neighborhood and achieve the same intent of the zoning designation and applicable site plan and design review process. In no case may the fence, hedge or wall exceed eight feet in height without approval of a variance.*

Applicant's Response: A combined guardrail + retaining wall height of 15 feet is proposed. An adjustment is requested in the GDP.

CHAPTER 17.56 - CONDITIONAL USES

Applicant's Response: The currently proposed uses are a permitted uses, therefore this section does not apply.

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.

Applicant's Response: The historic Hackett House office building is the only existing use to remain under the proposed design. The Hackett House is not a nonconforming use or lot, However the structure is nonforming in the following areas:

- 17.34.060.A - Minimum FAR of 0.30 as required in the MUD zone.
- 17.34.060.C - Minimum building height two-stories. (Rear portion is one-story).
- 17,62,055,D.1 – Five foot maximum setback from front property line.

Note that the Hackett House predates existing codes and is therefore a lawful nonconforming structure.

A structure that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered a lawful nonconforming structure. Notwithstanding development standard requirements in this Code, minor repairs and 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. 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

Square footage of site	Compliance Period
Less than 150,000 sq. ft.	2 years
150,000 sq. ft. or more, up to 300,000 sq. ft.	3 years
300,000 sq. ft. or more, up to 500,000 sq. ft.	4 years
More than 500,000 sq. ft.	5 years

Applicant's Response: The proposed design will result in an FAR greater than 0.30, bringing the overall project site into conformance with the FAR requirement of the MUD zone. No modifications to the Hackett House are proposed.

CHAPTER 17.60 - VARIANCE

17.60.030 – Variance - Grounds.

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

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

Applicant's Response: The proposed project is not seeking any variances, therefore this chapter does not apply.

CHAPTER 17.62 - SITE PLAN AND DESIGN REVIEW

17.62.015 - Modifications that will better meet design review requirements.

The review body may consider modification of site-related development standards. These modifications are done as part of design review and are not required to go through the Variance process pursuant to section 17.60.020.

Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the Variance process pursuant to section 17.60.020. Modifications that are denied through design review may be requested as Variance through the Variance process pursuant to section 17.60.020. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

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

B. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Applicant's Response: The proposed project seeks adjustments as part of the DDP. See response under Section 17.65.070.

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.

Applicant's Response: Pre Application conferences were attended on:

- February 8, 2017 (PA 17-02)
- July 6, 2016 (PA 16-30)
- August 18, 2015 (PA 15-25)

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.

Applicant's Response: The proposed project is non-residential. The requirements of 17.62 are applicable to this project.

17.62.035 - Minor site plan and design review.

Applicant's Response: Does Not Apply.

17.62.040 - Plans required.

A complete application for site plan and design review shall be submitted. Except as otherwise in subsection I of this section, the application shall include the following plans and information:

A. A site plan or plans, to scale, containing the following:

- 1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;*
- 2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;*
- 3. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent;*
- 4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:*
 - a. Areas indicated on floodplain maps as being within the one hundred-year floodplain,*
 - b. Unstable slopes, as defined in Section 17.44.020,*
 - c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;*

5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;
6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;
7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty-five feet of the site, and the current or proposed uses of the structures;
8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;
9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;
10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;
11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in *Chapter 52* of this title;
12. Site access points for automobiles, pedestrians, bicycles and transit;
13. On-site pedestrian and bicycle circulation;
14. Outdoor common areas proposed as open space;
15. Total impervious surface created (including buildings and hard ground surfaces).
16. The proposed location, dimensions and materials of fences and walls.
- B. A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.
- C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction.
- D. A materials board, no larger size than eleven inches by seventeen inches clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures. An electronic version may be accepted as an alternative if approved by the community development director.
- E. An erosion/sedimentation control plan, in accordance with the requirements of *Chapter 17.47* and the Public Works Erosion and Sediment Control Standards, and a drainage plan developed in accordance with city drainage master plan requirements, *Chapter 13.12* and the Public Works Stormwater and Grading Design Standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/geotechnical development impact statement.
- F. The legal description of the site.
- G. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.
- H. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:
 1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
 2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural

resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

I. Such special studies or reports as the community development director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The community development director shall require an applicant to submit one or more development impact statements, as described in Section 16.12.050, upon determination that (1) there is a reasonable likelihood that traffic safety or capacity improvements may be required; (2) the proposal could have significant adverse impacts on identified natural resource areas, including areas designated as being within the natural resources overlay district; or (3) the proposal would be located on or could have significant adverse impacts on natural hazard areas, including the geologic hazard and flood plain overlay districts. The community development director shall determine which types of development impact statements are necessary and provide written reasons for requiring the statement(s). The development impact statements shall include the information described in Sections 16.12.070, 16.12.080, and 16.12.120 [and this Section] 17.62.040.

J. The community development director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:

1. The community development director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the community development director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter is forwarded to the planning commission for initial review, the information required by this paragraph shall be included in the staff report;

2. The community development director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance. If additional information is required, the community development director shall, in the decision, explain the reasons for requiring the additional information.

K. If the applicant has not already done so as some other part of the land use review process, the applicant shall submit an erosion control plan that complies with the applicable requirements of Chapter 17.74 of this code.

Applicant's Response: See Exhibits & Drawings provided with this submittal.

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.

Applicant's Response: Project is in the MUD zone. Chapter 17.34.060.I requires landscaping to a minimum of 10% of the site area including parking. See "Planting Plan", L1.0 showing required landscaping.

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).

Applicant's Response: See "Planting Plan", L1.0 showing required landscaping.

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

Applicant's Response: Not applicable. See response under 17.49 Natural Resources Overlay District.

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

Applicant's Response: See "Planting Plan", L1.0 prepared by a registered landscape architect showing landscaping as required by this section.

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.

Project is located outside of the downtown design district; therefore, this section does not apply.

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

Applicant's Response: Proposed landscaping is visible to public thoroughfares to the extent practicable.

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

Project is in the MUD zone. Chapter 17.34.060.I requires landscaping to a minimum of 10% of the site area including parking.

2. Vehicular Access and Connectivity.

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

Applicant's Response: Parking areas are located behind existing buildings on Washington Street, on the north side of the hotel, and west side of the Hackett House.

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.

Applicant's Response: Three vehicular access locations are planned. An ingress and egress point on 17th St. approximately 30 feet east of the western property line, as well as an ingress only point approximately 75 feet east of the western property line is planned. Also an ingress and egress point is planned approximately 230 feet north of the 17th/Washington Street intersection. A fire lane through the hotel development site, connecting the entrance on Washington Street to the entrances on 17th Street is a part of the plan.

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.

Applicant's Response: No alley is proposed, but a vehicular connection between the hotel site and the future Phase 2 development is provided.

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

Applicant's Response: No alley abuts the site.

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.

Applicant's Response: There will be 2 parcels across hotel development site. Parcel 1, which includes the Hackett House will include the ingress only access from 17th St. Parcel 2 which will include the Hotel site will have both an ingress and egress access to both 17th St. and Washington St. Parcel 2 while it has accesses on to two existing streets, is not defined as a "Corner Lot" per the definition of 17.04.665 which defines a corner lot as abutting two streets as their intersection. Parcel 2 does not abut the two streets at their intersection.

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

Applicant's Response: No existing or proposed planned streets align with any of the new proposed driveway locations.

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.

Applicant's Response: A vehicular and pedestrian connection between the hotel site and the future Phase 2 site is planned.

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.

Applicant's Response: No vehicular or pedestrian easements are proposed as the hotel site will have direct access to Washington St. and 17th Street. No additional street connections are required either due to connection limitations caused by the adjoining railroad right-of-way paralleling Washington Street.

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

Applicant's Response: No vehicular or pedestrian easements are necessary to serve the intended development.

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.

Applicant's Response: No new street extensions are proposed. 17th Street, which is an existing street, cannot be extended due to railroad right-of-way requirements.

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.

Applicant's Response: It does not serve the City any purpose to provide street connections as shallow depth of the parcel between Washington St. and the railroad right-of-way, would prevent any meaningful connection to be made as a connection across the railroad right-of-way will not be allowed at grade.

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.

Applicant's Response: No garages are proposed for this project.

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.

Applicant's Response: No structured parking is proposed for this project.

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.

Applicant's Response: The Hackett House is a two-story Queen Anne style house, currently in use as an office building. The Hackett House is located on the project site, south of the proposed hotel. The End of the Oregon Trail Interpretive Center is located east of the project site directly across Washington Street from the project site. The project was reviewed on February 28, 2017 by the Historic Review Board. Of several alternatives discussed, the design submitted with this application was the design solution preferred by the Board. See "Historic Review Board", Exhibit G for additional information. Vertically oriented windows and wood look siding treatments on the hotel are complementary to the Hackett House design. Significant landscape screening between the Hackett House and the hotel was complemented by the board.

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

Applicant's Response: See "Grading Plan", drawing C401 for grading in accordance with the applicable sections and requirements of the City's public works stormwater and grading manual.

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

Applicant's Response: Only the most southerly portion of the site abutting 17th Street lies within the Geologic Hazard overlay zone, and no development other than sidewalk and parking area improvements are planned for that area. See "Geologic Hazard Evaluation", Exhibit F, included with the GDP submittal for additional information regarding geologic hazards. A geotechnical report including recommendations as required in 17.44 will be provided with building permit submittal.

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.

Applicant's Response: Drainage improvements will be done in accordance with the city's master plan and the public works stormwater and grading design requirements. Public storm drain extension in Washington St. will be constructed to serve the Hotel site and its Washington St. frontage. Onsite water quality features will be developed in the lower parking area that will be able to be extended when Phase 2 is developed. A portion of the Hotel site nearest Washington St. will need to go into through filters to be able to meet the water quality requirements. Storm detention is not required as the site lies within the 100 year floodplain

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

Applicant's Response: All parking requirements of Chapter 17.52, including carpool, vanpool and bicycle parking will comply with the City's off street parking standards. See responses to under chapter 17.52 for detailed information.

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.

Applicant's Response: Sidewalk and curbs will be provided in accordance the City's transportation master plan and street design standards, except were specific design modifications, variances or deviations from the standards are requested and accepted by the City's public works staff.

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.

Applicant's Response: Proposed project has a system of interconnecting sidewalks and pathways that provide for continuous and protected on-site pedestrian circulation. Pathways between all building entrances and the street provide with direct access to both 17th and Washinton Street.

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

Applicant's Response: The on-site pedestrian circulation system connects all main entrances on the site. Additional pedestrian connections are provided to parking areas.

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.

Applicant's Response: Proposed project does not dwelling units, therefore this section is not applicable.

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

Applicant's Response: The pedestrian circulation system show on "Site Plan", drawing A100, connects the main entrances of the Hackett House and the hotel.

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.

Applicant's Response: Proposed pedestrian circulation system connects the Hackett House, the hotel and the future mixed-use building. Street sidewalks provide additional connectivity to adjoining properties. Future pedestrian connectivity to the Oregon City Trail Station will be provided under phase 2 development of the GDP. No pedestrian connections are available to the west due to the railroad right-of-way.

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.

Applicant's Response: On-site pedestrian walkways will meet the requirements of as noted above.

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.

Applicant's Response: There will be adequate means to for continued maintenance of private facilities as required.

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

Applicant's Response: Proposed project site plan design conforms to the OCMC 17.41 Tree Protection. See "Arborist Report", Exhibit F for tree protection measures.

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.

Applicant's Response: The development will be designed, constructed and maintained to protect water resources, although there is no identified natural resource on the site that requires protection under the City's Natural Resources Overlay District requirements.

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.

Applicant's Response: Development will maintain continuous compliance with applicable federal, state and city standards as they pertain to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference.

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.

Applicant's Response: There is adequate sanitary sewer and public water facilities adjacent to the site to serve the proposed developments. An existing 48 inch gravity truck sewer line maintained by Clackamas County's Water Environmental Services that crosses the northerly portion of hotel site and a sanitary sewer service connection has been previously provided for such. The City of Oregon City has 10 inch waterline main in Washington Street that can adequately serve the development.

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.

Applicant's Response: Improvements to public rights-of-way in accordance with the City's Transportation Master plan and design standards will be made, except where specific adjustments, variance or deviations from City standards are permitted by City Public Works staff. A twelve-foot dedication along the Washington St. frontage is proposed. On 17th Street a public sidewalk easement is proposed to allow for the public sidewalk beyond the paved surface of 17th St.

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.

Applicant's Response: We are not aware of transit improvements needed as a part of the proposed developments, but if such were found to be an appropriate improvement for public street improvements, such would be included as a part of the public improvements.

17. All utility lines shall be placed underground.

Applicant's Response: All existing and proposed utility lines along the site's frontage or on-site 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.

Applicant's Response: Accessibility improvements will be a part of the site and building design to serve physically handicapped people. See "Site Plan", drawing A100 and building floor plans, drawings A201 thru A203 for detailed information. Improvements will include:

- Accessible route to the public street sidewalk at 17th Street.
- Accessible route from public street northward to the Hackett House and the hotel.
- Accessible route extension to northerly edge phase 1 development to allow future accessible path connection to phase 2 building(s) and existing Oregon City Train Station.
- Accessible hotel including accessible hotel rooms as required by code.

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.

Applicant's Response: Project is not a residential development, therefore this section is not applicable.

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.

Applicant's Response: Rooftop mechanical equipment will be located in the center portion of the hotel and screened by parapets using materials used on the primary building façade. The stepped parapet configuration is designed as an integral part of the building's architectural design.

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.

Applicant's Response: Wall-mounted mechanical equipment will not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment or meters are not proposed. Hotel rooms are equipped with individual PTAC units. These units are located entirely within each room behind louvers below windows. The PTAC louvers are integrated into the window unit, matching window frame style and color, to be as unobtrusive as possible.

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.

Applicant's Response: A ground-mounted backup generator within a screening enclosure is proposed adjacent to the south side of the hotel.

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.

Applicant's Response: Mechanical equipment will be installed in compliance with the standards in this section.

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

Applicant's Response: Alternative energy systems are not included in the proposed design of this project.

21. Building Materials.

a. Preferred building materials. Building exteriors shall be constructed from high quality, durable materials.

Preferred exterior building materials that reflect the city's desired traditional character are as follows:

i. Brick.

ii. Basalt stone or basalt veneer.

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

iv. Board and baton siding.

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

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

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

Applicant's Response: Proposed project consists of a range of high quality, durable materials, including stone veneer base, wood or composite siding with concealed fasteners, etc., including a troweled finish of either Stucco or EIFS in a clean modern application for the Hotel, existing traditional materials and finishes for the

historical Hackett House (with little or no change), and appropriate high quality, durable materials for the Mixed Use residential over commercial building. Where Stucco or EIFS is implemented, it shall be detailed in such a way as to be trimmed and protected in compliance with manufacturers requirements, any applicable brand requirements, and the requirements of this code.

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.

Applicant's Response: Materials prohibited by this section are not proposed.

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

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

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

3. Exterior Insulation and Finish System (EIFS) and similar 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.

Applicant's Response: Project consists of a range of high quality, durable materials, including stone veneer base, wood or composite siding with concealed fasteners, etc., including a troweled finish of either Stucco or EIFS in a clean modern application for the Hotel, existing traditional materials and finishes for the historical Hackett House (with little or no change), and appropriate high quality, durable materials for the Mixed Use residential over commercial building. Where Stucco or EIFS is implemented, it shall be detailed in such a way as to be trimmed and protected in compliance with manufacturers requirements, any applicable brand requirements, and the requirements of this code.

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.

Applicant's Response: It is the owner's intent to comply with Conditions of Approval as required by this section.

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.

Applicant's Response: It is the design intent that the commercial buildings proposed to be located on this site will be in compliance with this code as mentioned above.

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

Applicant's Response: It is the design intent that the commercial buildings proposed to be included in this development will be in compliance with this code as it applies.

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.

Applicant's Response: Buildings designed for this project have unique qualities that are tailored to the site and its context while striving to contribute to the uniqueness of the MUD zoning district. Qualities such as materials, elements, features and color range are all items that are intended to meet the requirements of this code.

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

Applicant's Response: We have taken special care to make modifications to the prototypical Hilton brand hotel standards in the design of the hotel for this site, while keeping within the guidelines for the Franchise, striking a medium between franchise standards and local city/government standards.

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.

Applicant's Response: For this multi-building development, the buildings have been designed with some common architectural vocabulary. In the part of the hotel and the mixed-use building, the massing is also similar, providing additional cohesiveness while also including unique elements that help to identify the nature of each.

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.

Applicant's Response: Requirements of the underlying MUD zone, outside the Downtown Design District would apply in the event of conflicts with requirements of this section with the exception of standards for building orientation and building front setbacks.

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.

Applicant's Response: Frontage along Washington Street has buildings located within five feet of the property line exceeding the sixty percent.

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.

Applicant's Response: Buildings are located within five feet of the property line along Washington Street. In addition, located within five feet of the property line, there is a stair serving the hotel that connects the hotel to the street frontage along Washington Street.

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.

Applicant's Response:

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.

Applicant's Response: Primary pedestrian entranceway for the hotel faces Washington Street.

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)

Applicant's Response: Project does not include multiple retail stores, therefore this requirement is not applicable.

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.

Applicant's Response: Project does not include projections into 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.*

Applicant's Response: Project is not a corner lot, therefore this requirement is not applicable.

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.

Applicant's Response: An adjustment is requested in the GDP to the ground floor to second floor height requirement. The existing Hackett House office building has less than 14 foot ground floor to second floor height. The new hotel building is designed to franchise standard 12 foot ground floor to second floor height.

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.*

Applicant's Response: To the extent reasonably feasible, given the programmatic requirements of the intended hotel use, a single dominant building mass has been avoided. In order to create visual interest and appropriate scale, the building mass has been articulated horizontally and vertically with offsets in wall planes and parapet heights as well as changes in materials.

- 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.*

Applicant's Response: Substantial variation in hotel building massing provided to reduce horizontal building mass includes projecting elements (porte cochere, Washington Street stair tower, south building entry), recessed Washington Street entry, and variation in building parapet heights.

- 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.*

Applicant's Response: Changes in hotel building mass occur at building entries and are directly related to the organization of the interior spaces. Massing changes have been incorporated to reduce building mass and scale in locations most frequented by pedestrians.

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.*

Applicant's Response: The hotel building facades are designed with architectural interest, utilizing strategies of changes in plane, textures, material variety, windows, and landscaping, in order to address the human scale and meet the minimum wall articulation requirement.

- 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.*

Applicant's Response: Design of buildings are such that wall planes will not be continuous for lengths greater than one hundred feet.

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

Applicant's Response: Design of hotel building façade along Washington Street includes recessed entry, entry stairway, and windows exceeding 60 percent of the horizontal length.

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

a. Color change;

b. Texture change;

c. Material module change.

Applicant's Response: Hotel building facades include repeating patterns of color and material changes.

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.

Applicant's Response: Hotel building facades include architectural expressions and indications of structural bays with changes in plane that are not less than twelve inches in width. Pilasters projecting beyond the wall plane occur at structural column locations throughout the ground floor.

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.

Applicant's Response: Hotel building facades include repeated color and material changes as well as structural bay expression.

I. Facade Transparency.

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

Applicant's Response: Ground level hotel building facades include at least 60 percent transparency facing Washington Street and 30 percent transparency on other facades. Glazing will have a maximum 15 percent outside visual light reflectivity value. Proposed glazing is dual-glazed, clear, low-E glass.

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.

Applicant's Response: False windows are not proposed. In order to maintain design continuity, spandrel glass is proposed at storefront glazing where storefront extends above the interior ceiling line or passes in front of structural columns. In no case will spandrel glass be used to obscure interior spaces.

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.

Applicant's Response: Hotel facades feature a stepped parapet design, including material change and/or contemporary cornice projection.

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.

Applicant's Response: Hotel is not a mixed-use building, therefore this requirement is not applicable.

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).

Applicant's Response: Hotel facades feature a stepped parapet design, including material change and/or contemporary cornice projection.

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.

Applicant's Response: Hotel includes a porte cochere for guest and service drop off and loading. The porte cochere is located on the north side of the hotel, outside the parking drive aisle, with 24 foot paving width providing for adequate queue storage on site.

17.62.056 - Additional standards for large retail establishments.

Applicant's Response: Proposed project does not include large retail establishments, therefore this section is not applicable.

17.62.057 - Multi-family standards.

Applicant's Response: Proposed project does not include multi-family housing, therefore this section is not applicable.

17.62.059 - Cottage housing.

Applicant's Response: Proposed project does not include cottage housing, therefore this section is not applicable.

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.

Applicant's Response: Applicant recognizes the city's authority to enforce these regulations.

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.

Applicant's Response: See "Site Photometrics Plan", drawings E004 & E005 for exterior lighting information required by this section.

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.

Applicant's Response: Proposed project does not include lighting excepted in this section.

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.

Applicant's Response: The proposed exterior lighting is intended to meet the functional security needs of the proposed project site while also complying with the design standards.

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:

Applicant's Response: See "Site Photometrics Plan", drawings E004 & E005 for exterior lighting information required by this section.

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.

Applicant's Response: See "Site Photometrics Plan", drawings E004 & E005 for exterior lighting information required by this section.

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.

Applicant's Response: See "Site Photometrics Plan", drawings E004 & E005 for exterior lighting information required by this section. Pole mounted lighting fixtures are mounted at 25 feet above ground.

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

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

Applicant's Response: See "Site Photometrics Plan", drawings E004 & E005 for exterior lighting information required by this section.

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.

Applicant's Response: Pedestrian scale lighting, such as bollards, will be used to help provide adequate lighting levels and define spaces while also not causing unwanted glare.

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

Applicant's Response: See "Site Photometrics Plan", drawings E004 & E005 for exterior lighting information required by this section. Proposed pedestrian circulation systems will be lighted to levels that will enhance pedestrian safety and allow safe use of the walkways after hours and will comply with the above Table 1-17.62.065. Foot-candle Levels.

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.

Applicant's Response: Proposed design does not include pedestrian accessways, therefore this section does not apply.

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

Applicant's Response: Proposed lighting does not include floodlights.

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.

Applicant's Response: Canopy lighting will be fully recessed lighting as required by this section.

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

Applicant's Response: Proposed light standards and fixtures chosen for this site have a character consistent with the architecture of the proposed structures on this site.

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

Applicant's Response: See "Site Photometrics Plan", drawings E004 & E005 for exterior lighting information required by this section. Exterior lighting proposed for this site will not exceed 1 fc of illumination level to any offsite areas.

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

Applicant's Response: Hotel operations are 24 hours per day, therefore no sensor operated outdoor lighting is possible.

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.

Applicant's Response: The proposed outdoor lighting used for illumination of flags or other pole-mounted objects will comply with the requirement of this code by use of narrow cone beam lighting that is set so as not to extend beyond the object of illumination.

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

Applicant's Response: Any upward directed lighting will be directed so as to not be visible above the building roofline.

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

Applicant's Response: No flickering or flashing lights are proposed.

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

Applicant's Response: This section is not applicable.

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.

Applicant's Response: This section is not applicable.

17.62.080 - Special development standards along transit streets.

A. Purpose. This section is intended to provide direct and convenient pedestrian access to retail, office and institutional buildings from public sidewalks and transit facilities and to promote pedestrian and transit travel to commercial and institutional facilities.

Applicant's Response: Proposed project does not front a transit street, therefore this section is not applicable.

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.

Applicant's Response: Proposed project design allows for appropriately located, sized and screened refuse and recycling enclosures. These proposed enclosures are intended to meet the requirements in this code.

CHAPTER 17.65.60 - DETAILED DEVELOPMENT PLAN

A. Submittal Requirements.

1. *A transportation impact study documenting the on- and off-site transportation impacts, as specified in 17.65.050.B.1.h(1). If such an analysis was submitted as part of the General Development Plan process, the scope of the report may be limited to any changes which have occurred during the interim and any information listed below which was not a part of the initial study.*

The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within 250 feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within 250 feet may be extended to and/or through the proposed development.

Applicant's Response: See GDP Exhibit G, "Traffic Impact Study".

2. *The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.*

Applicant's Response: See Existing Topo Survey drawing for existing utilities. See Civil drawings for proposed utilities.

3. *A site plan or plans, to scale, containing the required information identified in:*
 - a. *Chapter 17.62.040.A.(8), (10), (11), (12), (13), (14), and (15);*
 - b. *Chapter 17.62.040.B;*
 - c. *Chapter 17.62.040.C;*
 - d. *Chapter 17.62.040.D;*
 - e. *Chapter 17.62.040.E;*
 - f. *Chapter 17.62.040.G;*
 - g. *Chapter 17.62.040.H; and*
 - h. *Chapter 17.62.040.J*

Applicant's Response:

- **16.62.040.A(8) :** See "Site Plan", drawing A100 for building information. See Civil drawings for site improvements & utilities.
- **16.62.040.A(10) :** See "Site Plan", drawing A100 for proposed work.
- **16.62.040.A(11) :** See "Site Plan", drawing A100 for locations of required parking.
- **16.62.040.A(12) :** See "Site Plan", drawing A100 for site access points for automobiles, pedestrians, bicycles and transit.
- **16.62.040.A(13) :** See "Site Plan", drawing A100 for on-site pedestrian & bicycle circulation.
- **16.62.040.A(14) :** See "Site Plan", drawing A100.
- **16.62.040.A(15) :** See "Site Plan", drawing A100.
- **17.62.040.B :** See 'Demolition Plan", drawing C102 for trees to be removed. See "Planting Plan", drawing L1.0 for proposed planting.

4. *Any other information the Community Development Director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.*

Applicant's Response:

B. Approval Criteria. The Community Development Director shall approve an application for detailed development plan approval only upon findings that:

1. All development standards and impact mitigation meet the requirements of the approved General Development Plan, including conditions of approval.

Applicant's Response:

2. Any other applicable zoning regulations that are not addressed in the General Development Plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan are contained in 17.65.070.

Applicant's Response:

3. The detailed development plan conforms with the standards contained in Chapter 17.62, unless adjusted as provided in 17.65.070.

Applicant's Response:

C. Duration of Detailed Development Plan. Unless substantial expenditures have been made to implement the approved detailed development plan, defined as the submittal to the city of engineered plans for approval, a detailed development plan shall expire twenty-four months from the notice of decision date. The date of final approval includes the resolution of all appeals. Upon the receipt from the applicant of a written request and payment of the required fee prior to the expiration dated of the Detailed Development Plan, the Community Development Director may, on a one-time basis, grant a 12-month extension.

Applicant's Response:

CHAPTER 17.65.070 - ADJUSTMENTS TO DEVELOPMENT STANDARDS.

A. Purpose. In order to implement the purpose of the City's master plan process, which is to foster the growth of major institutions and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning process. These include, but are not limited to, items such as: dimensional standards of the of the underlying zone, Site Plan and Design Review criteria, residential design standards, and standards for land division approval.

B. Procedure. Requests for adjustments shall be processed concurrently with a General Development Plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.

Applicant's Response: The following adjustments are requested :

1. 17.34.060.D.2 – Maximum building height 45'. Requested adjustment : hotel maximum building height 57 feet as measured from the flood plain elevation, mechanical penthouse 59 feet as measured from the flood plain elevation.

C. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:

- 1. To allow a primary or accessory use that is not allowed by the regulations;*
- 2. To any regulation that contains the word "prohibited";*
- 3. As an exception to a threshold review, such as a Type III review process; and*
- 4. Any exception to allow a use not identified as a permitted or conditional use in the underlying zone.*

Applicant's Response: Requested adjustments are not included in the prohibited items listed in this section.

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

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

Applicant's Response: The hotel franchise requires a minimum of approximately 100 rooms for this brand. Within the property included in the GDP the southerly portion of the site is the only part that will allow the ground floor to be located above the flood elevation and allow for vehicular

access to the hotel entry. The site is additionally constricted by the existing 20' Tri-Cities sewer easement that bisects the property. Numerous development schemes were considered, with three viable plans ultimately presented to neighborhood associations and the Historic Review Board. One scheme was a T shaped plan that would be within the height limit, but require the relocation of the Hackett House. A second scheme was an L shaped plan that would be within the height limit and wrap around the west side of the Hackett House. The preferred scheme is more compact in plan, but requires an additional story and subsequent building height adjustment.

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

Applicant's Response: The cumulative effect of the requested adjustments results in a project consistent with the overall purpose of the MUD zone. The adjustments enhance security, increase buildability, and promote project feasibility, allowing for a mixed use project appropriate to the MUD zone.

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

Applicant's Response: The historic Hackett House will remain in its original site location without modification. Development of a hotel serving the needs of visitors to the End of the Oregon Trail Interpretive Center across the street supports an important Oregon City resource. Redevelopment of underutilized property within the MUD zone relieves development pressure on existing open space, while protecting natural resources, conserving scenic and historic areas.

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

Applicant's Response: The proposed design incorporates a series of roof parapets that step down in height as they near Washington Street, reducing the overall building scale. Horizontal banding and material changes reduce the visual impact of the building height.

5. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable. (Ord. 03-1014, Att. B3 (part), 2003)

Applicant's Response: Property is located within the NROD per City maps. See Exhibit E, "NROD Boundary Verification Report" for background data and information supporting the following requested actions:

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

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

Applicant's Response: The proposed adjustments allow for a project to be developed that supports Comprehensive Plan goal 2.1 - Efficient Use of Land by promoting infill and redevelopment.

17.65.80 Amendments to Approved Plans

Applicant's Response: Proposed project does not include amendments to approved plans.

17.65.090 Regulations that Apply

An applicant is entitled to rely on land use regulations in effect on the date its General Development Plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a General Development Plan is approved, and so long as that General Development Plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its General Development Plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved General Development Plan. At its option, an applicant may request that a detailed

development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.

Applicant's Response: Applicant requests this DDP application be subject to the land use regulations in effect on the date the GDP was initially submitted.

III. EXHIBITS :

EXHIBIT A - DDP Application

EXHIBIT B – Narrative Statement & Description

EXHIBIT C – Taxlot Reports

EXHIBIT D – Pre-App Notes

EXHIBIT E – Archaeological Monitoring Report & Recommendations

EXHIBIT F – Arborist Report

EXHIBIT G – Historic Review Board

EXHIBIT H – Preliminary Water Quality Calculations

EXHIBIT I – DDP Drawings

ARCHITECTURAL

- Illustrative View - Washington St Entry
- Illustrative View - Washington St From North
- Illustrative View - Washington St From South

- A100 Site Plan
- A201 Lobby Floor Plan
- A202 Second Floor Plan
- A203 Typical Floor Plan
- A300 17th Street Elevation
- A301 East Elevation
- A302 North Elevation
- A303 South Elevation
- A304 West Elevation

CIVIL

- C102 Demolition Plan
- C103 Site Plan (Phase 1)
- C201 Sanitary Sewer & Waterline Plan
- C301 Storm Drain Plan
- C401 Grading Plan (Phase 1)
- C402 Erosion Control Plan
- C403 Retaining Wall Profiles & Details
- C404 Tree Removal Plan
- C602 Washington Street Street/Storm Plan & Profiles
- C603 17th Street Plan & Profiles

LANDSCAPE

- L1.0 Planting Plan

ELECTRICAL

- E004 Site Photometrics (Southwest)
- E005 Site Photometrics (Northeast)

SURVEY

- 1 Existing Topography
- 2 Existing Topography

March 21, 2017

Hackett Hospitality Group LLC
C/O Lloyd Hill, President, Hill Architects
1750 Blankenship Road, Suite 400
West Linn, Oregon 97068

PROJECT: Archaeological Monitoring of the Proposed Abernethy Place Development Geotechnical Explorations in Oregon City, Clackamas County, Oregon

Dear Mr. Hill:

At the request of Hill Architects, and under contract to Hackett Hospitality Group LLC, SWCA Environmental Consultants (SWCA) conducted archaeological monitoring of pre-construction geotechnical exploration boreholes in support of a planned development at 17th Street and Washington Street, in Oregon City, Clackamas County, Oregon (Figure 1). The 4.36-acre Abernethy Place project is located in the SW ¼ of Section 29, Township 2 South, Range 2 East, Willamette Meridian. The geotechnical exploration phase of the project consists of mechanized borehole sampling of the subsurface strata.

The proposed development is located on private land that requires a permit from the U.S. Army Corps of Engineers (USACE) for floodplain development. Presently the project area is used by commercial landscaping and industrial supply businesses, with buildings and associated outbuildings and parking lots. The goals of the archaeological monitoring of geotechnical borings included 1) determining the level of previous urban disturbances; 2) determining the presence/absence of buried, in situ, or out of context archaeological resources; and 3) determining the presence/absence of buried soils having a high potential to contain pre-contact and/or historic archaeological resources. This report describes the methods, results, and recommendations of the archaeological monitoring by SWCA, for Hill Architects. The goal of this report is to provide an initial permitting tool for the USACE to use for project permitting, review, and determination of effects the project may have on cultural resources. All field notes, data, and photographs are on file at the Portland office of SWCA under Project Number 42594.

FIELD METHODS

From March 8 to March 10, 2017, SWCA geoarchaeologist Matthew Steinkamp, M.S., Registered Professional Archaeologist, conducted archaeological monitoring of pre-construction geotechnical drill borings for the proposed development project. SWCA field monitored the drilling, sampling, and sediment characterization of mechanized (power) drill core, 3.75-cm-diameter (1.5-inch-diameter), discontinuous split spoon samples obtained by a Central Mine Equipment (CME) 75 drill rig owned and operated by Hardcore Drilling Inc. (Figure 2). The samples were concurrently logged by GeoDesign Inc. geologists and the SWCA geoarchaeologist (Figure 3). The split spoon samplers were mechanically hammer-driven into the soils using a 63.5-kg (140-lb) slide hammer dropping 75 cm (30 inches), prior to mechanized cable retrieval.

Following retrieval of the split spoon samples, the samplers were opened, inspected by the SWCA geoarchaeologist for macro content (artifacts, wood, gravel, etc.), then photographed, described (logged), and then trowel-sorted for micro content (fine artifacts, plant remains, organics, shell, bone, charcoal, inclusions, etc.). Geoarchaeological logging of samples consisted of describing Munsell soil color; structure; consistence (rupture resistance, stickiness, plasticity); grain size (feel and 10x hand lens inspection); presence of redoximorphic features, such as oxidation and reduction mottles, or Liesegang bands (indicative of water table fluctuations and oxygen availability, iron content, gleying, etc.); presence/absence of archaeological materials or paleosols (intact buried soil horizons/sola); and depth of modern fill (Figure 4). Following geoarchaeological logging, the sediments were logged and sampled by GeoDesign for engineering laboratory analysis. SWCA monitored according to Oregon State Historic Preservation Office (SHPO) guidelines for conducting archaeological monitoring in Oregon.

RESULTS

A total of eight drill core locations (Figure 2; Table 1) were monitored and logged for the presence, absence, or indirect evidence of cultural resources. Cultural resource monitoring of CME drill core samples resulted in negative findings for cultural resources. However, the presence of intact, buried soil horizons that have a high potential to contain archaeological resources was recorded. The results indicate that buried, intact floodplain soils are overlain by approximately 2.3 to 2.6 m (7.5–8.5 feet) of fill within the higher (southwest) portion of the project area, approximately 0.8 to 1.1 m (2.5–3.5 feet) of fill within the central and northeast portion of the project area, and approximately 2.3 m (7.5 feet) of fill in the northwest corner of the project area. The fill sediments are a mélange of local soils and sediments, as well as imported soils and sediments of various grain size, and wood fragments.

Within the higher elevation (southwest) portion of the project area, borings B1, B2, and B8 were conducted (Figure 2; Table 1). The deep borings indicate that approximately 2.3 to 2.6 m (7.5–8.5 feet) of fill (Stratum I) has been placed over native soils. The fill consists of asphalt and gravel paving and baserock (Stratum Ia), and a patchy, variable mélange of imported clay to sand and gravel size sediments and soils (A and B horizons), as well as minor wood fragments (Stratum Ib).

The underlying native soils (intact soils) (Stratum II) consist of a 10YR 3/3 dark brown fine sandy loam ACb Horizon (buried AC Horizon) that are locally mapped as Newberg fine sandy loam (Natural Resources Conservation Service 2017). The soils grade into stratified silty sand and sandy silt alluvium (Stratum III) of 10YR 6/3 with minor redoximorphic features (iron/manganese reduction and oxidation) due to ground water fluctuations. Rounded to angular channel lag gravels (Stratum IV) of basalt with minor quartzites underlie the stratified alluvium and were encountered between 13.4 and 17.1 m (44 and 56 feet) below ground surface. The gravels may represent the paleo Abernethy Creek channel (thalweg) deposits, or Missoula glaciofluvial deposits. The borings were terminated within the gravels. Strata breaks are estimated due to discontinuous sampling.

Within the lower elevation (central and northeast) portion of the project area, deep borings B3 and B4, and shallow borings B5 to B7 were placed (Figure 2; Table 1). The borings indicate a more consistent 0.8- to 1.1-m-deep (2.5- to 3.5-foot-deep) fill (Stratum I) deposit over native soils (Stratum II), though B7 in the northwest corner of the project indicated a 7.5-foot-thick fill deposit and soil absence. The fill deposits of B3 through B6 consists of crushed angular construction gravels (baserock for asphalt pavement), and minor pit-run cobbles and gravels up to 6 inches in diameter, that overlie native soils. The fill recorded in B7 consists of a mélange of multicolored sand, silt, clay and wood fragments that overlies stratified fluvial sediments. No native soils were recorded in B7.

CONCLUSIONS AND RECOMMENDATIONS

SWCA monitored pre-construction geotechnical exploration borings of sediments and soils at the proposed Abernethy Place development in Oregon City, Oregon, from March 8 to March 10, 2017. No pre-contact or historic-period cultural material was discovered during monitoring. However, buried, intact native topsoils were recorded throughout the project area. The native topsoils are underlain by a thick sequence of stratified fluvial silty sand to sandy silts likely associated with Willamette River overflow (flood) events. Also, buildings and associated features of possible historic age (older than 50 years old), were observed within the project area. Given this, the project has the potential to have an adverse effect on aboveground historic resources, and buried pre-contact and historic archaeological deposits.

Based on the results of the monitoring, it is SWCA's professional opinion that the proposed development may have an adverse effect on cultural resources. The presence of intact, buried topsoils on a fluvial terrace indicates a high probability for the presence of in situ, buried, pre-contact and historic archaeological resources. Further, the presence of possible historic-age aboveground structures indicates that a historic resources inventory should be conducted to assess the potential for the project to impact historic structures, features, and sites. Given this, SWCA recommends that a historic resources inventory be completed prior to the ground-disturbing activities of the project, followed by archaeological monitoring of all proposed ground disturbing construction activities associated with the project. Finally, an inadvertent discovery plan (IDP) should be written prior to construction to provide instructions for dealing with inadvertent archaeological discoveries encountered during construction and monitoring.

REFERENCES

Natural Resources Conservation Service

2017 Web Soil Survey. Available at: <http://www.websoilsurvey.nrcs.usda.gov>. Accessed March 7, 2017.

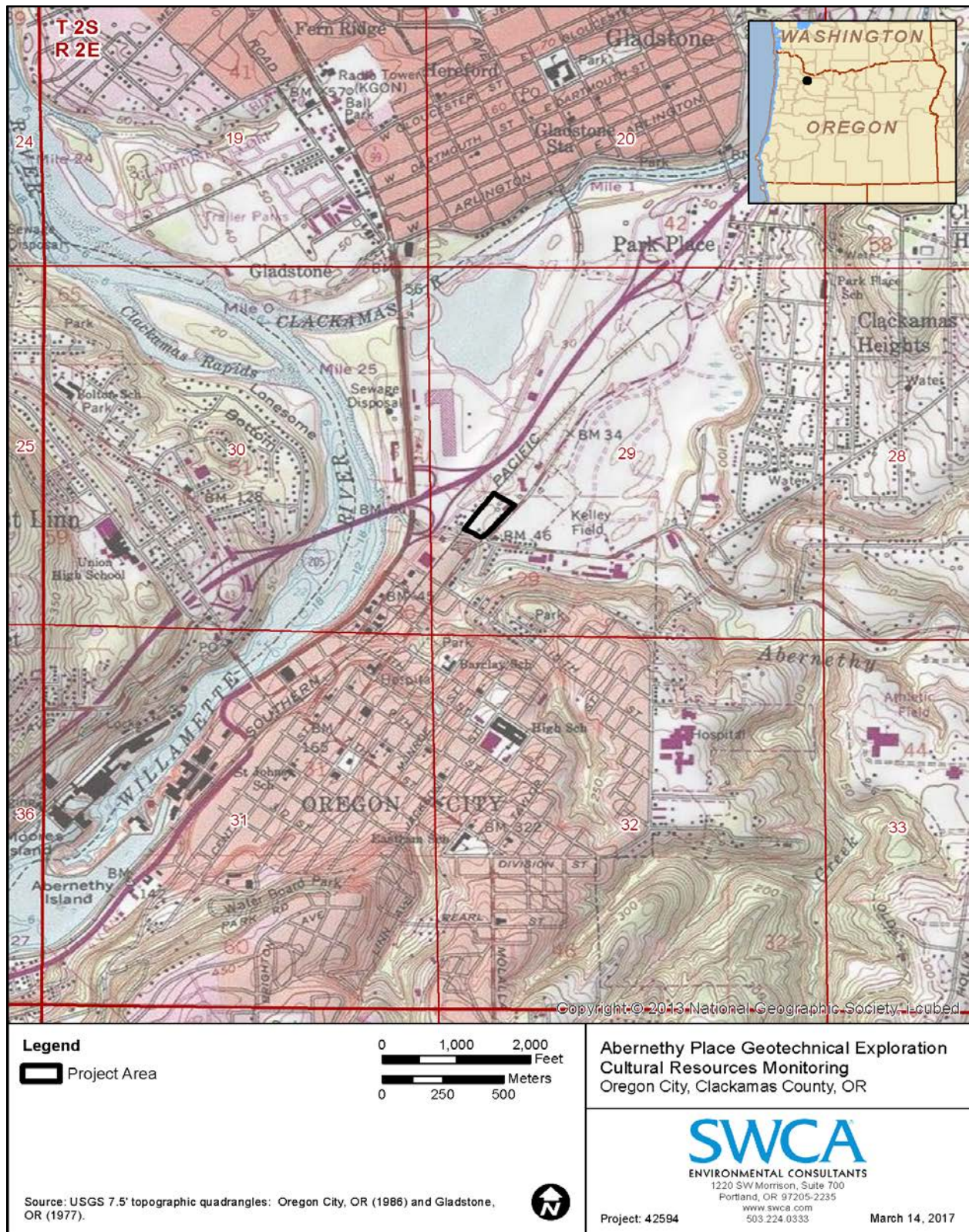


Figure 1. Abernethy Place location map. (Provided by Hill Architects, Inc.)



Figure 2. Abernethy Place geotechnical borings locations map. (Provided by Hill Architects, Inc.)



Figure 3. Hardcore Drilling CME 75 drill rig and crew at boring B4 (left). GeoDesign Inc and SWCA logging core samples (right). View northwest.



Figure 4. Boring B1. Opened 1.5-inch-diameter split spoon sample showing Stratum I and Stratum II interface (Fill/ACb horizon interface), at 2.4 m (8 feet) below ground surface. Interface roughly at hammer head, with fill (right/upcore) and ACb (left/downcore).

Table 1. Archaeological Monitoring Boring Log

Boring No. Date Results	Boring Log: Strata (I, II, III, IV) with Sediment and Soil Descriptions	N/W Lat./Long. UTM 10T NAD83 Coordinates
B1 3/8/17 Negative	I: 0-0.8 m (0-2.5 feet); Fill-gray angular basalt gravel baserock overlain by asphalt parking lot. Ib: 0.8-2.4 m (2.5-8 feet); Local Fill-greenish gray sandy silt with small wood fragments, oxidized, reduced, soft, mixed, mottled. II: 2.4-3.5 m (8-11.5 feet); ACb Horizon (buried AC Horizon), 10YR 3/3-4/2 fine sandy loam with fine roots and minor charcoal fragments. Buried native soils. III/IV: 3.5-16.6 m (11.5-54.5 feet); C Horizon-stratified alluvium consisting of alternating silty fine sand and sandy silt, with lenses of clay, channel lag gravels and sand from 44-54.5 feet (paleo Abernethy Creek channel?) Minor charcoal 11.5-15 feet	N 45.364498, W -122.596630 E 531589.51 N 5023521.93
B2 3/8/17 Negative	I: 0-1.2 m (0-4 feet); Imported Fill-10YR 3/2,3/3, 4/6, 3/1 soil and sediment fill imported from West Linn (owner). Ib: 1.2-2.3 m (4-7.5 feet); Local Fill-greenish gray sandy silt with angular gravels. Low sample recovery in split spoon. II: 2.3-3.5 m (7.5-11.5 feet); ACb Horizon (buried AC Horizon), 10YR 3/3-4/2 fine sandy loam with fine roots and minor charcoal fragments. Buried native soils. III/IV: 3.5-16.5 m (11.5-54.5 feet); C Horizon-stratified alluvium consisting of alternating silty fine sand and sandy silt, with lenses of clay, channel lag gravels and sand from 52.5-56.5 feet (paleo Abernethy Creek channel?) Minor charcoal 11.5-15 feet	N 45.364722, W -122.597368 E 531531.59 N 5023546.53
B3 3/9/17 Negative	I: 0-1.1 m (0-3.5 feet); Imported Fill-asphalt parking lot and baserock gravel 0-1.5 feet, oxidized, reduced local fill 1.5-3.5 feet. II: 1.1-1.5 m (3.5-5 feet); ACb Horizon (buried AC Horizon), 10YR 3/3-4/2 fine sandy loam with fine roots and minor charcoal fragments. Buried native soils. III/IV: 1.5-12.8 m (5-42 feet); C Horizon-stratified alluvium consisting of alternating silty fine sand and sandy silt, with lenses of clay, channel lag gravels and sand from 34.5-42 feet (paleo Abernethy Creek channel?) Minor charcoal 11.5-15 feet	N 45.365467, W -122.595360 E 531688.42 N 5023630.08
B4 3/10/17 Negative	I: 0-0.8 m (0-2.5 feet); Imported Fill-asphalt parking lot and baserock gravel 0-1.5 feet, oxidized, reduced local fill 1.5-2.5 feet. II: 0.8-1.5 m (2.5-5 feet); ACb Horizon (buried AC Horizon), 10YR 3/3-4/2 fine sandy loam with fine roots and minor charcoal fragments. Buried native soils. III/IV: 1.5-15.7 m (5-51.5 feet); C Horizon-stratified alluvium consisting of alternating silty fine sand and sandy silt, with lenses of clay, channel lag gravels and sand from 40-51.5 feet (paleo Abernethy Creek channel?) Minor charcoal 11.5-16.5 feet	N 45.364498, W -122.596575 E 531593.81 N 5023521.95
B5 3/10/17 Negative	I: 0-0.8 m (0-2.5 feet); Imported Fill-asphalt parking lot and baserock gravel 0-1.5 feet, oxidized, reduced local fill 1.5-2.5 feet II: 0.8-1.5 m (2.5-5 feet); ACb Horizon (buried AC Horizon), 10YR 3/3-4/2 fine sandy loam with fine roots and minor charcoal fragments. Buried native soils. III: 1.5-3.5 m (5-11.5 feet); C Horizon-stratified alluvium consisting of alternating silty fine sand and sandy silt. 10YR 5/3-6/3	N 45.365286, W -122.596407 E 531606.53 N 5023609.56
B6 3/10/17 Negative	I: 0-0.8 m (0-2.5 feet); Imported Fill-asphalt parking lot over coarse rounded gravel (pit run) up to cobble size, fill II: 0.8-1.2 m (2.5-4 feet); ACb Horizon (buried AC Horizon), gleyed (due to parking lot seal) fine sandy loam with fine roots and minor charcoal fragments. Buried native soils. III: 1.2-3.5 m (4-11.5 feet); C Horizon-stratified alluvium consisting of alternating silty fine sand and sandy silt with minor laminations 7.5-9 feet indicating standing water, likely at inboard portion of floodplain.	N 45.365199, W -122.596934 E 531565.31 N 5023599.69
B7 3/10/17 Negative	I: 0-2.3 m (0-7.5 feet); Imported Fill-asphalt parking lot and baserock gravel 0-1.5 feet, mélange of oxidized and reduced local fill of sand, silts, clays, wood fragments from 1.5-7.5 feet. Native soils not recorded at this location (No Stratum II). III: 2.3-3.5 m (7.5-11.5 feet); C Horizon-stratified alluvium consisting of alternating silty fine sand and sandy silt and fine sand lenses suggesting individual flood pulses. 10YR 5/3-6/3	N 45.365668, W -122.596428 E 531604.67 N 5023651.99
B8 3/10/17 Negative	I: 0-2.6 m (0-8.5 feet); Imported Fill-loose mélange of soils and sediments, likely associated with recent adjacent sewer line placement with deep trench. II: 2.6-3.2 m (8.5-10.5 feet); ACb Horizon (buried AC Horizon), 10YR 3/3-4/2 fine sandy loam with fine roots and minor charcoal fragments. Buried native soils. III: 10.5-12 feet; C Horizon-stratified alluvium consisting of alternating silty fine sand and sandy silt, 10YR 5/3-6/3	N 45.364799, W -122.597101 E 531552.45 N 5023555.19

Tree Plan for Abernethy Place, Oregon City

This Tree Plan pertains to the development at Abernethy Place, Oregon City. There are forty-one trees that are 6-inches DBH or larger at the site, and twenty-five will be removed. No trees designated for removal shall be removed without prior written approval from the community development director. Trees have been inventoried, numbered on the site plan and listed in the attached Tree Table.

One of the trees to be removed does not require mitigation planting because it is diseased (Section 17.04.1360). The others will be removed from outside the construction area. Section 17.04.230 defines construction area as right-of-way, public utility easements, and within the building footprint of a building site for any mixed-use, commercial or industrial development.

City Code requires that 168 mitigation trees be planted to mitigate the tree removals. The exact species and locations will be determined by the landscape designer, and planting will be done when other construction is finished. It is apparent that there is insufficient space to plant 168 trees on the development site and I recommend a conference with the community development director to choose one or more off-site planting locations (Chapter 147.41.070). All replacement trees will be either 2-inch caliper deciduous trees or 6-foot high conifers as required by Table 17.41.060-1. All mitigation trees will have installed irrigation, be planted by a licensed landscape company, and guaranteed for a minimum of one year.

Trees being retained will be protected according to the standards of 17.04.1335, which preserves the critical root zone. The critical root zone is broadly defined as the rooting area of a tree, which if injured or otherwise disturbed is likely to affect a tree's chance for survival. The following protective measures will be implemented before construction begins and remain active until all construction activity is completed. Construction includes clearing, grading, excavation, demolition, landscaping and irrigation installation. Tree protection procedures are reproduced below from the City Code.

For item 17.41.103.B.2, we will initially use the RPZs (Root Protection Zones) listed in the Tree Table. RPZs are radii around the tree measured in feet. Exact fence locations may be modified in the field based on root habit and other site factors. The modifications can allow construction to take place while still providing an adequate root protection zone for protected trees. It is also possible that one or more trees designated as protected will be removed due to planning conflicts. In such a case the mitigation table will be revised. The following salient information is copied from City Code.

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.

The goal of this tree plan is to meet the minimum requirements of the tree preservation code and to observe all laws, rules, and regulations. I recommend a preconstruction meeting with the owner, contractors, and the project arborist. All trees to be removed should be verified and marked and all tree protection measures should be inspected and approved before any clearing or grading work begins. It is the owner's responsibility to implement this tree removal and preservation plan fully, and to monitor the construction process to its conclusion. Deviations can result in tree damage, liability, and violations of the City Code.

Tag	Species	DBH	radius	Remarks	Action	RPZ	Location	Mitigation
1	Spanish chestnut	48	26	viable; re-grown tops at 50'	preserve	26	1	0
2	tree of heaven	10	12	invasive	cut	0	1	3
3	juniper sp.	8	8	viable	cut	0	1	3
4	juniper sp.	6	8	viable	cut	0	1	3
5	juniper sp.	7	8	viable	cut	0	1	3
6	juniper sp.	9	8	viable	cut	0	1	3
7	tree of heaven	7	6	invasive; added	cut	0	1	3
8	red maple	21	20	viable; needs pruning	cut	0	1	9
9	red maple	21	20	viable; needs pruning	cut	0	1	9
10	red maple	20	17	viable; needs pruning	cut	0	1	9
11	apple	24	16	topped; re-grown tops; stem decay; size estimated	cut	0	1	0
12	Hinoki cypress	6	6	viable	preserve	6	1	3
13	deodar cedar	37	26	viable; trunk swoop; multiple tops- 14-29	preserve	26	1	0
14	deodar cedar	39	28	viable; co-dominant; multiple tops- 22-28	preserve	28	1	0
15	black cottonwood	36	30	viable	cut	0	1	15
16	black cottonwood	27	26	viable	cut	0	1	12
17	black cottonwood	28	28	viable; two broken leaders	cut	0	1	12
18	black cottonwood	11	14	viable	cut	0	1	3
19	black cottonwood	23	18	viable; ivy	cut	0	1	9
20	black cottonwood	14	10	viable; co-dominant at 3'	cut	0	1	6
21	black cottonwood	12	8	viable	cut	0	1	3
22	black cottonwood	33	33	viable	cut	0	1	15
23	black cottonwood	15	15	viable	cut	0	1	6

24	black cottonwood	10	10	viable; trunk rubs on T23	cut	0	1	3
25	black cottonwood	19	18	viable; leans to south	cut	0	1	9
26	black cottonwood	35	18	viable; multiple stems from base-8-12-14-18	cut	0	1	15
27	red oak	17	14	viable	preserve	14	1	0
28	red oak	15	16	viable	preserve	16	1	0
29	red oak	13	16	viable	preserve	16	1	0
30	western red cedar	10	8	trunk decay; wood borers	preserve	8	1	0
31	western red cedar	12	8	viable	preserve	8	1	0
32	western red cedar	9	8	viable	preserve	8	1	0
33	white birch	8	12	viable; sapsuckers	cut	0	1	3
34	black cottonwood	18	10	viable; co-dominant at 1'	cut	0	1	6
35	black locust	32	26	size estimated due to access; nuisance	preserve	26	1	0
36	black cottonwood	30	24	viable; size estimated due to access; ivy	preserve	24	1	0
37	black cottonwood	26	28	top is dead; size estimated due to access	preserve	28	1	0
38	black locust	46	36	size estimated; 3 co-dominant stems at 4'; ivy; invasive	preserve	36	1	0
39	black cottonwood	21	30	broken top; suppressed; size estimated due to access	preserve	30	1	0
40	black cottonwood	49	42	viable; dead branches; size estimated due to access	preserve	42	1	0
41	Hinoki cypress	10	8	viable; multiple tops; lost graft	cut	0	1	3
total		168						

DBH is diameter at breast height. Radius is crown radius. RPZ is Root Protection Zone, a radius measured in feet from tree trunk.

For Location, "1" designates removal outside construction area and "2" designates removal within construction area.

17.04.230 - Construction area is defined as right-of-way, public utility easements, and within the building footprint of a building site for any mixed-use, commercial or industrial development

Species

- apple- Malus sp.
- black cottonwood- Populus trichocarpa
- black locust- Robinia pseudoacacia
- deodar cedar- Cedrus deodara
- Hinoki cypress- Chamaecyparis obtusa
- juniper- Juniperus sp.
- red maple- Acer rubrum
- red oak- Quercus rubra
- Spanish chestnut- Castanea sativa
- tree of heaven- Ailanthus altissima
- western red cedar- Thuja plicata
- white birch- Betula pendula

Abernethy Place Over City
for Lloyd Hill

tree = 6" dbh

34



17th + Washington St
City

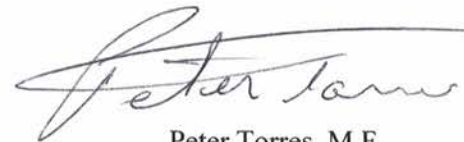
Abernethy St.

17th St

Assumptions and Limiting Conditions

Multnomah Tree Experts, Ltd. PO Box 80098, Portland, OR 97280
(503) 452-8160 info@multnomahtree.com

1. Client warrants any legal description provided to the Consultant is correct and titles and ownerships to property are good and marketable. Consultant shall not be responsible for incorrect information provided by Client. Client agrees to defend, indemnify, and hold Consultant, its officers, directors, employees, and agents harmless from any claims or damages, including attorney fees, arising out of acts or omissions of Client in connection with work performed pursuant to this Agreement.
2. All data will be verified insofar as feasible; however, the Consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
3. The Consultant shall not be required to give testimony or attend court or hearings by reason of this report unless subsequent contractual arrangements are made, including additional fees.
4. The report and any values expressed therein represent the opinion of the Consultant, and the Consultant's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
5. Sketches, drawings and photographs in the report are intended as visual aids and may not be to scale. The reproduction of information generated by others will be for coordination and ease of reference. Inclusion of such information does not constitute a representation by the consulting arborist, or by Multnomah Tree Experts, Ltd., as to the sufficiency or accuracy of the information.
6. Unless expressed otherwise, information in the report covers only items that were examined, and reflects the condition of those items at the time of inspection. The inspection is limited to visual examination of accessible items without laboratory analysis, dissection, excavation, probing, or coring, unless otherwise stated.
7. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.
8. The report is the completed work product. Any additional work, including production of a site plan, addenda and revisions, construction of tree protection measures, tree work, or inspection of tree protection measures, for example, must be contracted separately.
9. Loss or alteration of any part of the report invalidates the entire report. Ownership of any documents produced passes to the Client only when all fees have been paid.



Peter Torres, M.F.

CCB# 154349

ASCA RCA #372

ISA Certified Arborist PN-0650B

Multnomah Tree Experts, Ltd.



TYPE III –HISTORIC REVIEW BOARD SUBMITTAL

15 March 2017

APPLICANT: Name Hill Architects
Address 1750 Blankenship Road, Suite 400, West Linn, OR 97068

OWNER : Name Hackett Hospitality Group LLC
Address 1419 W. Main St., Suite 100, Battleground, WA

REQUEST: Description of project
Hackett House Landscape Renovation

LOCATION: Address
415 17th St., Oregon City, Oregon
Map and tax lot number
25-2E-29CA Tax Lot 1301

BACKGROUND:

Hackett house is an historic house built in 1893, and on the National Register of Historic Places for Clackamas County.

1. Existing Conditions
 - a. *House and grounds were restored in 1984-85.*
2. Project Description
 - a. *Project is to landscape the grounds to provide a natural background and screen a proposed hotel on the property to the Northeast, and to repair and renovate the existing parking lot to provide access to the future hotel to the Northwest.*
3. Basic Facts
 - a. *The Hackett House is an historic artifact that provides a connection to Oregon City's past.*
4. Proposed Areas
 - a. *See attached Site Plan.*
5. Drawings and Site Plan
 - a. *See attached Survey, Site Plan, Elevation with house, landscaping, and proposed future development.*
6. Building Elevations, Materials and Designs

BASIC FACTS:

Site and Context

Response: *The existing historic house will not be touched. Landscape material will be an indigenous plant palette, with indigenous coniferous trees (e.g. spruce & cedar) used to provide year-round landscape structure and screening of the future planned development to the northwest (see Narrative below). The new landscaping will provide a natural background to the historic house and create continuity with the larger community.*

Narrative of Future Development on Property to the Northeast – Abernethy Place Master Plan – A master plan for the area shows the proposed future hotel will become part of the context of the Hackett House, with the house providing an historic foreground and it's landscaping providing a natural backdrop to screen the future hotel. Several hotel development alternatives were studied. One was a 4 story option that wrapped around the Hackett House, another option involved moving the Hackett House to Washington Street, and then a 5 story option allowing the Hackett House to remain in its original and historic location. The hotel would consist of 99 rooms behind the Hackett House, with a natural landscaping screen, which received compliments by the Historic Review Board.

ANALYSIS AND FINDINGS: The applicant needs to meet OCMC 17.40.010 and the Adopted Design Guidelines for Addition and Alterations.

Regarding Criterion (1) - The purpose of the historic conservation district as set forth in Section 17.40.010;

- A. Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;
- B. Safeguard the city's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and districts;
- C. Complement any National Register Historic districts designated in the city;
- D. Stabilize and improve property values in such districts;
- E. Foster civic pride in the beauty and noble accomplishments of the past;
- F. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- G. Strengthen the economy of the city;
- H. Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing and public welfare of the city; and
- I. Carry out the provisions of LCDC Goal 5.

Response: *The new landscaping and parking revision will provide visual and functional improvement to the historic asset, the greater community, and to the future, adjacent development.*

Regarding Criterion (2) -The provisions of the city comprehensive plan;

Section 5

Open Spaces, Scenic and Historic Areas, and Natural Resources

Policy 5.3.8

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

Response: *By improving the look and function of the Hackett house, the future development of the area will be a more desirable destination and community experience.*

Regarding Criterion (3) -The economic effect of the new proposed structure on the historic value of the district or historic site.

Response: *Not Applicable.*

Regarding Criterion (4) The effect of the proposed new structure on the historic value of the district or historic site;

Response: *Not Applicable.*

Regarding Criterion (5) - Design Compatibility: The general compatibility of exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used with the historic site;

Response: *The landscaping will be at a scale that provides a backdrop to the Hackett house, the design will complement the period and indigenous plant material of the area.*

Regarding Criteria (6) -Economic, social, environmental and energy consequences

Response: *By improving the look and function of the Hackett house, the future development of the area will be a more desirable destination and community experience.*

Design Guidelines: Alterations – Additions

A. Site

1. *In addition to the zoning requirements, the relationship of new additions to the street and to the open space between buildings shall be compatible with adjacent historic buildings and with the historic character of the District.*

Response: *The new landscaping will compliment and the visual effect of the Hackett house's massing.*

2. *New additions shall be sited so that the impact to the primary facade(s) is kept to a minimum. Additions shall generally be located at the rear portions of the property or in such locations where they have the least visual impact from public ways.*

Response: *Not Applicable.*

B. Landscape

1. *Traditional landscape elements evident in the District (grass, trees, shrubs, picket fences, etc.) should be preserved, and are encouraged in site redevelopment.*

Response: *The new landscaping will be primarily along the back of the property. Any historic plant material will be preserved and a period look and palette will be maintained.*

2. *Inappropriate landscape treatments such as berms and extensive ground cover are discouraged.*

Response:

C. Building Height

1. In addition to the zoning requirements, the height of new additions shall not exceed the height of the historic building, or of historic buildings in the surrounding area.

Response: Not Applicable.

D. Building Bulk

1. New additions smaller than the historic building or the historic buildings in the surrounding area are encouraged.

a. Where new additions must be larger, the new addition shall be articulated in such a manner that no single element is visually larger than the historic building or surrounding historic buildings.

Response: Not Applicable.

E. Proportion and Scale

1. The relationship of height to width of new additions and their sub-elements such as windows and doors and of alterations shall be compatible with related elements of the historic building, and with the historic character of the District.

Response: Not Applicable.

2. The relationship of solids to voids (wall to window) shall be compatible with related elements on the historic building, and with the historic character of the District.

Response: Not Applicable.

F. Exterior Features

1. General

a. To the extent practicable, original historic architectural elements and materials shall be preserved.

b. Architectural elements and materials for new additions shall be compatible with related elements of the historic building and with the historic character of the District.

c. The preservation, cleaning, repair and other treatment of original materials shall be in accord with the Secretary of Interior's Standards of Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Response: Not Applicable.

Secretary of Interior's Standards for Rehabilitation.

In 2001, the Historic Review Board adopted the Secretary of Interior's Standards for Rehabilitation as part of their Guidelines for Alterations and Additions.

- 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.**

Response: *The new landscaping and revision to the parking area will have no change to the use or purpose of the Hackett house.*

- 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.**

Response: *Landscape material that is deemed of a historic value will be preserved.*

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Response: *The proposed, indigenous landscaping backdrop, will give a natural look.*

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Response: *Not Applicable.*

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

Response: *Not Applicable.*

5. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Finding: *Not Applicable.*

6. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Finding: *Not Applicable.*

7. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Finding: Archaeological monitoring was recently performed during soil borings of the future development to the north. A report will be pending.

8. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Finding: *Not Applicable.*

9. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Finding: *Not Applicable as new construction on the adjacent property will be permanent.*

EXHIBITS

Existing survey, proposed site plan with anticipated development of adjacent property.

**OREGON INVENTORY OF HISTORIC PROPERTIES
HISTORIC RESOURCE INVENTORY FORM**

HISTORIC NAME: Erwin Charles Hackett House DATE OF CONSTRUCTION: 1893
COMMON NAME: _____ ORIGINAL USE: Residence
ADDRESS: 415 - 17th Street PRESENT USE: Offices
OWNER: Daniel and Patricia Fowler, Mark and ARCH./BLDR.: Unknown
Tricia Foley, 1103 Washington Street, Oregon City STYLE: Queen Anne
T/R/S: 2-2E-29CA TAX LOT: 1301 BLDG. STRUC. DIST. SITE OBJ. (CIRCLE)
ADDITION: _____ THEME: Architecture, 19th Century;
LOT: _____ BLOCK: _____ QUAD: Oregon City Local Politics

PLAN TYPE/SHAPE: Rectangular NO. OF STORIES: 2
FOUNDATION MATERIAL: Concrete block BASEMENT (Y/N): Yes
ROOF FORM & MATERIALS: Moderately-pitched gable roof. Steeply-pitched hip tower roof.
WALL CONSTRUCTION: Wood STRUCTURAL FRAME: Stud
PRIMARY WINDOW TYPE: Narrow one-over-one double-hung windows. Some w/ dec. molding.
SURFACING MATERIALS: Shiplap siding. Imbricated shingles in gable end.
DECORATIVE FEATURES: Tower has bracketed eaves, a keyhole opening w/ decorative newel
OTHER: posts and turned balustrade. Decorative rectangular panels in spandrels. Cresting.
CONDITION: EXCELLENT X GOOD _____ FAIR _____ DETERIORATED _____ MOVED _____ (date)
EXTERIOR ALTERATIONS/ADDITIONS (dated): Back porch is an addition, n.d. House restored
in 1984-85.
NOTEWORTHY LANDSCAPE FEATURES: None.
ASSOCIATED STRUCTURES: None.
KNOWN ARCHAEOLOGICAL FEATURES: None.

GEOGRAPHIC SETTING: Occupies an "L"-shaped large lot that fronts on both 17th Street and
wraps around to front on Washington Street extension. An area of mostly commercial/indus-
trial uses, including electrical substation, sawmill, radiator shops and garage/auto uses.
Near railroad tracks. Only three other residences in the immediate area.
STATEMENT OF SIGNIFICANCE: (Historical and/or architectural importance, dates, events,
persons, contexts): Erwin C. Hackett was the son of early Oregon pioneers, and who became
an individual of local political prominence, serving as chief deputy of Clackamas County
Sheriff's Office in 1915, and as mayor of Oregon City between 1916 and 1919; he later
served as Clackamas County Recorder. The house was built by Indiana-born George Gray and
his wife Dora (Smith) on land they purchased in 1893. Gray was a local teacher. The
house was sold in 1908, and purchased by Erwin C. Hackett. The house is significant for
its association with Erwin Hackett, a prominent local citizen and politician, and for its
unusual tower.

SOURCES: Galbraith, Catherine: "Erwin Charles Hackett House", National Register of
Historic Places Inventory - Nomination Form, 1984.

NEGATIVE NO: Roll H, #21, 22 RECORDED BY: Patricia Erigero
SLIDE NO: _____ DATE: 1984

SHPO INVENTORY NO.: _____

OREGON INVENTORY OF HISTORIC PROPERTIES
HISTORIC RESOURCE INVENTORY FORM - TWO

NAME: Erwin Charles Hackett House

T/R/S: * _____ TAX LOT * _____

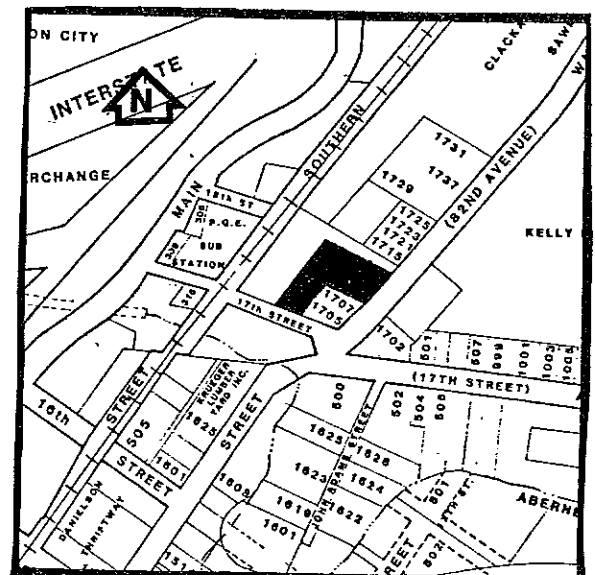
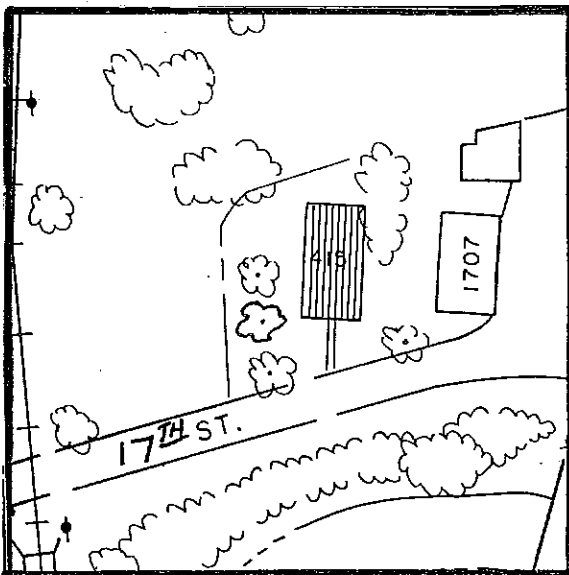
ADDRESS: 415 - 17th Street

QUADRANGLE: Oregon City



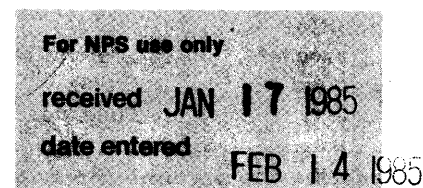
NEGATIVE NO. Roll H, #21, 22

SLIDE NO. _____



GRAPHIC AND PHOTO SOURCES: Base Map of Oregon City, 1987.
Oregon City Planning Department Photograph, 1987. (

SHPO INVENTORY NO.:

United States Department of the Interior
National Park ServiceNational Register of Historic Places
Inventory—Nomination FormSee instructions in *How to Complete National Register Forms*
Type all entries—complete applicable sections**1. Name**historic Gray-Hackett Houseand/or common Hackett, Erwin Charles, House**2. Location**street & number 415 17th StreetN/A not for publicationcity, town Oregon City N/A vicinity ofstate Oregon code 41 county Clackamas code 005**3. Classification**

Category	Ownership	Status	Present Use
☐ district	☐ public	☐ occupied	☐ agriculture
☒ building(s)	☒ private	☐ unoccupied	☒ commercial
☐ structure	☐ both	☒ work in progress	☐ educational
☐ site	Public Acquisition	Accessible	☐ entertainment
☐ object	☐ <u>N/A</u> in process	☒ yes: restricted	☐ government
	☐ <u>N/A</u> being considered	☐ yes: unrestricted	☐ industrial
		☐ no	☐ military
			☐ museum
			☐ park
			☒ private residence
			☐ religious
			☐ scientific
			☐ transportation
			☐ other:

4. Owner of Propertyname Daniel & Patricia Fowler, Mark & Tricia Foleystreet & number 1103 Washington Streetcity, town Oregon City N/A vicinity of state Oregon 97045**5. Location of Legal Description**courthouse, registry of deeds, etc. Clackamas County Courthousestreet & number 8th & Main Streetcity, town Oregon City state Oregon 97045**6. Representation in Existing Surveys**title Oregon City
Historic Landmark has this property been determined eligible? ☐ yes ☒ nodate March 15, 1980 ☐ federal ☐ state ☐ county ☒ localdepository for survey records Oregon City Planning Department, 320 Warner Milne Road (PO Box 631)city, town Oregon City state Oregon 97045

7. Description

Condition

☐ excellent
☐ good
☒ fair

☐ deteriorated
☐ ruins
☐ unexposed

Check one

☒ unaltered
☐ altered

Check one

☒ original site
☐ moved date N/A

Describe the present and original (if known) physical appearance

The Erwin Charles Hackett House was built in 1893 on a .33 acre tract immediately adjacent to the easterly boundary of the area platted and known as Green Point, part of the Donation Land Claim of George Abernethy. The designer of the Eastlake style home is unknown.

The Green Point Addition to Oregon City was platted by Richard and Ellen Glasspool and Charles and Kate Califf in 1889. Although the Hackett House property is not part of the official plat, it is part of the area commonly known as Green Point. Green Point and its environs were sparsely developed large tracts, primarily agricultural in use. Immediately north of Abernethy Creek, and 1,200 feet east of the Willamette River, the area sits within the 100 Year Flood Plain. Two blocks north of the northerly boundary of John McLoughlin's plat of Oregon City, the area was a natural addition to the city in the late 1880s, as the city expanded to the north.

Green Point's fertile soil was used for truck gardening primarily undertaken by the Chinese laborers who had built Ben Holladay's railroad. Hop raising occupied the largest tracts and continued there until the 1940s.

The "Abernethy Green," which was the end of the Oregon Trail for pioneers traveling the Barlow Road, is 250 feet to the east of the Hackett House. In 1917, the End of the Oregon Trail marker was placed on property owned by Hackett and dedicated by him as Oregon City's mayor.

In 1913, the Southern Pacific Railway line was built 125 feet to the west of the Hackett property. In the mid-1930s, construction of McLoughlin Boulevard Highway 99E (then called "Super Highway") was built to the west of Green Point, beginning an irreversible trend toward commercial development of the area. The Oregon City Shopping Center, built in 1970, was followed by a sand and gravel mining operation that created Clackamette Lake, where the hop yards had long flourished. In the early 1970s, Rossman's Landfill operation began to fill in the wetland portion of Abernethy Green. The construction of Interstate 205 removed the remainder of Green Point north of the Hackett property.

Today, the E. C. Hackett House is one of only four historic houses remaining in the Green Point Addition to Oregon City. It is a well-known landmark in the primarily commercial and industrial area.

The Hackett House is a two-story wood frame structure with a full basement and cement block foundation. The house sits on a .33 acre lot, facing south, and fronting 17th Street, which becomes Abernethy Road at Old 82nd/Washington Street 150 feet to the east. Abernethy Creek borders 17th Street to the south. The house and 20,299 square foot lot to be listed in the National Register was partitioned from the larger Hackett property by heirs of the estate, and sold to the present owners in mid-1984.

The Hackett House is a two-story, Eastlake style, gabled, rectangular structure with a one-story gable roof kitchen wing to the north. All walls (see continuation sheets).

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

FOR NPS USE ONLY

RECEIVED

DATE ENTERED

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM

CONTINUATION SHEET

ITEM NUMBER 7 PAGE 1

are of stud construction and are clad with wide shiplap siding with imbricated shingles found above a string course in the frontal gable peak. Imbricated shingles are also found on a diagonally set two-story rectangular bay window which is on the southeast corner of the main body of the house. Most windows are a long one-over-one double-hung sash type. Exceptions are found in the rectangular bay, in the rear wing, and in the basement. Most glass is original.

The main entrance is through a partially recessed "L" shaped porch which wraps around the southwest corner of the structure. Access to the porch is up six steps approached by a concrete walk from 17th Street. The narrow hip roof is supported by large turned posts and curvilinear jigsaw brackets. The soffit of the front porch features decorative spindlework. The front door is paneled and glazed. There are two vertical, rectangular panels found in the lower third of the door. Flash glass and clear "ice-crazed" glass surround the picture glass. Architrave molding is found above the front door. The front elevation also features a pair of double-hung windows below the string course which separates the upper decorative shingles from the shiplap siding. The window pair has two decorative brackets beneath each sash. The rectangular bay window has a truncated hip roof with wrought-iron cresting comprised of two crossed circles with three arrows. Below the eaves are twelve (12) cyma reversa brackets. The rectangular bay features a horseshoe or keyhole opening at a second story balcony, which is enclosed on two sides. The opening has two newel posts and a turned balustrade. Small removable fixed sash windows with two lights are found in side walls. The balcony has a lead floor. The walls of the second story are clad in imbricated shingles and flare outward at the bottom of the second floor. Below the shingles is a paneled spandrel. On the first floor is a wide fixed sash window with decorative muntins separating the top one-third of the window into three lights. The area beneath this window has two small, vertical rectangular panels flanking a larger horizontal panel. Architrave molding continues from above the fixed sash window to the one-over-one double-hung sash windows which are found on the side elevations of the bay. Otherwise, the sash windows have plain surrounds.

The east elevation has a polygonal bay window which lights the dining room. Two squat double-hung sash windows apparently replace an exterior door to the kitchen wing. There are two double-hung sash windows on the second floor of this elevation.

The west elevation has a pair of double-hung sash windows which light the dining room on the first floor and two one-over-one double-hung sash windows on the second floor. Two door openings which serve as alternative access to the basement are also located on the west elevation. A hip roof

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM

FOR NPS USE ONLY

RECEIVED

DATE ENTERED

CONTINUATION SHEET

ITEM NUMBER

7

PAGE

2

back porch extends beyond the kitchen wing to the north. Two double-hung sash windows are on the second floor of the north elevation.

The entry or foyer is a polygonal hallway which includes the stairs, understairs closet and openings to the sitting room, dining room and parlor. Interior woodwork is original in all rooms except the kitchen wing and woodwork includes incised disc-and-ball motifs between door jambs and heads. All doors have four vertical rectangular panels with the upper two panels approximately twice as long as the lower panel. Mopboards are approximately eight inches and capped with narrow molding. All walls are plaster and lath. The partially open stairway has a turned balustrade and newel post. Keyhole plates and doorknobs are of decorative metal. Motifs repeated on both knob and plate include flowers, fans and geometric patterns.

The entry hall is eight and one-half feet wide with a three-foot wide bannistered staircase to the left of the front door. The stairs lead to the second floor. To the right is a door to the parlor. About twelve feet into the house the hall turns at a 45 degree angle and ends at a door that leads to the sitting room. Immediately to the left of the sitting room door is another door that leads from the hall into the dining room.

The sitting room measures thirteen by fifteen feet and features a large bay that faces to the east. The main heating stove is located in this room and is fueled with wood. To the south of the sitting room lies the parlor.

The parlor is entered through a ten foot wide arch. It features the bay that is formed by the base of the tower. This bay faces to the southeast. The parlor is the same dimension as the sitting room, thirteen feet wide by fifteen feet long.

Access to the dining room is gained either from the single foot door in the hall, or a set of sliding double doors leading from the sitting room, or through a swinging door from the kitchen. The dining room is twelve by fifteen feet and is lit by two large windows that face to the west.

The kitchen measures eleven and one-half by twenty-one feet and spans the width of the house immediately behind and to the north of the sitting room and dining room. The cooking is done on a wood stove. This room is lit by large windows on the east and west sides of the house.

The kitchen wing appears to have been two rooms - a pantry and kitchen. Doors from the kitchen lead to a bathroom, basement and storage room as well as the dining and sitting rooms. The kitchen also features bevel tongue-and-groove wainscoting on the east wall and half of the north and south walls. The six by seven foot pantry side appears to have been

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICENATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM

FOR NPS USE ONLY

RECEIVED

DATE ENTERED

CONTINUATION SHEET

ITEM NUMBER 7 PAGE 3

extended sometime after the kitchen wing was built. The kitchen windows are unlike the other windows found on the main floor. A pair of squat double-hung sash windows appear to have replaced an exterior door on the east wall. A set of three smaller double-hung sash windows are located on the west wall. The kitchen has various built-in cupboards, one with a marble counter top.

A large seven by eight foot bathroom is located at the northwest corner of the house and between the pantry and the bath there is a six foot wide hallway that provides access from the kitchen to the back porch or the basement.

The back porch is not a part of the original house. It was added on about 1914.

The door to the basement also leads to a deteriorated shed roof back porch which was partially enclosed. The basement has a cement block foundation and is generally characterized by exposed unfinished floor joists.

The upstairs is served by a narrow hallway which opens into the four sleeping rooms on the second floor. All rooms have jambs and sashes similar to the first floor, and are generally unpainted.

The chamber at the northwest corner of the house measures nine by twelve feet and is entered through a door immediately at the top of the stairs. Access to the other rooms is gained by passing down a twelve foot long hall. The room at the northeast corner of the second floor measures twelve by thirteen feet. The room at the southwest corner is L-shaped due to the staircase. It measures seventeen by six in the north-south direction and ten by twelve and one-half in the east west oriented portion of the room. The main bed chamber lies in the southwest corner of the second floor. It is twelve and one-half feet wide by seventeen feet long. It is from this room that access to the recessed porch at the top of the tower can be gained.

8. Significance

Period	Areas of Significance—Check and justify below			
☐ prehistoric	☐ archeology-prehistoric	☐ community planning	☐ landscape architecture	☐ religion
☐ 1400–1499	☐ archeology-historic	☐ conservation	☐ law	☐ science
☐ 1500–1599	☐ agriculture	☐ economics	☐ literature	☐ sculpture
☐ 1600–1699	☒ architecture	☐ education	☐ military	☐ social/
☐ 1700–1799	☐ art	☐ engineering	☐ music	☐ humanitarian
☒ 1800–1899	☐ commerce	☒ exploration/settlement	☐ philosophy	☐ theater
☐ 1900–	☐ communications	☐ industry	☒ politics/government	☐ transportation
		☐ invention		☐ other (specify)

Specific dates	1893	Builder/Architect	Unknown
-----------------------	------	--------------------------	---------

Statement of Significance (in one paragraph)

The distinctive two-story Eastlake-style house of frame construction in the Green Point area on the northernmost edge of Oregon City, Clackamas County seat, was built in 1893 for local educator George W. Gray, who occupied it for eleven years. The house was passed from an intervening owner to Erwin Charles and Alma Hackett in 1911. Thus, the property is sometimes known as the Gray-Hackett House. Its distinguishing characteristics are a square corner tower with pyramidal roof set at a 45° angle to the plane of the facade, imbricated shingle siding, and a wrap-around veranda decorated with spool turnings. The second story space in the tower is a balcony with circular opening at which E. C. Hackett is said to have appeared to the public on the day of his inauguration as Oregon City mayor in 1916. While the house is among the few remaining historic buildings in the Green Point Addition (it was declared a City of Oregon City Historic Landmark in 1980), and while as a well preserved example of type it is appropriately evaluated under criterion "c," it is primarily significant under criterion "b" for its 27-year association with Erwin Charles Hackett (1851-1938), Mayor of Oregon City, 1916-1918; Chief Deputy Clackamas County Sheriff, 1915-1925; and Clackamas County Recorder from 1925 to his demise in 1938. Hackett was the son of John C. Hackett, Oregon Trail pioneer of 1847 and member of the Oregon expeditionary force raised in 1848 for reprisal of the Whitman Massacre (November 29, 1847) at Waiilatpu. Of interest to historians of the overland migration is the fact that E. C. Hackett donated the nearby site for placement of an "End of the Oregon Trail" marker at Oregon City in 1917 to commemorate the experience of his father and other overland pioneers. Hackett occupied the house until his death, and the property remained in ownership of E. C. Hackett's descendants until 1984. It is now undergoing restoration for compatible commercial use according to plans consistent with the Secretary of the Interior's Standards for Preservation Projects.

Erwin Charles Hackett was born in Park Place, immediately northeast of Oregon City, on December 30, 1851. He was the son of John C. Hackett, born September 10, 1825 in Ohio, who crossed the Plains to Oregon in 1847 at the age of 22. In September 1850, John Hackett married Ellen Johnson, daughter of Universalist minister William Johnson, who took up a Donation Land Claim on Johnson Creek near Milwaukie and for whom the creek was named. With her family, Ellen came over the Oregon Trail in 1846 at the age of 16, and the family stayed at the Whitman Mission from Fall 1856 until Spring 1847, when they traveled the Barlow Road to Clackamas County.

In the Spring of 1848, John C. Hackett and his then future brother-in-law, Jacob Johnson, joined the Indian War Veterans to avenge the murder of Marcus Whitman. Hackett later assisted Joe Meek, Sheriff of the Oregon Territory, in the Oregon hanging of the five Indians convicted of the Whitman Mission Massacre.

John C. and Ellen Hackett lived the early years of their marriage at Park Place, where their son, Erwin Charles Hackett, was born. The family moved to Oregon City in 1861 when Erwin was 10 years of age. John Hackett died December 25, 1895.

As a child, Erwin C. Hackett was educated by Congregational minister George Henry Atkinson, and N. W. Randall, a prominent judge of the time. Hackett worked as a teacher and

9. Major Bibliographical References

See Continuation Sheet

10. Geographical Data

Acreage of nominated property less than one

Quadrangle name Oregon City, Oregon

Quadrangle scale 1:24000

UTM References

A

1	1	0
---	---	---

5	3	1	6	4	0
---	---	---	---	---	---

5	1	0	2	1	3	3	1	1	0
---	---	---	---	---	---	---	---	---	---

Zone Easting Northing

B

--	--	--

--	--	--	--	--	--

--	--	--	--	--	--

Zone Easting Northing

C

--	--	--

--	--	--	--	--	--

--	--	--	--	--	--

D

--	--	--

--	--	--	--	--	--

--	--	--	--	--	--

E

--	--	--

--	--	--	--	--	--

--	--	--	--	--	--

F

--	--	--

--	--	--	--	--	--

--	--	--	--	--	--

G

--	--	--

--	--	--	--	--	--

--	--	--	--	--	--

H

--	--	--

--	--	--	--	--	--

--	--	--	--	--	--

Verbal boundary description and justification

See Continuation Sheet

List all states and counties for properties overlapping state or county boundaries

state	code	county	code
N/A			

state	code	county	code
-------	------	--------	------

11. Form Prepared By

name/title Catherine Galbraith (in cooperation with Heritage Investment Corporation)

organization City of Oregon City Planning Department date August 20, 1984

street & number PO Box 631 telephone (503) 657-0891

city or town Oregon City state Oregon 97045

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

☐ national ☐ state ☒ local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

State Historic Preservation Officer signature

title Deputy State Historic Preservation Officer date January 2, 1985

For NPS use only

I hereby certify that this property is included in the National Register

Entered in the
National Register

date 2-14-85

Keeper of the National Register

Attest:

date

Chief of Registration

**United States Department of the Interior
Heritage Conservation and Recreation Service**

**National Register of Historic Places
Inventory—Nomination Form**

For NCRS use only

received

date entered

Continuation sheet GRAY-HACKETT HOUSE

Item number

8

Page

1

bookkeeper and married Alma Marie Senker, who bore a son, Erwin A. Hackett, on October 2, 1890. They purchased the house at 415 - 17th Street in 1911, shortly before Hackett ventured into city and county politics.

The house was built in 1893 by Indiana-born professor George W. Gray and his wife, Dora (Smith) Gray, on land they purchased that year from H. P. and Melissa Bestow. At the time Gray built the house, he was employed as a teacher at the Park Place School. The Grays owned and lived in the house from 1893 to 1908, when they sold it to a man named Lillie. Lillie sold the house to Erwin C. and Alma Hackett in November, 1911. Erwin's mother, Ellen, also moved into the house, where she died on April 2, 1914.

(continued)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM

FOR NPS USE ONLY

RECEIVED

DATE ENTERED

CONTINUATION SHEET

ITEM NUMBER 8 PAGE 2

In 1915 Erwin C. Hackett became chief deputy of the Clackamas County Sheriff's Office. Shortly thereafter, he was elected Mayor of Oregon City and served for three years from January 3, 1916 to January 1, 1919. When inaugurated as Mayor, Hackett stood in the tower of his home and waved to the people in the parade as they passed by. As Mayor, Hackett donated the site for the End of the Oregon Trail Marker that was placed on Abernethy Green by the Daughters of the American Revolution. On October 13, 1917, Hackett dedicated the marker and in his speech cited the experiences of his pioneer parents. He ended his speech with the following words:

"Time and tide wait for no man," and hence most of the people who assisted in any way in making this trail have passed over that "other trail" from whence none returns. We can serve our country and people in no better way than to emulate what they did and were in those days. Having been born near here in 1851, and having seen the Indian pass from view, do you wonder that I am exceedingly proud to be able to furnish a site for this marker? You are welcome, thrice welcome, to Oregon City, the historic town of Oregon.

He remained in the employ of the Sheriff's Office from 1915 to 1925, and his 1920 Motor Vehicles License lists his occupation as Deputy Sheriff, 68 years of age, 5'8" in height, 185 pounds in weight, with gray hair and blue eyes.

Hackett then became Clackamas County Recorder until his collapse and death on July 12, 1938 at age 86. Buried in the family plot at Oregon City's Mountain View Cemetery, Hackett's funeral records list him as a member of the Abernethy Grange, Sandy Pioneers, Multnomah Lodge #1, International Order of Odd Fellows of Oregon #3, and a 38-year member of the National Grange of the Patrons of Husbandry.

In July 1917, Hackett's son, Erwin A. Hackett, age 27, married Minnie Boese, age 19, of Boring, Oregon, and the couple moved into the family home on 17th Street. Erwin A. had started a fuel business on the property at the age of 17, and Erwin and Minnie continued to expand it. The Hackett house and property was left to them in Erwin C. Hackett's will and the estate was settled in 1941. Erwin A. Hackett was a prominent city businessman until his death on March 26, 1959 at the age of 68, following a long bout with cancer. In 1958, Erwin A. deeded all of the property to Minnie, who resided there for many years, living only on the first floor of the house in later years. In 1965, the well-known Hackett Barn was demolished following the Christmas Flood of 1964 which had damaged it extensively. The building had been constructed as a hop kiln and was purchased in 1912 by Erwin A. for use as a stock barn for his horse-drawn fuel delivery wagons.

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM

FOR NPS USE ONLY

RECEIVED

DATE ENTERED

CONTINUATION SHEET

ITEM NUMBER 8 PAGE 3

In 1972, the Enterprise-Courier newspaper featured a front page article with photograph entitled "Hackett House Burns," but only minor damage occurred to the roof.

Minnie Hackett provided a new roof and minor porch repair to the house, which otherwise remained unaltered from the 1920's. Minnie Hackett was placed in a nursing home in late 1983 and died shortly thereafter on April 10, 1984. She was buried in Mountain View Cemetery adjoining the rest of the Hackett family. The heirs partitioned off and sold the vacant house with the property efforts are underway by the present owners.

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM

FOR NPS USE ONLY

RECEIVED

DATE ENTERED

CONTINUATION SHEET

ITEM NUMBER 9 PAGE 1

BIBLIOGRAPHY

HACKETT HOUSE, 415 - 17TH STREET, OREGON CITY

- Deed Records of Clackamas County
- Personal Papers of Minnie Hackett:
 - Will of E.C. Hackett
 - Motor Vehicle Registrations
 - Funeral Documents of E.C. and E.A. Hackett
 - Grange Membership Certificates
 - Marriage Certificate: E.A. and Minnie Hackett
 - Personal Letters
 - Financial Records of E.A. Hackett Fuel Wood, Coal, Gravel, Sand Co.
- Enterprise Courier July 16, 1965
- Enterprise Courier December 5, 1972
- Lynch, Vera Martin. Free Land for Free Men: A Story of Clackamas County. Artline Printing, Portland, OR 1973.
- Vaughn, Thomas, editor. Space, Style and Structure. Volume One: Oregon Historical Society, Portland, Oregon 1974.

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICENATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM

FOR NPS USE ONLY

RECEIVED

DATE ENTERED

CONTINUATION SHEET

ITEM NUMBER 10 PAGE 1

HACKETT PROPERTY: LEGAL DESCRIPTION

Description of a parcel of land located in the George Abernethy Donation Land Claim No. 58, in Section 29, Township 2 South, Range 2 East of the Willamette Meridian, in Clackamas County, Oregon:

Beginning at a stone monument at the intersection of centerlines of 14th Street and Main Street; in the Plat of Oregon City, a recorded subdivision in Clackamas County, Oregon, thence North 35° 30' East, tracing the centerline of Main Street 1093.10 feet to a point. Thence South 70° 56' East 346.9 feet to an iron rod driven on the easterly line of the Southern Pacific Railroad right-of-way; thence South 62° 45' East, along the northerly boundary of a County Road known as 17th Street 175.15 feet to an iron rod and the True Point of Beginning of the parcel to be described. Thence North 37° 10' East along the westerly boundary of that tract of land recorded as Fee 81-32410 in the County Recorder's Office, 108.00 feet to an iron pipe. Thence North 62° 45' West, parallel with the north boundary of the said 17th Street, 135.00 feet to an iron rod. Thence South 37° 10' West 108.00 feet to an iron rod on the said road right-of-way. Thence South 62° 45' East along the said right-of-way 135.00 feet to the True Point of Beginning. The above described parcel contains 0.3297 acres.



Hackett, Erwin Charles, House
415 17th Street
Oregon City, Clackamas County, Oregon

1 of 17

South (front) elevation

City of Oregon City Photo, 1984
Planning Department, PO Box 631
Oregon City, OR 97045



Hackett, Erwin Charles, House
415 17th Street
Oregon City, Clackamas County, Oregon

2 of 17

Detail of front porch.

City of Oregon City Photo, 1984
Planning Department, PO Box 631
Oregon City, OR 97045



Hackett, Erwin Charles, House
415 17th Street
Oregon City, Clackamas County, Oregon

3 of 17

Detail of side porch (west).

City of Oregon City Photo, 1984
Planning Department, PO Box 631
Oregon City, OR 97045



Hackett, Erwin Charles, House
415 17th Street
Oregon City, Clackamas County, Oregon

4 of 17

Detail of upper wall, west elevation.

City of Oregon City Photo, 1984
Planning Department, PO Box 631
Oregon City, OR 97045



Hackett, Erwin Charles, House
415 17th Street
Oregon City, Clackamas County, Oregon

5 of 17

Detail of corner tower, southeast
corner.

City of Oregon City Photo, 1984
Planning Department, PO Box 631
Oregon City, OR 97045



**HACKETT
HOUSE
RESTORATION
BY**

F & F STRUCTURES, INC.
OREGON CITY, OREGON
657-7010 655-0284

OFFICE SPACE
**FOR
LEASE**

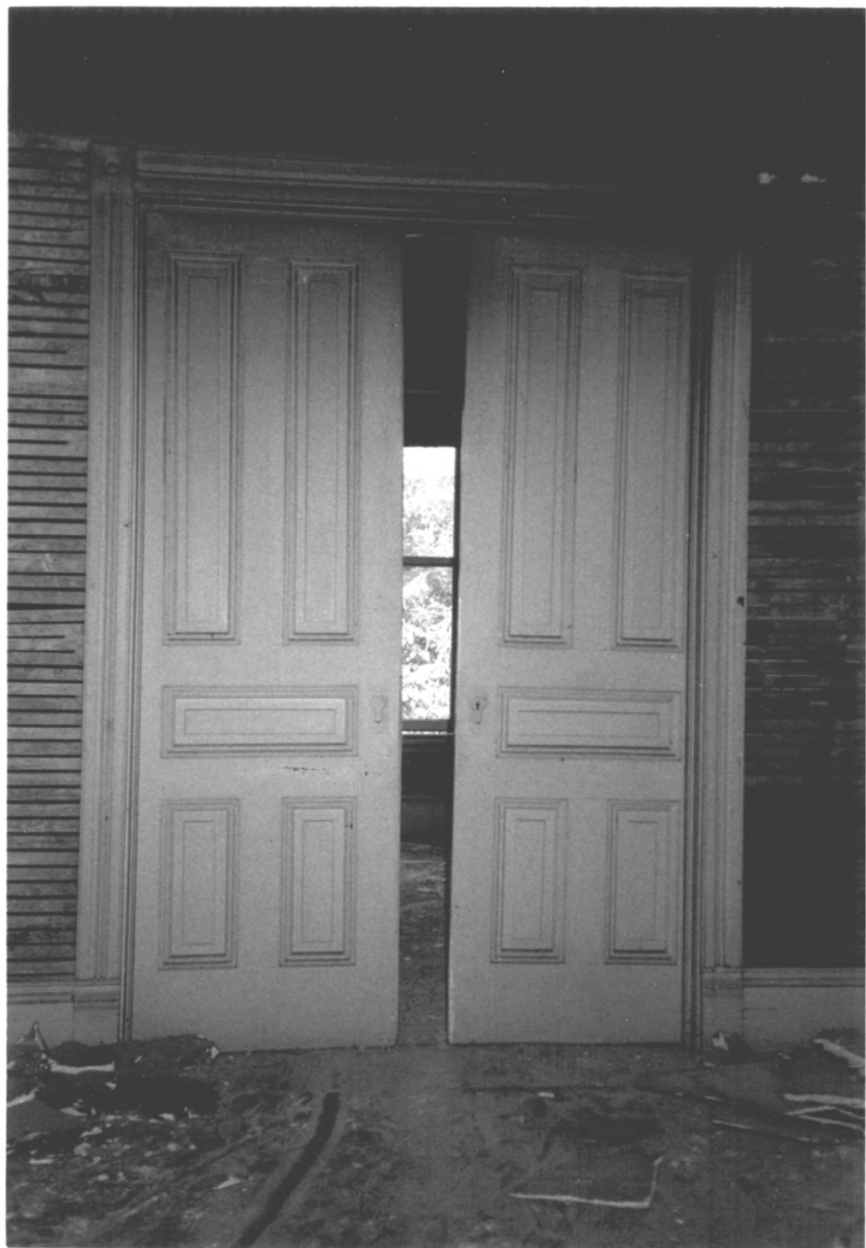
657-7010 655-0284

Hackett, Erwin Charles, House
415 17th Street
Oregon City, Clackamas County, Oregon

6 of 17

South and east elevations.

City of Oregon City Photo, 1984
Planning Department, PO Box 631
Oregon City, OR 97045

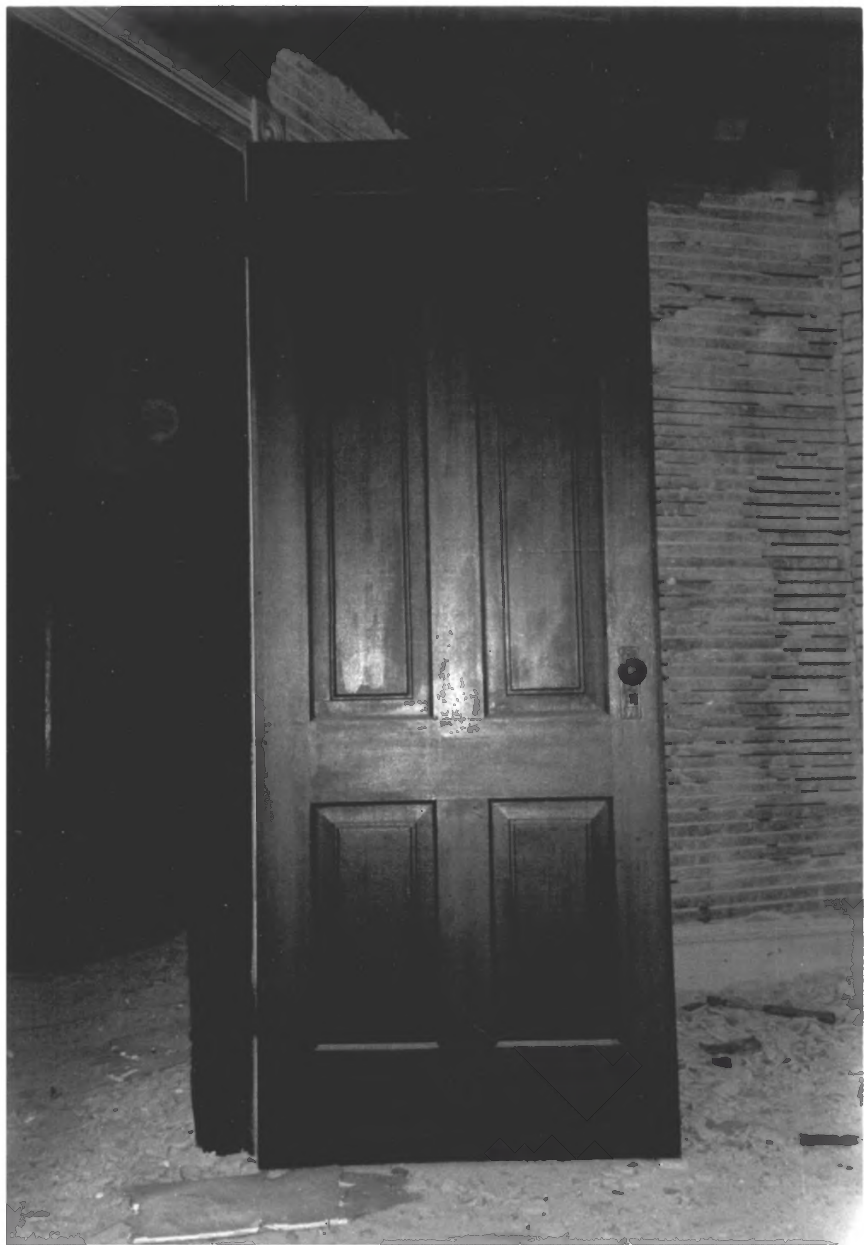


Hackett, Erwin Charles, House
415 17th Street
Oregon City, Clackamas County, Oregon

7 of 17

Sliding pocket parlor doors.

City of Oregon City Photo, 1984
Planning Department, PO Box 631
Oregon City, OR 97045



Hackett, Erwin Charles, House
415 17th Street
Oregon City, Clackamas County, Oregon

8 of 17

Typical four-panel interior door.

City of Oregon City Photo, 1984
Planning Department, PO Box 631
Oregon City, OR 97045



Hackett, Erwin Charles, House
415 17th Street
Oregon City, Clackamas County, Oregon

9 of 17

Typical four-panel doors and
architraves in lower hallway.

City of Oregon City Photo, 1984
Planning Department, PO Box 631
Oregon City, OR 97045



Hackett, Erwin Charles, House
415 17th Street
Oregon City, Clackamas County, Oregon

10 of 17

Detail of typical beaded architrave
molding and door hinges.

City of Oregon City Photo, 1984
Planning Department, PO Box 631
Oregon City, OR 97045



Hackett, Erwin Charles, House
415 17th Street
Oregon City, Clackamas County, Oregon

11 of 17.

Detail of front staircase.

City of Oregon City Photo, 1984
Planning Department, PO Box 631
Oregon City, OR 97045



Hackett, Erwin Charles, House
415 17th Street
Oregon City, Clackamas County, Oregon

12 of 17

Typical window with colored and etched
border lights.

City of Oregon City Photo, 1984
Planning Department, PO Box 631
Oregon City, OR 97045



Hackett, Erwin Charles, House
415 17th Street
Oregon City, Clackamas County, Oregon

13 of 17

Interior view of balcony in SE
corner tower.

City of Oregon City Photo, 1984
Planning Department, PO Box 631
Oregon City, OR 97045

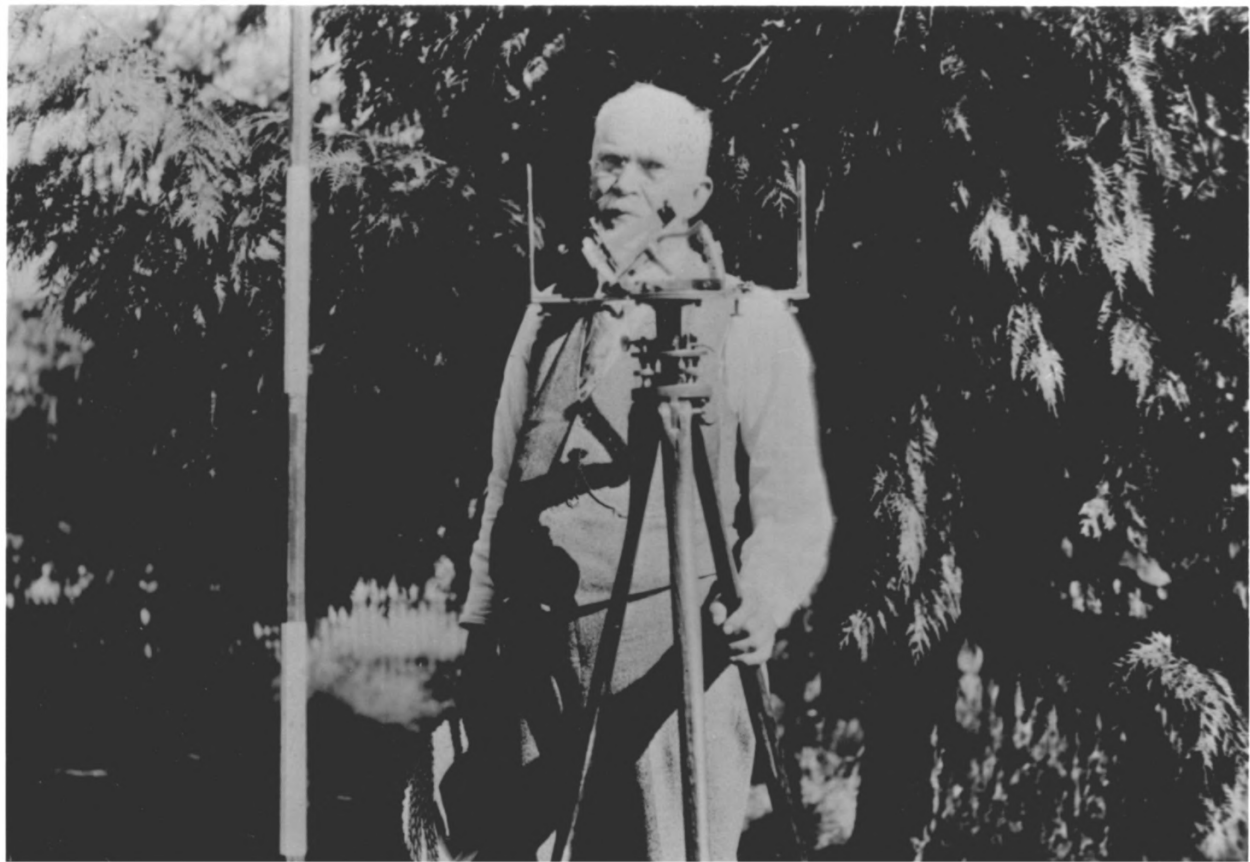


Hackett, Erwin Charles, House
415 17th Street
Oregon City, Clackamas County, Oregon

14 of 17

View of kitchen with original wood
trim and tongue- in-groove paneling.

City of Oregon City Photo, 1984
Planning Department, PO Box 631
Oregon City, OR 97045



E.C. HACKETT HOUSE
415 17TH STREET
OREGON CITY, CLACKAMAS COUNTY, OREGON

Hackett, Erwin Charles, House
415 17th Street
Oregon City, Clackamas County, Oregon
15 of 17

Historic view, c. 1927, E. C. Hackett

Copy negative in possession of:
Clackamas County Planning Department
P.O. Box 631
Oregon City, OR 97045



E.C. HACKETT HOUSE
415 17TH STREET
OREGON CITY, CLACKAMAS COUNTY, OREGON

Hackett, Erwin Charles, House
415 17th Street
Oregon City, Clackamas County, Oregon

16 of 17

Historic view, c. 1917, North (rear) face
Among those pictured are Erwin A. Hackett
son of Erwin C. (far left) and Minne
Bosse Hackett, his wife, far right.

Copy negative in possession of:

Clackamas County Planning Department
P.O. Box 631
Oregon City, OR 97045



E.C. HACKETT HOUSE
415 17TH STREET
OREGON CITY, CLACKAMAS COUNTY, OREGON

Hackett, Erwin Charles, House
415 17th Street
Oregon City, Clackamas County, Oregon

17 of 17

Historic view, c. 1920, South (front)
face. Pictured also is Minnie Boese
Hackett, wife of Erwin A. Hackett and
longtime occupant of the house.

Copy negative in possession of:
Clackamas County Planning Department
P.O. Box 631
Oregon City, OR 97045

Abernethy Place Phase One Hotel

Oregon City, OR

Developer: Hackett Hospitality Group, LLC

J.O. SGL 17-021
March 28th, 2017

PRELIMINARY WATER QUALITY CALCULATIONS

SISUL ENGINEERING

A Division of Sisul Enterprises, Inc.

**375 Portland Avenue
Gladstone, OR 97027**

phone: (503) 657-0188
fax: (503) 657-5779

Narrative:

The existing site contains one building which is to remain. The north side of the site is vegetated with trees, hedges, and brush. The south and east sides of the site consists of existing trees and asphalt pavement. The site is sloped from the south to the north.

The site is proposed to be developed into two phases. The first phase will consist of a new 100 room hotel along with 100 parking spaces distributed around the lot. New private utilities will also be constructed with the development. The second phase will consist of a multi-use site to be constructed at a later date yet to be determined. The site will require a public storm extension to the northeast and a half street improvement along Washington Street. Calculations in this report only include the first phase of development and not the second phase or the public storm extension in Washington Street.

The development will not have to meet flow control or detention requirements based off of the exemptions stated in Chapter 1.2.2.H of the Oregon City Public Works Stormwater and Grading Design Standards. The development will have to meet the water quality requirement of treating the volume that equates to a water quality design storm of 1.0 inch over 24 hours.

Site Conditions & Design Values - Post Development:

Area: These calculations are for the area that drains to a slotted drain and filtered catch basin towards Washington Street – Basin ‘A’

Total Area = 0.26 Acres

Pavement area = 8,138 SF or 0.18 acres

Sidewalk area = 3,319 SF or 0.08 acres

Area: These calculations are for the area that drains to a water quality swale – Basin ‘B’

Total Area = 1.16 Acres

Hotel roof area = 14,143 SF or 0.32 acres

Pavement area = 32,702 SF or 0.75 acres

Sidewalk area = 3,835 SF or 0.09 acres

Runoff Curve Numbers: (per Table 4-3 MODIFIED CURVE NUMBERS, City of Oregon City Stormwater and Grading Design Standards)

Impervious Surfaces, AC, Roofs etc.-Hydrologic Group ‘C’ => 98

Rainfall Distribution: (per Table 4-1 TOTAL DEPTH, City of Oregon City Stormwater and Grading Design Standards)

1yr, 24-hour duration STD SCS Type 1A Storm => 1.0 inches

Time of Concentration – Post Development:

Since a large portion of the site is impervious, the minimum time of concentration of 5 minutes will be used. Tc = 5 minutes

Water Quality Analysis – Basin ‘A’:

1) *Area to be managed by Stormfilter catchbasin located onsite:*

Access & sidewalk = 3,966 sq. ft. = 0.091 acres

The water quality requirements will be met by a 2-cartridge StormFilter Catch Basin for treatment of the water quality storm event of 1.0-inch in 24 hours.

2) *Water Quality Storm Event:*

Water Quality – 1.0-inch in 24 hours – Basin ‘A’:

***** S.C.S. TYPE-1A DISTRIBUTION *****
***** 1-YEAR 24-HOUR STORM **** 1.00" TOTAL PRECIP. *****

ENTER: A(PERV), CN(PERV), A(IMPERV), CN(IMPERV), TC FOR BASIN NO. 1
0, 0, .26, 98, 5

DATA PRINT-OUT:

AREA(ACRES)	PERVIOUS A	CN	IMPERVIOUS A	CN	TC(MINUTES)
.3	.0	.0	.3	98.0	5.0
PEAK-Q(CFS)	T-PEAK(HRS)	VOL(CU-FT)			
<u>.06</u>	7.67	746			

ENTER [d:][path]filename[.ext] FOR STORAGE OF COMPUTED HYDROGRAPH:
17021-wqa

3) *Obtaining number of filters required:*

A single Contech Stormwater Management filter can manage a flow (Q) of 0.034 cfs/cartridge

Per the water quality analysis above in item #2 for the impervious area, water quality flow (Q) is 0.06 cfs.

Required: Contech two-filter catchbasin

Methodology:

KING COUNTY DEPARTMENT OF PUBLIC WORKS Surface Water Management Division HYDROGRAPHS PROGRAMS (Version 4.21 B) was used to generate a peak flow for the water quality storm event.

Analysis:

Engineering Conclusions

The peak flow was used to size the CONTECH Stormwater Management Stormfilter catchbasin. Per CONTECH, each cartridge will treat 0.034 cfs; therefore, the CONTECH Stormwater Management Stormfilter catchbasin was sized for the appropriate number of filter cartridges.

Water Quality Analysis – Basin ‘B’:

The water quality requirements will be met by water quality swale for treatment of the water quality storm event of 1.0-inch in 24 hours.

Water Quality – 1.0-inch in 24 hours – Basin ‘B’:

```
-----  
***** S.C.S. TYPE-1A DISTRIBUTION *****  
***** 1-YEAR 24-HOUR STORM ***** 1.00" TOTAL PRECIP. *****  
-----
```

```
-----  
ENTER: A(PERV), CN(PERV), A(IMPERV), CN(IMPERV), TC FOR BASIN NO. 1  
0,0,1.16,98,5
```

DATA PRINT-OUT:

AREA(ACRES)	PERVIOUS		IMPERVIOUS		TC(MINUTES)
	A	CN	A	CN	
1.2	.0	.0	1.2	98.0	5.0
PEAK-Q(CFS)	T-PEAK(HRS)		VOL(CU-FT)		
.26	7.67		3330		

```
ENTER [d:][path]filename[.ext] FOR STORAGE OF COMPUTED HYDROGRAPH:  
17021-wqb
```

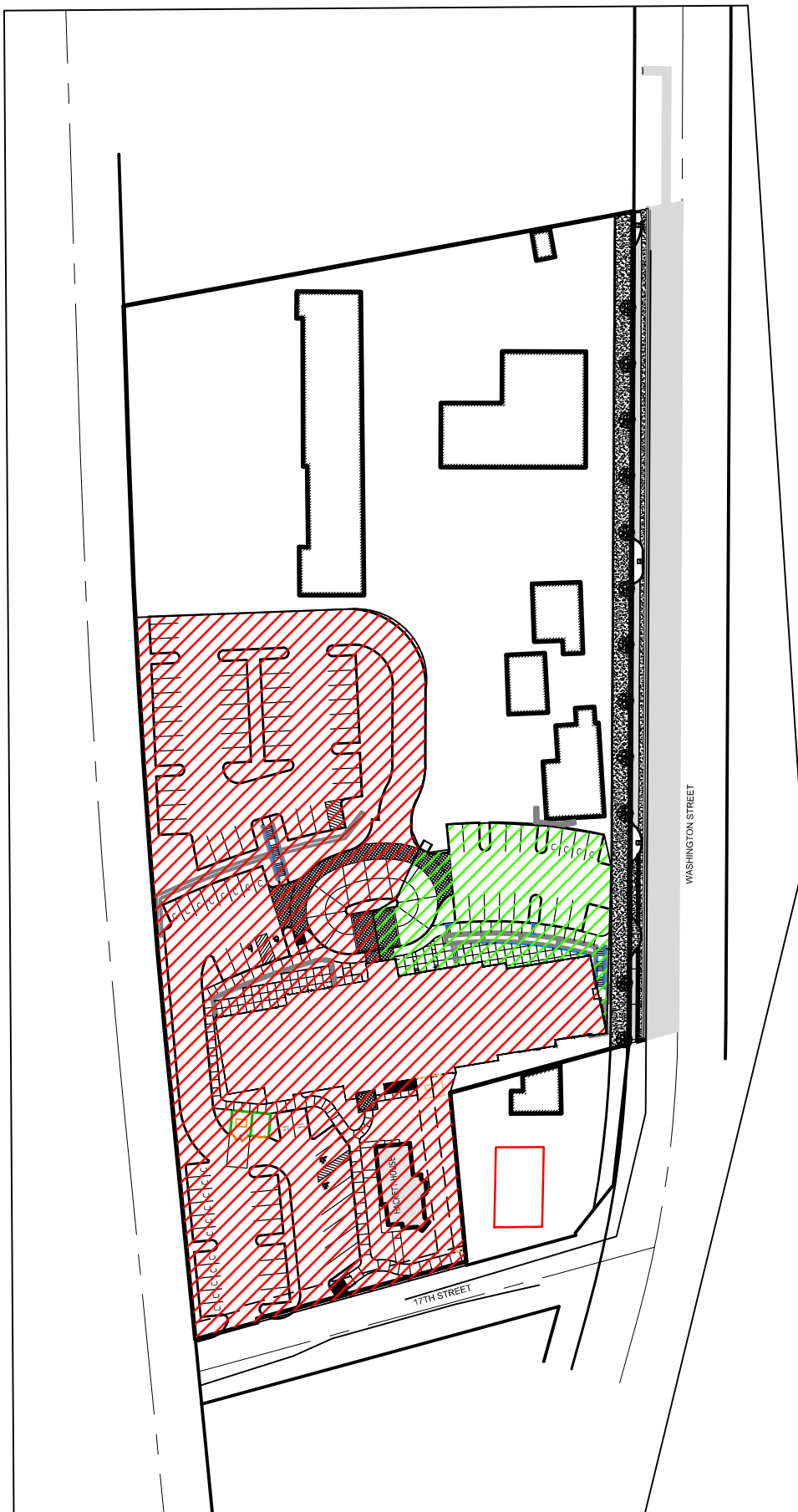
Methodology:

The WES BMP Sizing software was used to determine the size of the facilities. A copy of the report has been attached in the appendices. 1160 SF of planter area is proposed which exceeds the 760.2 SF required for water quality treatment.

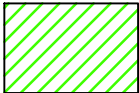
Analysis:

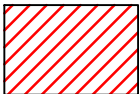
Engineering Conclusions

The proposed stormwater facilities has been designed in accordance with the 2015 Oregon City Stormwater and Grading Design Standards for stormwater management. The storm water facilities have been designed to meet water quality requirements according to the BMP Sizing tool. See the attached calculations.



0 100' 200'
GRAPHIC SCALE 1"=100'

 BASIN 'A'
= 0.26 ACRES

 BASIN 'B'
= 1.16 ACRES

WES BMP Sizing Report

Project Information

Project Name	Abernethy Place Phase One
Project Type	Addition
Location	
Stormwater Management Area	1160
Project Applicant	
Jurisdiction	CCSD1NCSA

Drainage Management Area

Name	Area (sq-ft)	Pre-Project Cover	Post-Project Cover	DMA Soil Type	BMP
DMA	50,530	Impervious	Conventional Concrete	D	BMP

LID Facility Sizing Details

LID ID	Design Criteria	BMP Type	Facility Soil Type	Minimum Area (sq-ft)	Planned Areas (sq-ft)	Orifice Diameter (in)
BMP	WaterQuality	Stormwater Planter - Filtration	Lined	758.0	1,160.0	1.3

Pond Sizing Details

1. FCWQT = Flow control and water quality treatment, WQT = Water quality treatment only
2. Depth is measured from the bottom of the facility and includes the three feet of media (drain rock, separation layer and growing media).
3. Maximum volume of the facility. Includes the volume occupied by the media at the bottom of the facility.
4. Maximum water storage volume of the facility. Includes water storage in the three feet of soil media assuming a 40 percent porosity.

SITE ASSESSMENT AND PLANNING CHECKLIST		
✓	Information needed	Attach supporting materials as needed
2.2.1 Site Information		
	Applicant contact information	Applicant name: <u>Tom Sisul</u> Business name: <u>Sisul Eengineering</u> Contact address, phone number, and e-mail: <u>tomsisul@sisulengineering.com</u> <u>375 Portland Avenue, Gladstone, OR 97027</u> <u>503-657-0188</u>
	Project location	Site address: <u>various- Map 22E29CA, TL 1200, 1300, 1301, 601, 900,1000 and 1100</u> Site description: <u>Contains the Hackett House and several businesses. pavement, some in use some not, and several buildings some storage areas in gravel or dirt</u> Major drainage basin: <u>Lower Clackamas River</u> Is the project site located with the WQRA as defined in OCMC 17.49? <u>N</u> (Y/N) <i>Include a vicinity map of the site (including location of property in relation to adjacent properties, roads, and pedestrian/bike facilities).</i>
	Project type	Identify types of development planned for the site such as commercial, industrial, single-family residential, multi-family residential, or other (describe): <u>Hotel and Multi-family with some commercial on ground floor.</u>
	Size of site	Size of site: <u>4.07</u> (acres) Number of existing/proposed tax lots: <u>7 / 2</u> Amount of new and replaced impervious area: <u>app 149,000</u> (sf)
2.2.2 Site Assessment		
<i>Note: Site assessment information may be available from the OCMaps online tool available through the City's website.</i>		
	Site Assessment Map	<i>Attach engineered scale Site Assessment Map, showing items below.</i>
	Topography Evaluate site and map slopes: <i>Flat: 0-10%</i> <i>Moderate: 10-25%</i> <i>Steep: 25% and greater</i>	<i>Surveyed or aerial-based mapping with 2-foot intervals for slopes 0-25% slope and 10-foot intervals for steeper. Indicate Geologic Hazard Areas as defined by OCMC 17.04.510 and Geologic Hazards Overlay Zone as defined by OCMC 17.04.515.</i>
	Soils and Groundwater Research and map site soil hydrologic group, depth to groundwater	NRCS Hydrologic Soil Type (show on map if more than one type present): <u>A per NCRS</u> <i>Attach seasonal groundwater depth evaluation if available or required (site has floodplain and/or wetland). Groundwater depth information is available from the City.</i> <u>Geotechnical report indicates undocumented fill overlays the site.</u>
	Infiltration Assessment Determine soil capacity for onsite infiltration	If an infiltration test is performed, attach the documentation. Report the test type (Basic/Professional) performed and results. See Appendix D for the approved infiltration testing methods. Test type: <u>Borings per PDX SWM</u> <u>Negligible</u> (inches/hour)

SITE ASSESSMENT AND PLANNING CHECKLIST		
Hydrology – Conditions and Natural Features Map site floodplains, wetlands, streams, and location of outfalls	Clearly label on map all intermittent and perennial creeks/streams/rivers and wetlands, FEMA floodplains, and existing drainage systems (pipes, ditches, outfalls). Check here if present on site: _____ Sensitive area(s) <u>None</u> Floodplain <u>Yes</u>	
Downstream Conveyance	Indicate the proposed point of discharge on the site plan. <i>Prepare and attach a Downstream Analysis as required by Chapter 5.</i> Check here to verify that adequate downstream capacity is available: <u>X</u>	
Existing Vegetation Map trees and vegetation	Using aerial photos or survey, map all trees and vegetation. Note all existing trees 6-inch caliper and greater (DBH) on map. Delineate and identify other areas and types of existing vegetation. The local planning authority may require a formal tree survey.	
Required Vegetated Buffers and Setbacks Assess and map buffers	Identify required vegetated buffer areas and other setback limits as defined by OCMC Title 17.	
Land Use and Zoning	Existing Land Use Zoning designation(s): <u>MUD</u>	
Access and Parking	Delineate proposed access points for all transportation modes on map. Indicate amount and area of required parking onsite if applicable, <i>attach documentation as needed.</i>	
Utilities to Site and Surrounding Area	Map existing utilities including stormwater facilities, storm conveyance, sewer, water, electricity, phone/cable, gas, and any public storm system/facility downstream.	
2.2.3 Site Planning Design Objectives (<i>attach engineered scale Preliminary Site Plan</i>)		
1. Preserve existing resources	Required: Show sensitive areas and buffers on site plan. Denote buffer areas that require enhancement. Show any proposed areas of encroachment and associated buffer mitigation areas.	
2. Minimize site disturbance	Required: Delineate protection areas on site plan for areas to remain undisturbed during construction.	
3. Minimize soil compaction	Required: Delineate and note temporary fencing on site plan for proposed infiltration facilities, vegetated stormwater management facilities, and re-vegetation areas.	
4. Minimize imperviousness	Required: Delineate proposed impervious areas and proposed impervious area reduction methods on the site plan. A. Total proposed new/replaced impervious area: <u>approx. 140,000</u> (SF) B. Area of proposed Green Roofs: <u>0</u> (SF) C. Area of proposed pervious pavements: <u>0</u> (SF) D. Describe type of pavers or pavement proposed: <u>not applicable</u> <u>approx. 140,000</u> E. Impervious area requiring management [A-(B+C)]: _____ (SF)	

SITE ASSESSMENT AND PLANNING CHECKLIST		
2.2.4 Proposed Stormwater Management Strategy		
Proposed Stormwater Management Strategy	_____ Infiltration facilities _____ Surface Infiltration facilities to the MEP _____ Full onsite retention/infiltration up to the 10-year storm event ☒ Infiltration facilities are limited by the following conditions (<i>include documentation to demonstrate the limiting condition and choose an alternate strategy below</i>): _____ Stormwater management facility to be located on fill _____ Steep slopes _____ High groundwater extremely soil draining soils _____ Contaminated soils _____ Conflict with required Source Controls (Chapter 6) ☒ Onsite Stormwater management facilities (indicate below) _____ Offsite stormwater management facilities/regional facilities _____ Fee in Lieu, as determined by the City	
Preliminary Facility Selection/Sizing	Check all that apply, <i>attach output from BMP Sizing Tool</i>, and show proposed Stormwater Management Facilities on Preliminary Site Plan. LID facilities: _____ Infiltration Stormwater Planter _____ Filtration Stormwater Planter _____ Infiltration Rain Garden _____ Filtration Rain Garden ☒ Vegetated Swale Filtration _____ Detention Pond _____ Infiltration Trench ☒ Manufactured Treatment Technology _____ Other: _____	
Verify Minimum Facility Size Infiltration not possible due to extremely slow draining soils.	A. Required surface area of onsite surface infiltration facilities: As determined by BMP sizing tool or engineered method: _____ (SF) B. Calculate MEP surface area of surface infiltration facilities for sites with limiting conditions: Total new/replaced impervious area (SF) x 0.10 = _____ (SF) C. Calculate required surface area of onsite LID facilities: Smaller of [A] or [B]: _____ (SF) D. Proposed surface infiltration facility size(s): From site plan: _____ (SF) <i>must be larger than [C]</i>	

SITE ASSESSMENT AND PLANNING CHECKLIST		
2.2.5 Other Project Requirements		
	Grading Permit	Review OCMC 15.48 to determine whether a grading permit will be required. Grading permit required? <u>Y</u> (Y/N) Type of Grading Plan proposed (see Chapter 3): <u>Excavations and Engineered Fills</u>
	Erosion Prevention and Sediment Control	Identify the required permits: <u>X</u> ESC Permit from the City (<i>sites that include 1,000+ SF new or replaced impervious area</i>) <u>X</u> 1200-C Permit from DEQ (<i>sites that disturb 1 acre or more land surface</i>)
	Source Control for High Use Sites	Identify whether the proposed development will include any of the following: <u> </u> Fuel Dispensing Facilities and Surrounding Traffic Areas <u> </u> Above-Ground Storage of Liquid Materials <u> </u> Solid Waste Storage Areas, Containers, and Trash Compactors <u> </u> Exterior Storage of Bulk Materials <u> </u> Material Transfer Areas/Loading Docks <u> </u> Equipment and/or Vehicle Washing Facilities <u> </u> Development on Land With Suspected or Known Contamination <u> </u> Covered Vehicle Parking Areas <u> </u> Industrial and Commercial High Traffic Areas <u> </u> Other land uses subject to the ODEQ 1200-Z Industrial Stormwater Permit
	Other Permits	Identify other natural resources related permits from local, state, or federal agencies that may be required as part of the proposed development activity. It is the responsibility of the applicant to identify and obtain required permits prior to project approval. List other anticipated permits:

May 10, 2017

City of Oregon City
Public Works – Engineering
626 Center Street
Oregon City, OR 97045

ATTN: Development Engineering Review staff

RE: Public Street Improvements on Washington Street and 17th Street adjacent to the proposed
Abernethy Place Development

Dear Engineering Staff:

This letter is to explain some of our thoughts and reasoning in preparation of the Public Works plans for this site's frontage.

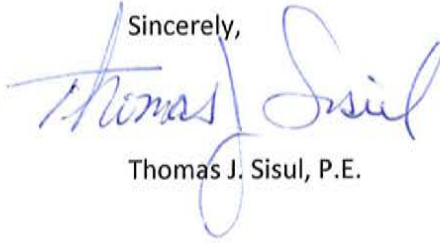
1. Washington Street structural section.
 - a. The structural section from the east edge of the concrete gutter section to centerline of the right-of-way is to meet the recommendation of GeoDesign for Washington St.
 - i. At the concrete gutter, the section was modified from the GeoDesign section to use lightly reinforced concrete rather than asphalt, but the concrete thickness matches the asphalt section thickness and the base rock below it matches that for the asphalt section.
 - ii. The final lift section will be tapered down to match the existing street section between the center of the right-of-way and the east edge of the center median lane. (Final lift will be reduced from a 2 inch section to one inch over several feet).
 - b. The structural section west of concrete gutter section is proposed to simply meet the local street section as it will be a parking only area protected from truck use by the landscape planters extending into the pavement.
2. Washington Street configuration with planters was aligned to match with was constructed in terms of planters extending into the ROW at the Amtrak Station entry. This allows for a south bound traffic lane and bike lane as shown on the typical cross-section.
3. Washington Street cross-section slope has been modified from the standard of sloping from the centerline to the curb line to have a gutter line at the west edge of the bike lane / east edge of the parking stalls. The thought for this is that it will allow the roadside drainage to drain to the front edge of the water quality planters rather than at the curb line and does not require pass throughs for drainage at the curb line for non-WQ planters. It also allows for a slightly higher

curb and sidewalk elevation which helps in grading to on-site facilities that need to be above the flood plain elevation.

- a. Because the parking area would slope to a gutter several feet away from the curbline, we are proposing to use a standard Type "C" curb, rather than curb and gutter, as the curb installers do not have a curb and gutter mold template for a reverse grade gutter.
4. 17th Street structural section.
 - a. It appears that from the core test inspection the existing 17th Street section meets the local street structural section.
 - b. The widen street section will meet the local street standard section.
5. 17th Street sidewalk configuration was modified from the standard to take it behind an existing significant tree near the Hackett House and the sidewalk ends at a point that is likely to be potential midblock crossing point if a future sidewalk extension under the railroad trestle were ever to be constructed in the future. As there appears to be no chance for the sidewalk to be extended across the railroad ROW at grade level, we have not extended to the public sidewalk to the west edge of the parcel's frontage on 17th as would normally be done.

Should there be any questions about what we are proposing please let us know.

Sincerely,



Thomas J. Sisul, P.E.