



TYPE III –Master Plan and Detailed Development Plan STAFF REPORT AND RECOMMENDATION

August 7, 2017

FILE NUMBER: CP-17-0002: General Development (Concept) Plan
DP-17-0003: Detailed Development Plan for Phase 1
NR-17-0004: Natural Resource Overlay District Verification

APPLICANT: 1750 Blankenship Rd, Ste. 400
West Linn, OR 97068

OWNER: Hackett Hospitality Group, LLC
1419 W. Main Street
Battleground, WA 98604

REQUEST: Approval for General Development Plan for Abernethy Place, a mixed-use project including Hotel, Multi-Family, Retail/Commercial and Office Use to be constructed in two phases over 10-years as well as a Detailed Development Plan for Phase 1 which includes construction of a Hotel and parking lots.

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

REVIEWERS: Pete Walter, AICP, Planner

RECOMMENDATION: Approval with Conditions.

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

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IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION
OFFICE AT (503) 722-3789.

RECOMMENDED CONDITIONS OF APPROVAL

Planning Files: CP-17-0002, DP-17-0003, NR-17-0004

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

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

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

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

1. Existing service connection to the 48-inch sewer pipe on site shall be usable and meet the minimum inside diameter requirement of 6" for serving commercial buildings. Any new connection to the Tri-City Service District (TCSD) main will require permission from TCSD with all approved permits provided to the City. (DS)
2. Extension of the 8-inch sanitary sewer main within Washington Street, to and through the site frontage will be required. (DS)
3. The applicant shall confirm that no buildings have sewer service running within the subject site. If other buildings have a sewer service running through the subject site, the applicant shall provide a new service line from the required 8-inch sanitary sewer main extension within its frontage. (DS)
4. The existing 6-inch water main in 17TH Street shall be upsized to the City's standard 8-inch diameter ductile iron water main. A fee-in-lieu of construction of the new 8-inch water main will be considered if upsizing of 6-inch pipe is shown to not be feasible. An adequate easement shall be provided for the water main along the frontage of 17th Street. (DS)
5. Overhead utilities along the site frontage shall be relocated underground. (DS)
6. The applicant will need to submit a photometric plan with the construction plan submittal to facilitate design of the streetlights by PGE. Streetlights shall be decorative and match the style of existing decorative streetlights found along Washington Street. (DS)
7. The applicant shall perform all cuts and restoration to pavement within the right-of-way in accordance with the City's Pavement Cut Standards. (DS)
8. All development shall be in conformance with the policies and design standards established by the Oregon City Municipal Code and with applicable standards in the city's public facility master plans and city design standards and specifications. (DS)
9. The applicant shall dedicate sufficient right-of-way (ROW) to provide, at minimum, a ROW width 43 feet north of the centerline for Washington Street. Improvements required north of the centerline along the frontage of Washington Street are: a 6-foot-wide half center lane, a 12-foot-wide travel lane, a 6-foot-wide bike lane, 8-foot-wide on-street parking, 0.5-wide curb, 4-foot-wide furnishing zone/planter strip, 6-foot-wide sidewalk and 0.5-foot public access. (DS)
10. 17th Street shall have a 24-foot wide street section, as can be accommodated without extending street pavement towards Abernethy Creek. The improvements required along 17th Street are 0.5-wide curb with gutter, 5-foot-wide curb-tight sidewalk and 0.5-foot public access. Portions of the sidewalk will be allowed to meander around the existing tree but shall be provided a public sidewalk easement. (DS)
11. The project shall meet water quality standards of Oregon City Stormwater and Grading Design Standards but is not required to meet flow control standards. (DS)

12. Applicant shall submit engineering calculation of cut and fill for the development for review and approval based on criteria outlined in Section 17.42.160.D of Oregon City Municipal Code. (DS)
13. Regarding construction standards within flood management areas, applicant shall adhere to Section 17.42.160.E of Oregon City Municipal Code. (DS)
14. Applicant shall obtain Erosion Control permit from the City and a 1200-C permit from Oregon Department of Environmental Services prior to commencing construction activities. (DS)
15. The applicant shall submit an engineered grading plan and geotechnical report for review and approval prior to approval of public improvement plans.
16. To demonstrate exemption from OCMC chapter 17.44, applicant shall provide an exhibit showing that excavation within the Geologic Hazard overlay zone is limited to excavation or fill which is less than two feet in depth, or involves less than twenty-five cubic yards of volume. However, should the applicant propose any work requiring excavation or fill which is more than two feet in depth, or which involves more than twenty-five cubic yards of volume within the Geologic Hazard overlay Zone the project will be subject to Geologic Hazard review as outlined in OCMC Chapter 17.44. (DS)
17. The applicant shall construct Washington Street along the site frontage including a center turn lane to provide for left turns into the site. Applicant shall provide additional traffic engineering analysis relating to the location of the site access that shows the location of proposed access will not interfere with queuing or traffic operations at adjacent traffic signals through the TSP planning horizon. (DS)
18. The applicant shall participate in the funding of improvements for the I-205/OR-99E ramp terminal projects (TSP Projects D75 and D76) in proportion to the development's traffic volumes as a percentage of total year 2035 intersection volumes from the TSP. Based on this methodology, the developer is responsible for 0.42% of the \$3 million cost for Project D75 and for 0.49% of the project cost for Project D76, resulting in a contribution from the applicant of \$12,600 + \$14,700. (DS)
19. The applicant shall participate in the funding of improvements for the Main Street/14th Street improvements (TSP Projects D7 and D8) in proportion to the development's traffic volume as a percentage of the predicted 2035 traffic volume at the intersection calculated in the TSP. Based on the applicant's predicted site traffic, the applicant's responsibility is 1.66% of the project's cost. The higher cost option in the TSP is listed at \$670,000, resulting in a contribution from the applicant of \$11,122. (DS).
20. The applicant shall comply with the Oregon Department of Transportation's comments and recommendations in the memorandum provided on July 14, 2017. (P)
21. The applicant shall submit documentation demonstrating compliance with one or more of the options for Tree Removal and Mitigation in Chapter 17.41. 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. The project arborist preparing the tree mitigation plan shall coordinate with the project landscape architect to ensure that any trees to be preserved are indicated on the revised landscaping plans for the site and that all protective measures are properly installed pursuant to OCMC 17.41.130 - Regulated tree protection procedures during construction. The applicant shall provide a revised arborist report indicating recommendations for tree protection procedures during construction or as a minimum show compliance with protective measures in OCMC 17.41.130 B(1-9). (P)

22. The applicant shall coordinate with the Confederated Tribes of the Grande Ronde as needed to complete any necessary archeological investigations required for prior to any ground disturbance.
23. The applicant shall provide a clear schedule for timing of all public improvements related to mitigation thresholds, including transportation, sewer, water, stormwater facilities for approval by the Public Works Department prior to issuance of a grading or construction permit for public improvements.(DS)

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

24. The applicant shall provide additional mitigation for adjustment #4 (window design) such as increased minimum transparency, trim details, higher quality materials, greater articulation or modulation, or landscaping. (P)
25. The applicant shall provide revised plans that include signs at the north main entrance that indicate the location of the covered bicycle parking at the south entrance. (P)
26. The Applicant shall provide a public cross-access easement between the parcels to ensure pedestrian and vehicle access is maintained. The easement shall provide mutual access between all of the properties onsite as well as with the adjacent train station.(P)
27. The applicant shall obtain all necessary permits and approvals and comply with the Historic Review Board approval for file HR-17-002. (P)
28. The applicant shall provide revised plans that extend the Washington Street canopy further toward the street to highlight the entranceway, and propose art works, sculpture, fountain, lighting or a similarly prominent amenity feature placed on the side of the stone stairs facing Washington. The applicant shall also prepare a quantitative table that clearly demonstrates the enhanced transparency in square feet, size of the patio, articulation, and use of materials as compared to other facades, and improve the connection from the doorway to the main lobby. (P)
29. The applicant shall add additional transparency on the ground floor façade facing 17th Street to meet 60% of the visible portion of the façade.
30. The applicant shall demonstrate compliance with the minimum of 10% landscaping for phase 1 on all revised landscaping plans. The applicant shall provide landscaping percentage calculations for the parking lot interior and all other landscaped areas on the site prior to issuance of a building permit. (P)
31. The applicant shall provide a revised landscaping plan indicating that within three years the landscaping will cover one hundred percent of the Landscaped areas including landscaping within the parking lot, and that no mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. (P)
32. The applicant shall provide a revised landscaping plan that clearly indicates an evergreen hedge at the parking lot entryway on 17th Street. Prior to issuance of a building permit, the applicant's landscape architect shall provide a revised landscaping plan conforming to OCMC 17.52.060.A.8. (P)
33. The applicant shall provide a revised landscaping plan that clearly indicates where pedestrian pathways within parking lots are constructed if proposed. Pedestrian walkways shall have shade trees spaced a maximum of every thirty-five feet in 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. (P)
34. The applicant shall provide revised plans that indicate the use of a change in textural material or height of the pedestrian accessway within the parking lot drive aisle adjacent to the hotel to alert the driver of the pedestrian crossing area. (P)
 35. The applicant's photometric engineer shall provide revised lighting plans in compliance with OCMC 17.62.065.D.2., which indicate the use of full-cut-off style lighting fixtures or approved alternatives. The revised lighting plans shall include the min./max. Foot-candle ratio required to be shown in Table 1-17.62.065. (P)
 36. No lighting pole taller than 20 feet shall be permitted for Phase 2 without an adjustment through the Type III Master Plan or a Variance.
 37. The applicant shall provide revised landscaping plans indicating an evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average for the parking area/building buffer or revise the plans to show seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells. (P)
 38. The applicant shall provide revised landscaping plans that indicate the required parking area / building buffer landscaping at the rear of the hotel and abutting the Hackett House on either side of the pedestrian walkway abutting the head-in parking. (P)
 39. 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. (P)
 40. If street trees are planted within an easement along 17th Street the applicant shall provide a protective covenant that allows the city to enforce the public street tree requirements in this area. (P)
 41. The applicant is responsible for contacting and applying for any Corps of Engineers or Department of State Land approvals necessary to undertake the project and shall provide evidence of such permits or exemptions obtained prior to issuance of a building permit. (P)
 42. The applicant shall submit adequate documentation to the Building Official to demonstrate compliance with the Flood Management Overlay District in OCMC 17.42.110, 17.42.160, and 17.42.190. (P)
 43. The applicant shall submit a revised Traffic Impact Study when the Detailed Development Plan for Phase II of the development is proposed. (P)
 44. The applicant shall have completed any Lot Line Abandonments or Adjustments necessary to comply with applicable building code requirements pursuant to OCMC 16.20 – Property Line Adjustments and Abandonment Process and Standards. (P)
 45. The applicant shall revise the plans to comply with the parking area / building buffer landscaping requirement of Section 17.52.050(C)(1(a)-(c)), or (2) for the head-in parking abutting the rear of the hotel and the Hackett House parking lot. (P)
 46. Any fence proposal for the property shall comply with the applicable provisions of OCMC 17.54.100 – Fences and OCMC 17.62.050.A.21 Building Materials and shall be reviewed through a Type I or Type II Site Plan Review process, as applicable. The applicant is permitted a combined fence/retaining wall height of 15 feet. (P)
 47. The proposed adjustment to building height for Phase 1 is approved. The adjustment does not apply to Phase 2. (P)

The applicant shall include the following information prior to issuance of an occupancy permit associated with the proposed development. The information shall be approved prior to issuance.

48. The duration of approval of this General Development Plan is five years unless amended prior to expiration. (P)
49. Per OCMC 17.41, if tree mitigation option #1 is chosen, the applicant shall recorded a protective covenant for all trees to be preserved and planted on-site prior to issuance of a certificate of occupancy for phase 1 or 2. (P)

I. BACKGROUND:

1. Existing Conditions

Note: Excerpts of the submitted plans are provided below as information. Please refer to the applicant's full submitted plan set for the following detailed drawings: Topographic Survey, Preliminary Grading Plan, Preliminary Utility Plan, etc.

The proposed General Development Plan (GDP) 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 Train Station and Depot on the north, and the railroad right-of-way on the west. All parcels within the GDP are zoned Mixed Use Downtown MUD and are within the Downtown Parking Overlay District.

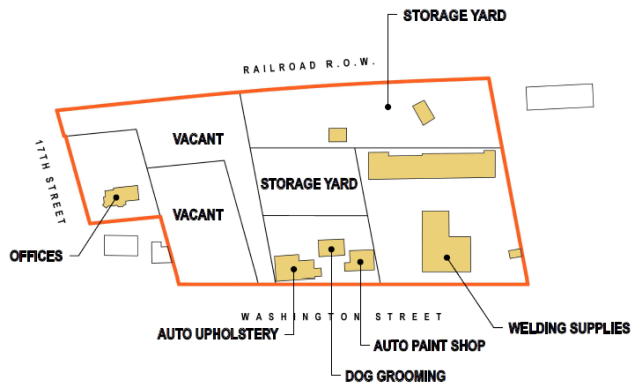
Tax lots 1200 & 1301 abutting 17th Street are within the Geologic Hazard and Natural Resources Overlay Districts.

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 Applicant's "Surrounding Uses" drawing 1.4).

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



DRAWING 1.5 EXISTING USES



Vehicular access is available from Washington Street, 17th Street, and the Train Station. No curbs, sidewalks, or on-street parking currently exist along the site frontage. Existing uses have multiple driveways fronting Washington Street.

Existing Uses



Vicinity Map



Existing Conditions – Aerial Image

2. **Project Description**

The applicant has proposed a General Development Plan (GDP), along with a Detailed Development Plan for Phase 1.

General Development Plan (GDP):

The General Development Plan is for a mixed-use development on approximately 4 acres including a variety of complementary uses including hotel, retail, office, and multi-family. The proposed duration of the general development plan is 5 years, with up to 5 years extension to the plan provided an updated traffic impact study is provided, and identified additional impacts addressed through amendment of the original approval.

Phase 1: A 99 room hotel and associated parking lot.

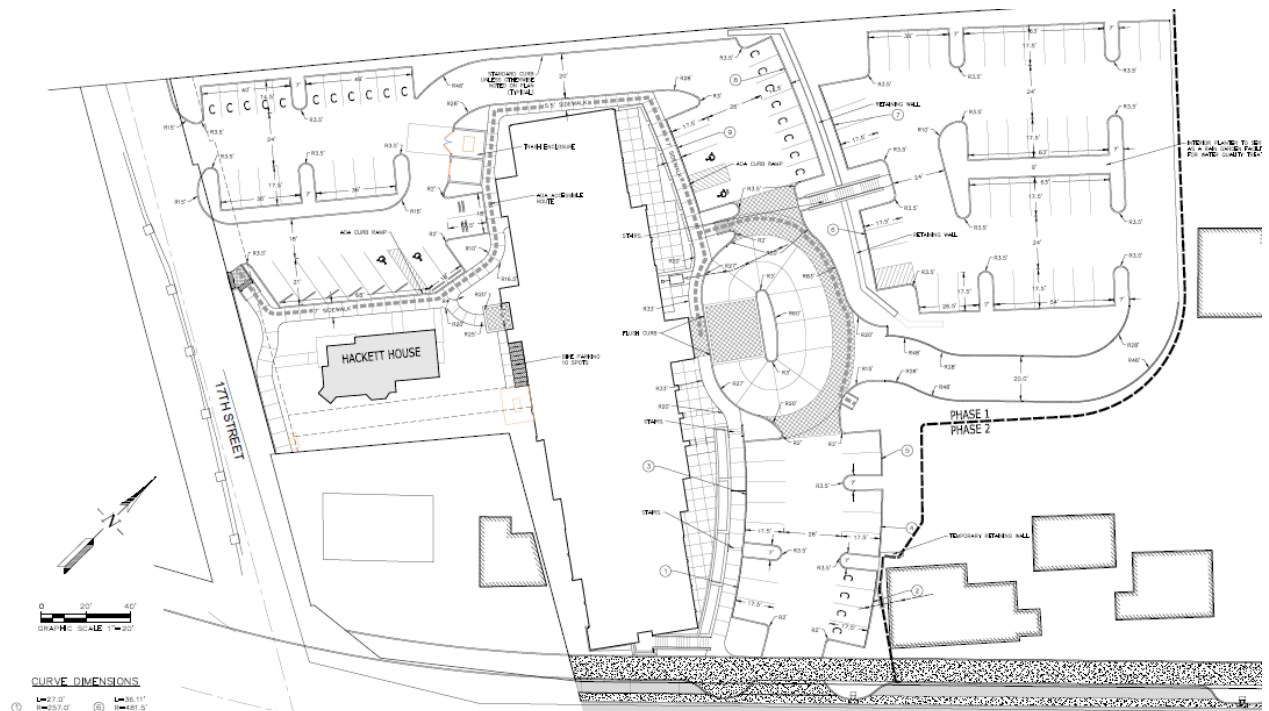
Phase 2: 131 multi-family units and 9,500 square feet of retail space



Detailed Development Plan (DDP):

Phase 1, which is intended to be constructed within the next five years, consists of a 5-story, 99-room hotel located adjacent to the Hackett House. The approximate area of Phase I is 2.15 acres. 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.



Phase 1 will include the construction of all street frontage improvements and all the necessary parking to serve the hotel site.

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.

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.

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 adjacent to the hotel. 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.



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 base 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.

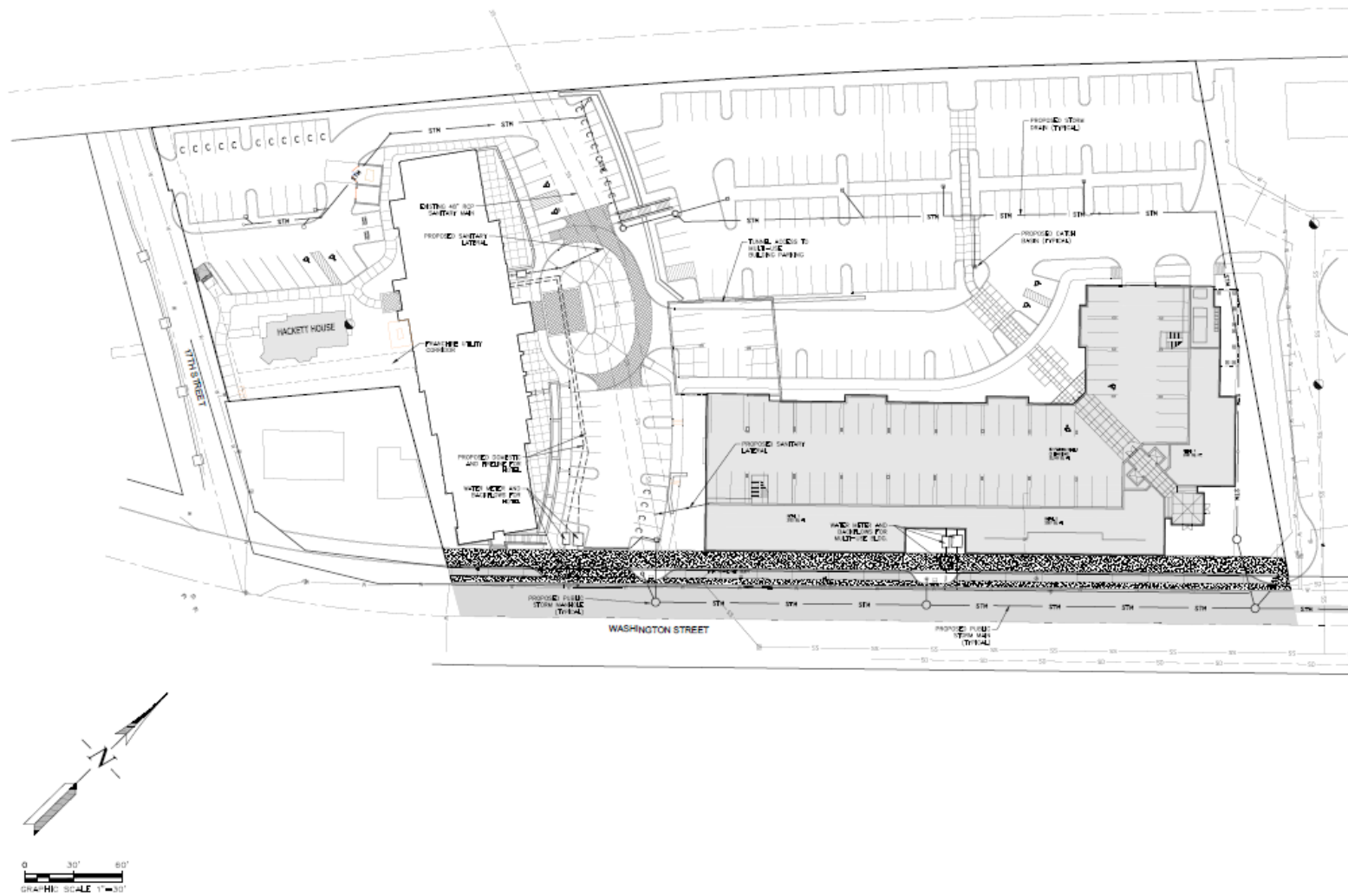
DEVELOPMENT CODE ADJUSTMENT REQUESTS

The following adjustments are requested for the Detailed Development Plan. Please see section 17.65.070 on Page 50 for findings.

Adjustment	Code	Description	Requested Adjustment
#1	17.34.060.D.2	Maximum building height of 45' within 500 feet of the End of the Oregon Trail Interpretive Center	Hotel maximum building height 57 feet as measured from the flood plain elevation; Mechanical penthouse 59 feet as measured from the flood plain elevation.
#2	17.62.055.F	First floor to second floor height 14 feet minimum.	First floor to second floor height 12 feet minimum.
#3	17.54.100.B.4	Fence & retaining wall combined height 8.5 feet	Guardrail + retaining wall combined height of 15 feet maximum.
#4	17.62.057.L.2	Window design - <i>All windows on all elevations shall recess or project individual windows at least two inches from the facade and incorporate window trim at least four inches in width that features color that contrasts with the base building color.</i>	Exception: wood framed walls with exterior wall finishes projecting less than 3-1/2" from face of wall sheathing shall not be required to recess or project windows from façade

General Development Plan Drawings

Preliminary Utility Plan



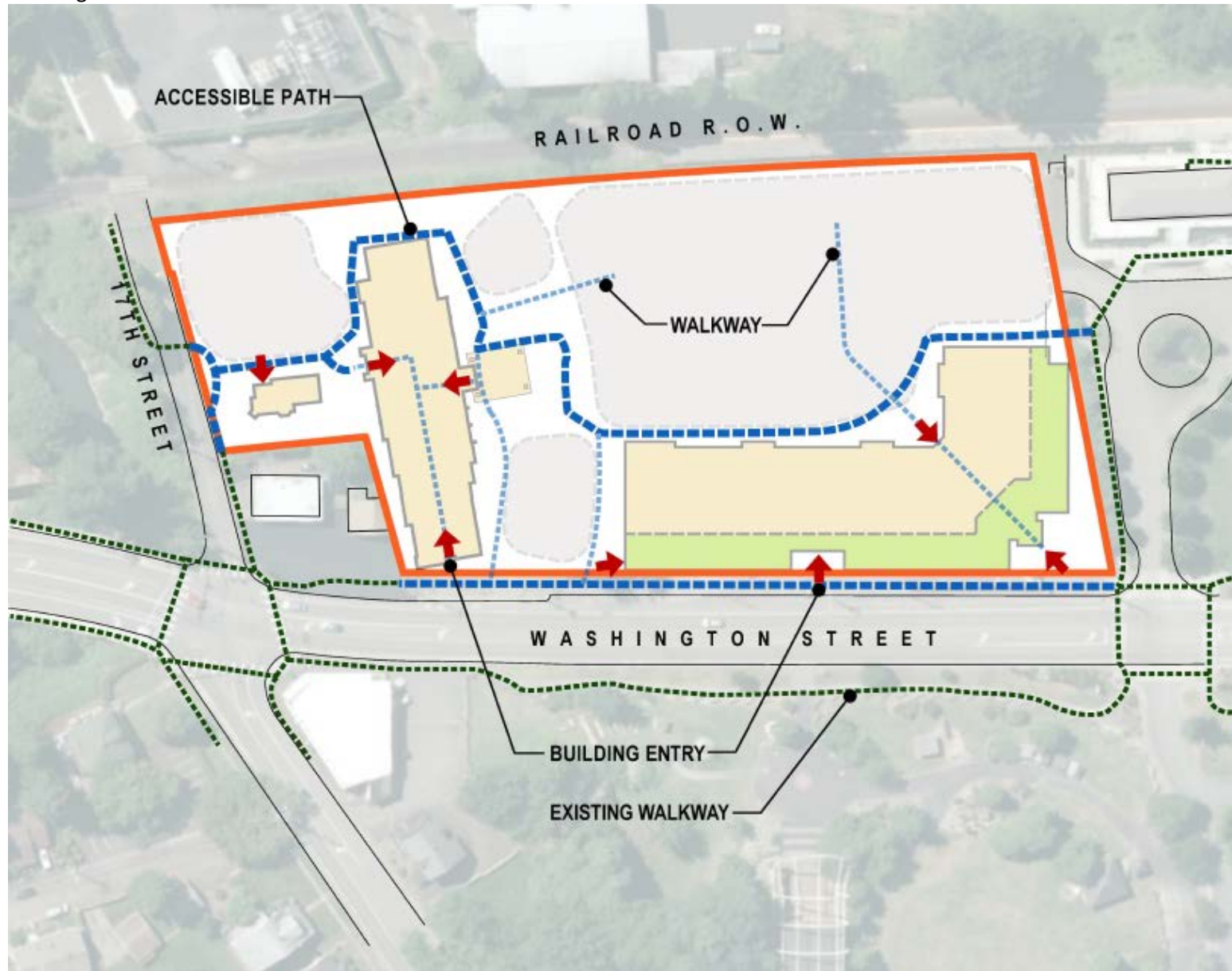
General Development Plan

Drawing 2.2 - Vehicle Circulation



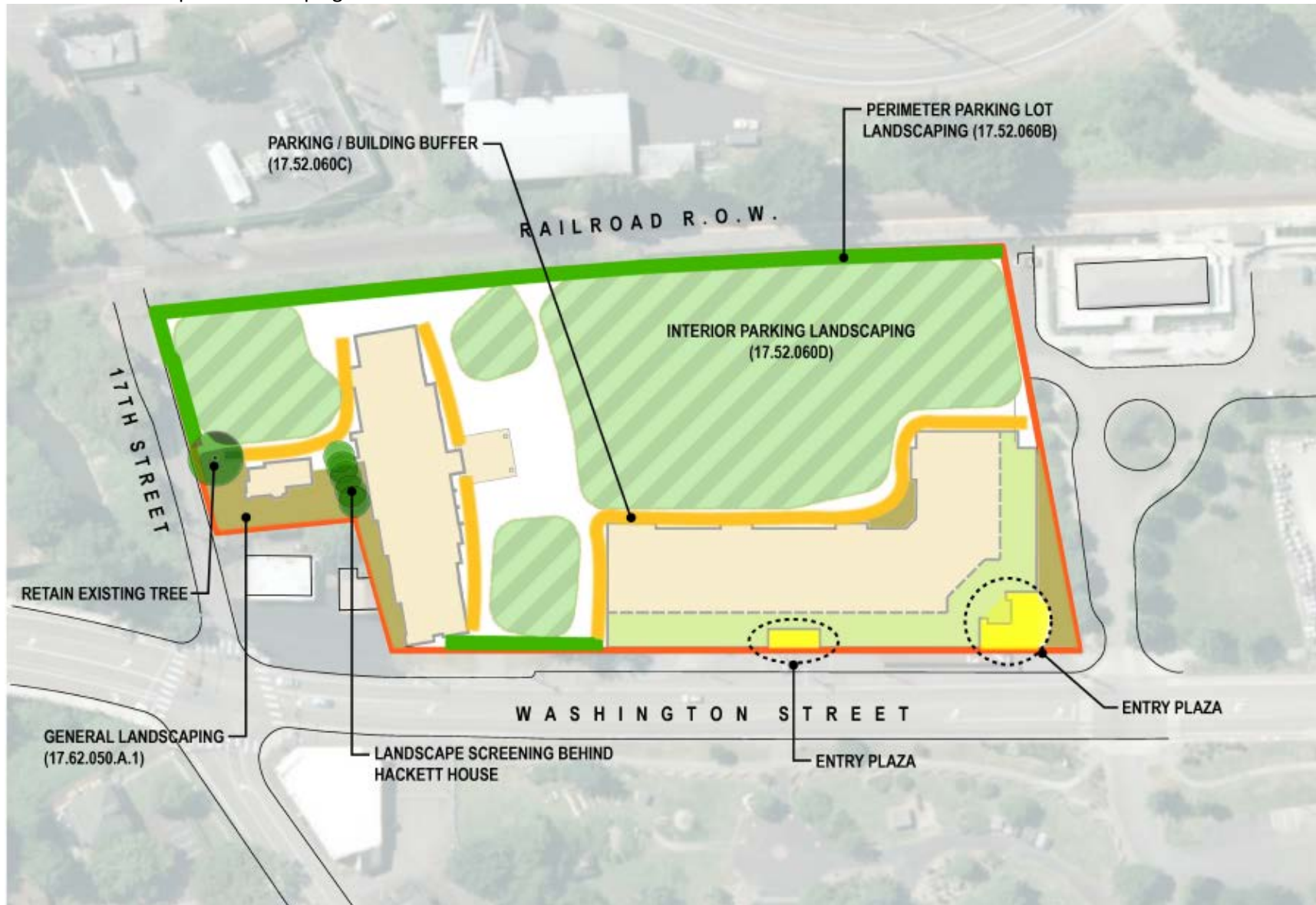
General Development Plan

Drawing 2.3 – Pedestrian Circulation



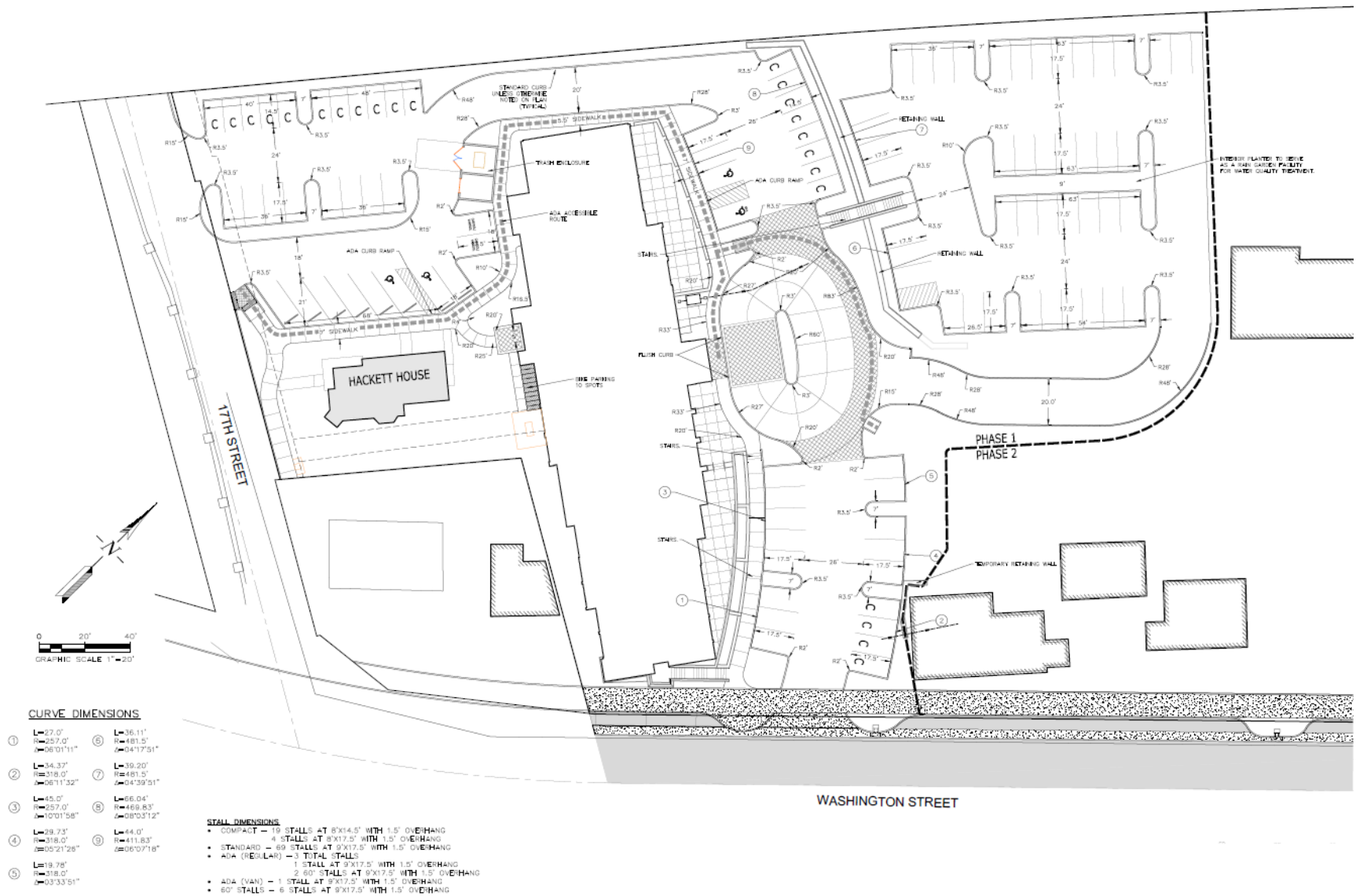
General Development Plan

2.4 – Conceptual Landscaping Plan



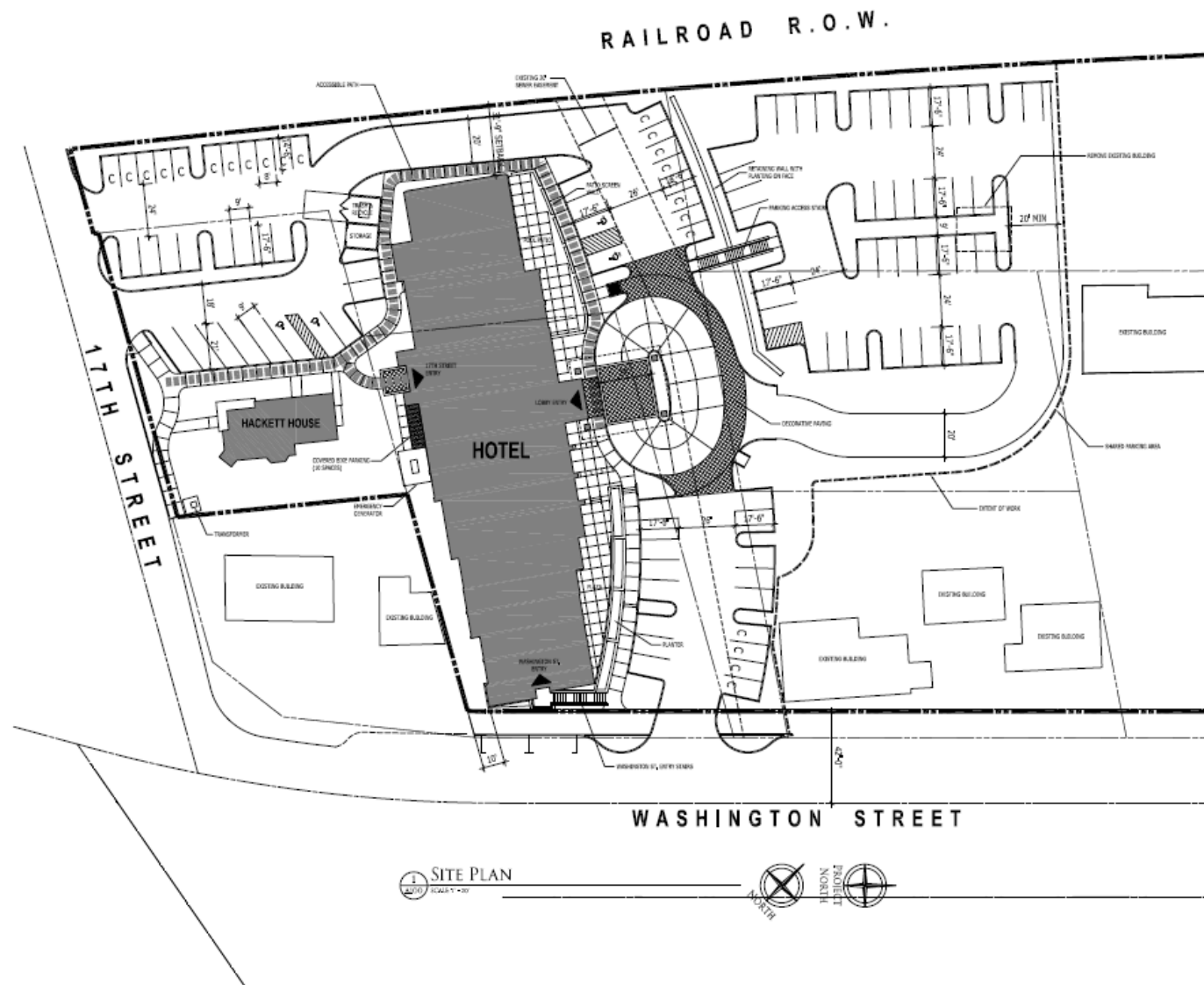
Detailed Development Plan

C3 – Phase 1 Site Plan



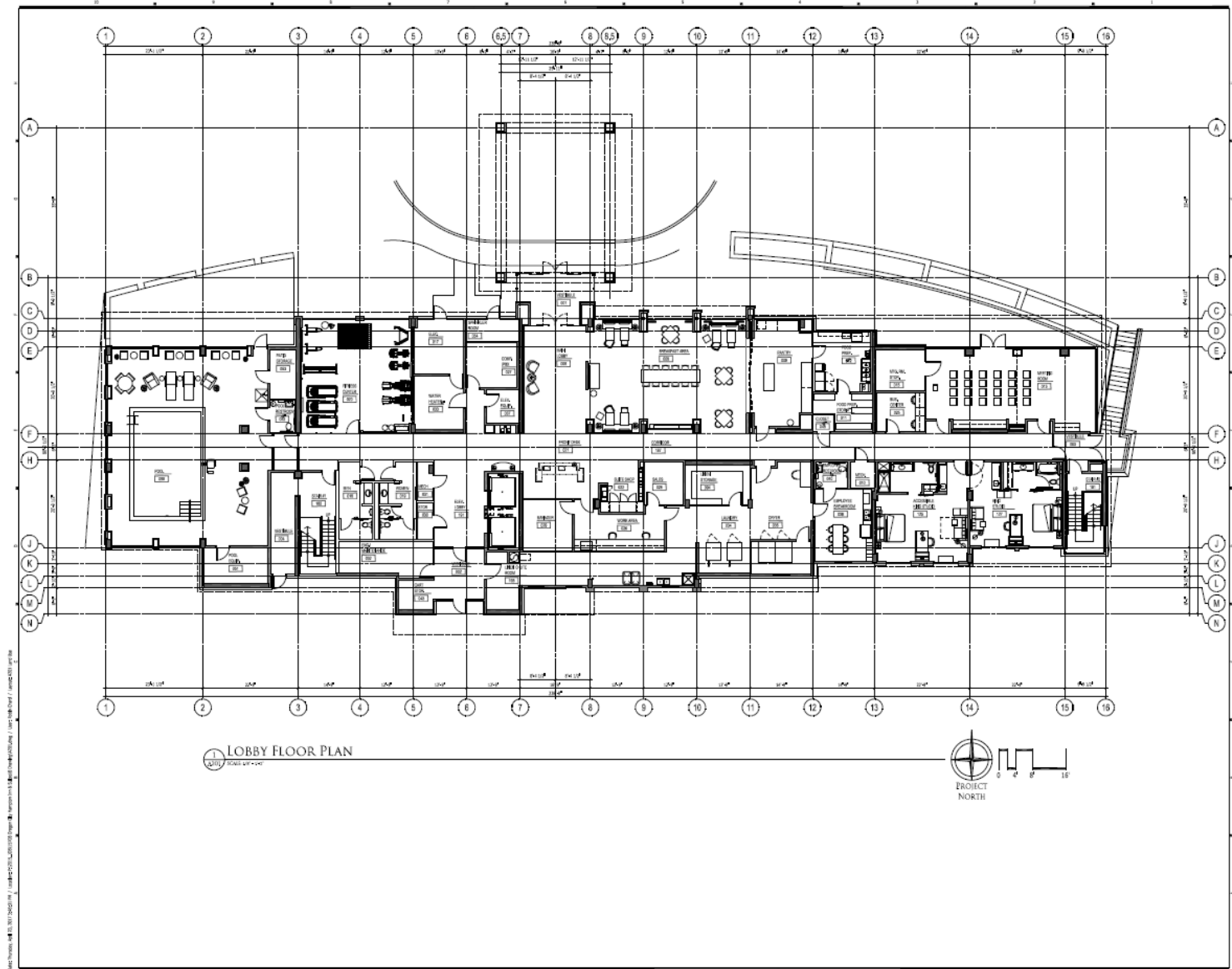
Detailed Development Plan

A100 – Site Plan

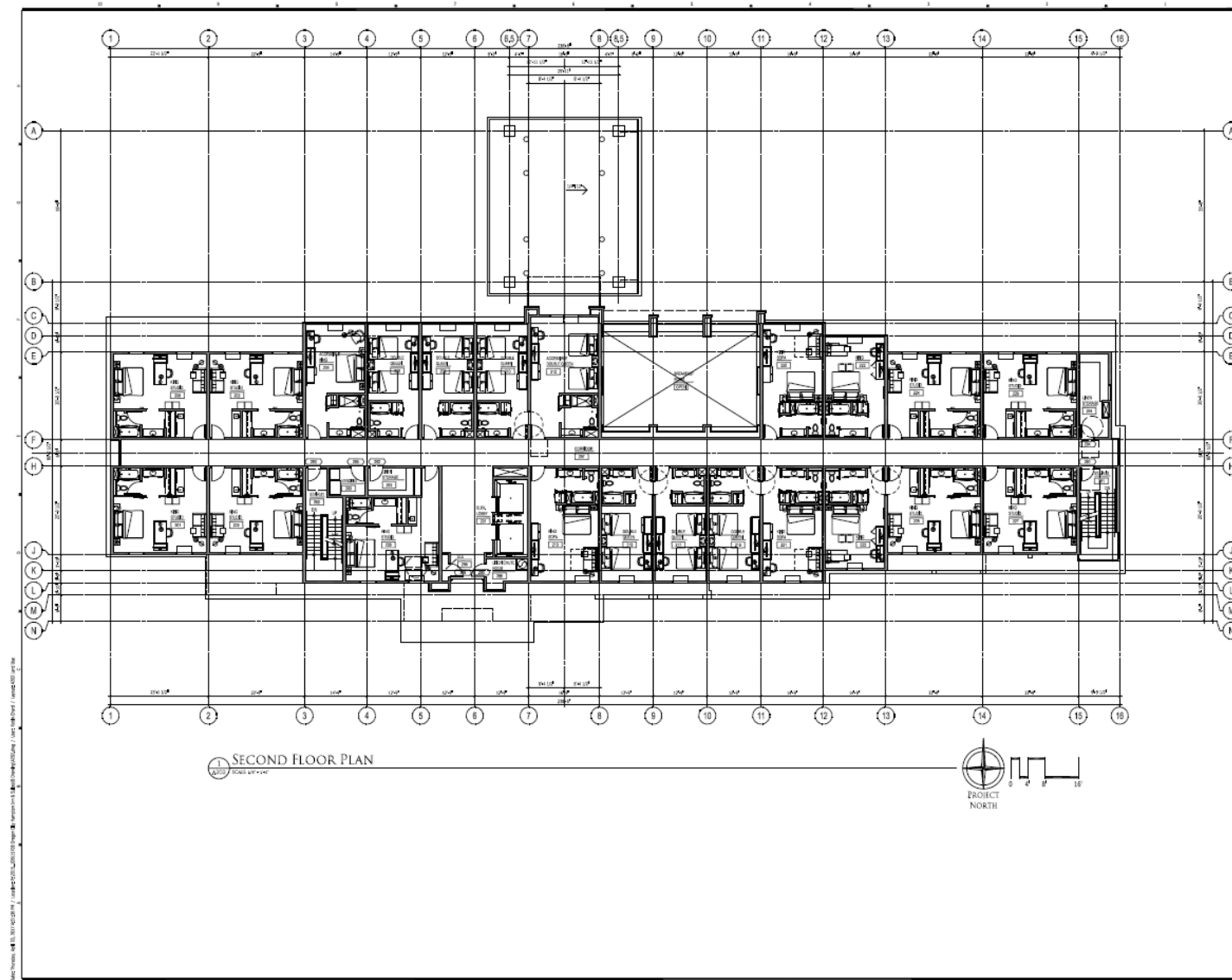


Detailed Development Plan

Drawing A201 – Lobby Floor Plan



Drawing A202 – Second Floor Plan



Detailed Development Plan

Drawing A300 – South Elevation (Facing 17th Street indicating Hackett House and Corner Development)



Detailed Development Plan

Drawing A304 – South Elevation (Facing 17th Street, not indicating Hacket House and Corner Development)



Detailed Development Plan

Drawing A301 – East Elevation – Main Façade Facing Washington Street



Detailed Development Plan

Drawing A302 – North Elevation – Facing Main Parking Lot



NORTH ELEVATION

Detailed Development Plan

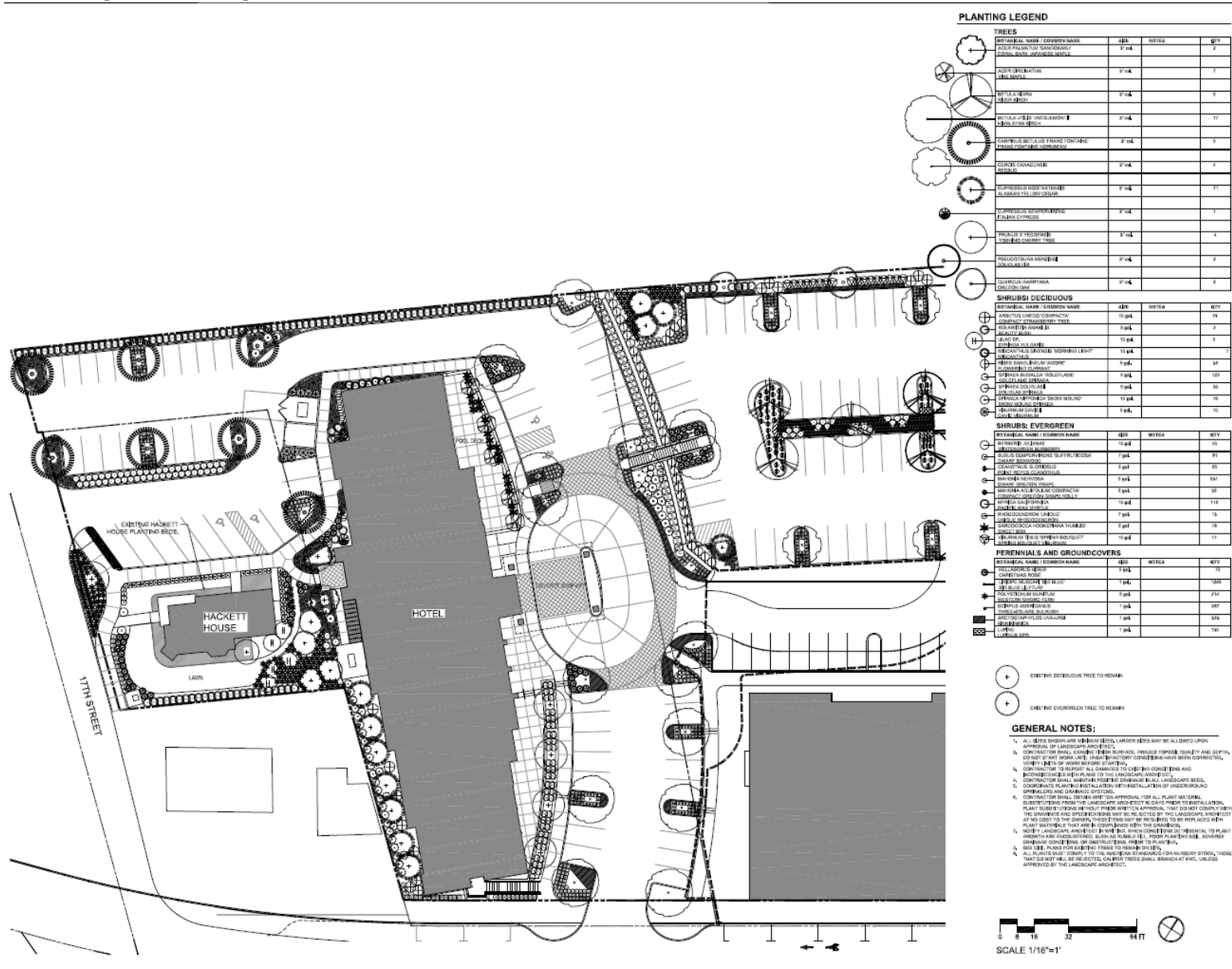
Drawing A303 –West Elevation – Facing I-205 / Main Street Extension / Rail Road



WEST ELEVATION

Detailed Development Plan

Drawing L1.0 –Planting Plan



- 3. Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions. The applicant requests approval of the following land use applications with this proposal:

CP-17-0002: General Development Plan for Phase I and Phase II

DP-17-0002: Detailed Development Plan for Phase I Hotel and Parking Lot

NR-17-0004: Natural Resources Overlay District Review (Verification)

Historic Review Board

The Historic Review Board (HRB) reviewed a request to reduce the area of the Hackett House as an individually designated historic landmark. The resulting reduction would allow the proposed development to occur without any additional HRB review. HRB's public hearing on Planning File HR-17-0002 was held on April 24, 2017, and after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Historic Review Board voted 3-0-0 to approve with conditions Exhibit 6.

4. Notice and Public Comment

Public Notice for a Type III Quasi-Judicial Public Hearing was provided in accordance with OCMC 17.50.

The planning commission public hearing of July 24th was continued to August 14th, 2017.

Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association. Public Notice was also published in the Clackamas Review / Oregon City News on June 14, 2017 for one week. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property.

A letter in support of the application from the Board of Directors of Clackamas Heritage Partners was received by staff from the applicant's attorney on August 3, 2017. The letter includes a statement of the following findings adopted by the Board:

1. Features of the hotel development consisting of wood and native stone, classical architectural style, and historical references to EOT and the Oregon Trail will be fully compatible with the EOT site.
2. The hotel will provide attractive and comfortable lodging for EOT visitors as well as for visitors of the River Walk Project at Willamette Falls. The hotel will encourage visitation by patrons to both sites.
3. Visibility of the Hoops from I-205 will be retained. The siting of the hotel perpendicular to EOT will create a pleasing view corridor.
4. Approval will enhance the overall development pattern of the surrounding area and encourage similar developments in the future. It is also consistent with the on-going revitalization of downtown Oregon City.

No further public comments have been received as of August 4th, 2017.

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

The Oregon Department of Transportation provided comments for the pre-application conference which are attached to the application. ODOT made the following comments:

ODOT RAIL COMMENTS

In 2003, per Order No. 50165, the 17th Street public crossing (No. C-756.30) was permanently closed prior to commencing passenger rail service at a stop in the City of Oregon City. The concrete crossing surface has been removed and is no longer a private crossing at 17th Street for the railroad. Access is not allowed for public use, including pedestrian connections, trails, and/or city use. There is an alternative, public route on 15th Street to cross under the tracks to access Main St as well as 14th Street and 12th Street. ODOT Rail and Public Transit Division cannot agree to making 17th Street crossing a public crossing due to Order No. 50165. 17th Street needs to be curbed to emphasize that it is not a thru street to prevent vehicles from accidentally driving straight onto the tracks and potentially getting high centered (see attached image). Please change the plans and resubmit for review.

Property Location Adjacent to Rail Tracks

- The applicant shall install fencing along the property line fronting the rail tracks to ensure the safe operation of trains by preventing illegal trespassing of pedestrians across the tracks.
- The submitted Traffic Impact Analysis indicates that the intersections operating under ODOT jurisdiction are also projected to meet ODOT's respective performance standards, with the exception of OR 99-E at the I-205 ramp terminals. However, these intersections are specifically exempted from operational standards pursuant to OCMC 12.04.205(D).

While ODOT agrees with this statement, with the added site traffic the I-205/99E Southbound ramp intersection degrades from a 0.98 to 0.99 v/c ratio in the PM peak and the Northbound ramp intersection degrades from a 0.90 – 0.91 v/c ratio in the AM peak. The standard for ODOT ramp terminals is a 0.85 v/c ratio and anything above this causes safety concern due to the possibility of vehicles queuing back into the mainline. Additionally, the Oregon City TSP identifies two widening projects for these ramps (Projects D75, D76). Therefore, ODOT recommends that the City require the applicant to contribute a proportionate share to these TSP projects. While they are identified as long term projects, it is in the best interest of the City and the applicant to begin collecting funds towards these projects to ensure safe and efficient operations at the interchange so people can access their goods and services in the future. Also, the TIA presents two alternatives for mitigation at 14th Street and Main. ODOT supports the alternative that converts 14th and 15th to one-way (Project D7, Option 1 and Project D8). Therefore, ODOT recommends that the City also collect a proportionate share towards those projects as well.

ODOT advises the applicant that development on the proposed site may be exposed to noise from heavy rail freight trains, passenger trains or transit vehicles. It is generally not the State's responsibility to provide mitigation for receptors that are built after the noise source is in place. Builders should take appropriate measures to mitigate the noise impacts.

Conditions of Approval have been recommended and attached this report to address ODOT's comments.

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

II. ANALYSIS AND FINDINGS:

CHAPTER 17.34 “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.

Finding: Complies as proposed. The proposal includes offices, hotel, retail, commercial, and multi-family residential. All 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.

Finding: Not applicable. The applicant has not proposed any uses that require conditional use approval.

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)

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

Finding: Not applicable. The tax lot listed is not part of this proposal.

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

A. Minimum lot area: None.

Finding: Not applicable. The site does not have a minimum lot size.

B. Minimum floor area ratio: 0.30.

Finding: Complies as proposed. Staff calculates the Floor Area Ratio (FAR) for the Phase I hotel to be approximately 0.8. This is based on the hotel having five floors of 15,000 square feet each. $5 \times 15,000 = 75,000$ square feet, and $75,000 \div$ the site square footage of 93,654 = 0.8. This means that even without Phase 2 the minimum FAR of 0.3 for the site will be easily met. FAR's for Phase 2 mixed use building have not been calculated at this time since detailed plans are not yet available.

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

Finding: Not applicable. The applicant's proposal will exceed the minimum building height requirement.

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.*

Finding: Please see Master Plan adjustment criteria in section 17.65.050. The applicant has applied for a master plan adjustment to the height limit for Phase I, the hotel and Phase II, the mixed use buildings.

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

Finding: Not applicable. The site does not abut a residential zone. Therefore, there is no minimum setback requirement. Oregon Department of Transportation has recommended a 15' minimum setback from the railroad right-of-way adjoining the property to the West. Proposed project will comply with the suggested 15' minimum setback along the 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.

Finding: Not applicable. See finding above.

G. Maximum Allowed Setbacks.

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

Finding: Complies as proposed. For phase 1, the hotel varies from 2 – 12' at the front setback and will feature a prominent pedestrian entry way directly onto Washington Street. For phase 2, the proposed mixed use building will be located directly on the front lot line.

2. Interior side yard: No maximum.

Finding: Complies as proposed. This standard allow buildings to be placed on the side lot line. The applicant has not proposed a maximum setback. For phase 1, the hotel will have a side setback of 7' on the southern side, and will have a setback from 0-15' on the north side for phase 2.

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

Finding: Not applicable. The side is not a corner lot.

4. Rear yard: No maximum.

Finding: Complies as proposed. The phase 1 hotel will have a rear setback of 32' from the west property line.

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

Finding: Not applicable. The rear yard does not abut a street. The hotel will be setback 32 feet from the railroad right-of-way.

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

Finding: Complies as proposed. The submitted stormwater site assessment indicates that the site is 2.15 acres (93,654 square feet) and that the amount of new and replaced impervious area (buildings and paved areas) will equal 62,137 square feet. ($62,137 \div 93,654 = 0.66$ or 66%).

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

Finding: Complies as proposed. All non-impervious areas shall be landscaped pursuant to OCMC 17.62.050.A.(1). The amount of landscaping will be approximately 34% of the site.

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

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

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.

Finding: Not applicable. The above is an explanation of standards and not an approval criterion. Section B(1)(a) which mentions the Masonic Hall (at 707 Main Street) in particular is directed toward the central downtown area along Main Street. While this provides a frame of reference for buildings in that area, it is not relevant or applicable to the applicant's location which is $\frac{3}{4}$ of mile from the Masonic Hall. In any event, the 45' foot height limit within 500' of the End of the Oregon Trail Interpretive Center provides the more restrictive provision.

CHAPTER 17.65 MASTER PLANS

17.65.050.A.1. Narrative statement. *An applicant must submit a narrative statement that describes the following:*

a. Current uses of and development on the site, including programs or services.

b. History or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan.

Finding: Complies as proposed. The applicant provided a narrative statement describing items (a) and (b).

17.65.050.A.1.c. *A vicinity map showing the location of the General Development Plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map must be eight and one-half inches x eleven inches in size, and black and white reproducible.*

d. Non-institutional uses that surround the development site. May also reference submitted maps, diagrams or photographs.

Finding: Complies as proposed. See "Vicinity Map", drawing 1.0 included with this application.

17.65.050.A.1.e. *Previous land use approvals within the General Development Plan boundary and related conditions of approval.*

Finding: Complies as Proposed. The applicant indicated that there are no known previous land use approvals. This is incorrect, since there have been land use approvals for the Hackett House including the recent Historic Review Board approval for reducing the size of the landmark. Also, there have been staff level reviews for business licensing and use determinations made administratively for various businesses currently located on the site, including the pallet storage facility and dog grooming shop.

17.65.050.A.1.f. *Existing utilization of the site. May also reference submitted maps, diagrams or photographs.*

Finding: Complies as Proposed. See “Existing Uses”, drawing 1.5 and “Project Site Aerial Photo”, drawing 1.3 included with this application. Existing site utilization includes offices in the historic Hackett House fronting 17th Street, and vacant parcels, storage yards, and a mix of retail sales and services along Washington Street.

17.65.050.A.1.g. *Site description, including the following items. May also reference submitted maps, diagrams or photographs.*

1. *Physical characteristics;*
2. *Ownership patterns;*
3. *Building inventory;*
4. *Vehicle/bicycle parking;*
5. *Landscaping/usable open space;*
6. *FAR/lot coverage;*
7. *Natural resources that appear on the city's adopted Goal 5 inventory;*
8. *Cultural/historic resources that appear on the city's adopted Goal 5 inventory; and*
9. *Location of existing trees six inches in diameter or greater when measured four feet above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually.*

Finding: Complies as proposed. The applicant provided all of the required details in this section. See “Project Description” in section II of the application.

17.65.050.A.1.h. *Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.*

1. *Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;*
2. *Transit routes, facilities and availability;*
3. *Alternative modes utilization, including shuttle buses and carpool programs; and*
4. *Baseline parking demand and supply study (may be appended to application or waived if not applicable).*

Finding: Complies as proposed. The applicant submitted a “Transportation Impact Study”, Exhibit G, included with the application. Parking analysis is provided in response to OCMC 17.52 in this report.

17.65.050.A.1.i. *Infrastructure facilities and capacity, including the following items.*

1. *Water;*
2. *Sanitary sewer;*
3. *Stormwater management; and*
4. *Easements.*

Finding: Complies with Condition. The applicant indicates a 10 inch waterline currently exists in Washington Street and a 6 inch line in 17th Street, both of which are looped systems (do not dead end), thus there is adequate water capacity. The owners of the site have previously been granted permission make direct connection to the 48 inch Clackamas County sewer trunk line that crosses the parcel, and therefore there is adequate service for sanitary. Stormwater will be routed to the road side ditch system along Washington Street, north of the Amtrak Station entry, which will require the extension of some public storm drain piping system to the site, but the existing ditch system does have capacity to handle runoff from the site. No additional utility easements are needed beyond those that currently exists to serve the parcel.

The 48-inch sanitary sewer trunk line is owned by Tri-City Service District (TCSD). City records do not indicate an existing easement over the pipe. The applicant will be required to provide documentation of the easement and TCSD approval of the connection. The 6-inch water main in 17th Street appears to be partially located on the subject property. The applicant will be required to provide the appropriate public easement, or documentation

of existing easement. The 6-inch main does not meet the minimum standard and will need to be upsized to 8-inch diameter along the 17th Street frontage, or pay fee in lieu of the upsizing.

It is reasonable, practicable and likely that this standard can be met through the conditions of approval.

17.65.050.B. Proposed Development Submittal Requirements.

1. Narrative statement. An applicant shall submit a narrative statement that describes the following:

a. The proposed duration of the general development plan.

Finding: Complies as proposed. The applicant indicated that the proposed duration of the general development plan is five years, with up to five years extension to the plan provided an updated traffic impact study is provided, and identified additional impacts addressed.

17.65.050.B.1.b. The proposed development boundary. May also reference submitted maps or diagrams.

Finding: Complies as proposed. The application includes the proposed development boundary for phases 1 and 2. The extent of proposed boundary of this development is shown on "Taxlots", drawing 1.2, included with this submittal. The area is 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.

17.65.050.B.1.c. A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.

Finding: Complies as proposed. The proposed development consists of two phases. Phase 1 includes a new hotel and retention of the existing historic Hackett House on the southern part of the site. Phase 2 includes a mixed-use development on the north portion of the site, including multifamily residential uses over street level retail/commercial and parking. A Detailed Development Plan for Phase 1 is being submitted concurrently with the General Development Plan submittal with development of this phase to occur as soon as government approvals allow. Timing for Phase 2 is variable, with hoped for construction beginning prior to completion of Phase 1. See "Phasing" drawing 2.1 for additional information.

17.65.050.B.1.d. An explanation of how the proposed development is consistent with the purposes of Section 17.65, the institutional zone, and any applicable overlay district.

Finding: Complies as proposed. The applicant stated that the proposed development is consistent with the purpose and intent of 17.65 to "foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure." The proposed project is a large scale, multi-phased project, with impacts identified, and mitigation proposed in this application.

17.65.050.B.1.e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within two hundred fifty feet of the proposed development boundary.

Finding: Complies as proposed. The application includes an overview of the proposed development on the Hackett House, which is an inventoried locally designated structure. The historic Hackett House will remain in its original site location without modification.

The Historic Review Board (HRB) reduced the size of the individually designated Hackett House which is included in this development. 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, although the End of the Oregon Trail Interpretive Center is not a historically designated site.

On April 24, 2017, the Oregon City Historic Review Board approved by a vote of 3-0-0 to approve the reduction to the size of the listing to the Hackett House property. Instead of recognizing the entire site as a Historical Landmark, the Hackett house and the green space directly surrounding the house are now only recognized as a Historical Landmark, and not the parking area on the site. This change primarily enables the property owner to make alterations to the western portion of the property without seeking Historic Review Board approval.

Please refer to the Historic Review Board decision (Planning File HR-17-0002) for additional information.

Redevelopment of underutilized property within the MUD zone relieves development pressure on existing open space, while protecting natural resources, conserving scenic and historic areas.

The applicant applied for a verification that the proposed development will not impact the stream corridor of Abernethy Creek or any wetlands near the site. See section 17.49 Natural Resources Overlay District for findings.

The applicant applied for and attended a design advice meeting with the HRB on February 28, 2017 to discuss preliminary designs of this proposed development prior to reducing the size of the Hackett House landmark, but it was not within their purview to consider. Vertically oriented windows and wood look siding treatments on the hotel are complementary to the Hackett House design.

17.65.050.B.1.f. *An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:*

- 1. Transportation impacts as prescribed in subsection g. below;*
- 2. Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within two hundred fifty feet of the development boundary;*
- 3. Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems;*
- 4. Neighborhood livability impacts;*
- 5. Natural, cultural and historical resource impacts within the development boundary and within two hundred fifty feet of the development boundary.*

Finding: Complies as proposed. The applicant's narrative adequately described the impacts to the surrounding community and neighborhood, including the following:

- 1. Transportation impacts* – See finding under 17.65.050.B.1.g above.
- 2. Internal parking and circulation impacts* – See “Vehicular Circulation”, drawing 2.2 and “Pedestrian Circulation”, drawing 2.3 illustrating proposed circulation and connectivity. The proposed development reduces the number of driveways fronting Washington Street, improves on-site vehicular circulation, and provides new on-street parking opportunities, and accommodates parking opportunities onsite. Improvement of Washington Street and construction of on-site pedestrian walkways will enhance pedestrian access to the project site and neighborhood connectivity to the End of the Oregon Trail and the Oregon City Train Station.
- 3. Public facilities impacts* - Adequate public sanitary sewer and domestic water is available in Washington Street to serve the hotel development. Stormwater facilities for water quality will be created both on- site and in the public right-of-way improvement areas to serve street runoff. There is adequate downstream storm facilities to serve the site. Specifics about the stormwater is address in the stormwater report, included with the application materials.
- 4. Neighborhood livability impacts* – The proposed project will increase neighborhood livability by creating new employment and housing opportunities, adding street level retail/commercial space, and improving pedestrian and vehicular connectivity. The proposal also implements the regional center by constructing a development pursuant to the purpose of the MUD zone.

5. *Natural, cultural and historical resource impacts* – The proposed project protects and enhances existing natural, cultural, and historical resources within the development boundary and within two hundred fifty feet of the development boundary. The historic Hackett House will remain onsite 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 tourism resource. Redevelopment of underutilized property within the Mixed Use Downtown zone relieves development pressure on existing open space, while protecting natural resources, conserving scenic and historic areas and implements the Regional Center designation by constructing development that is designed to be walkable and well served by public transportation. The proposed development will not impact the existing stream corridor of Abernethy Creek or its associated buffer and habitat area, as shown in the findings under 17.49.

17.65.050.B.1.g. *A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan.*

17.65.050.B.1.h. *In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by city requirements. The transportation impact study shall either:*

- 1. Address the impacts of the development of the site consistent with all phases of the general development plan; or*
- 2. Address the impacts of specific phases if the city engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.*

17.65.050.B.1.i. *If an applicant chooses to pursue option h.1., the applicant may choose among three options for implementing required transportation capacity and safety improvements:*

- 1. The General Development Plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.*
- 2. The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed general development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a general development plan is later amended in a manner so as to cause the projected average daily trips, the projected AM or PM peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.*
- 3. The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.*

Finding: Complies with Conditions. The applicant submitted a 335-page Traffic Impact Study, prepared by Daniel Stumpf, EI and Michael Ard, PE of Lancaster Engineering, dated April 18, 2017. The study contains information regarding the study area, traffic counts, trip generation and distribution, traffic growth, traffic volume analysis (level-of-service as well as volume-to-capacity ratios), crash information, turn lanes at site entrances, pedestrian and bicycle facilities, site plan and access, intersection spacing, sight distance, consistency with the Transportation System Plan (TSP), and conclusions and recommendations of the applicant's traffic engineer. The City's transportation consultant, Replinger and Associates, reviewed the study and determined that it provided a basis upon which the development can be evaluated for the specific purposes of determining the transportation impacts of the proposed development.

Replinger and Associates concluded that the TIS provides an adequate basis upon which to assess the impacts of the proposed development. The engineer uses appropriate data and methods to analyze the operations and developed appropriate mitigation measures to address safety and operation issues.

With regard to the proposed development, Replinger and Associates recommended the following conditions of approval relative to the off-site transportation impacts:

- The developer shall construct Washington Street along the site frontage including a center turn lane to provide for left turns into the site. Applicant shall provide additional traffic engineering analysis relating to the location of the site access that shows the location of proposed access will not interfere with queuing or traffic operations at adjacent traffic signals through the TSP planning horizon.
- The developer shall participate in the funding of improvements for the I-205/OR-99E ramp terminal projects (TSP Projects D75 and D76) in proportion to his development's traffic volumes as a percentage of total year 2035 intersection volumes from the TSP. Based on this methodology, the developer would be responsible for 0.42% of the \$3 million cost for Project D75 and for 0.49% of the project cost for Project D76. This would result in a contribution from the applicant of \$12,600 + \$14,700.
- The developer shall participate in the funding of improvements for the Main Street/14th Street improvements (TSP Projects D7 and D8) in proportion to his development's traffic volume as a percentage of the predicted 2035 traffic volume at the intersection calculated in the TSP. Based on the applicant's predicted site traffic, the applicant's responsibility would be 1.66% of the project's cost. The higher cost option in the TSP is listed at \$670,000. That would result in a contribution from the applicant of \$11,122.

The applicant did not provide a clear schedule for the timing of transportation improvements. According to the applicant's civil engineer Sisul Engineering, the intent is to only complete construction of public street improvements along the frontage of the hotel site on both Washington St. and 17th St for Phase 1, while deferring completion of the remainder of the street frontage improvements on Washington and installation of the left turn lane on Washington Street until Phase II, according to the applicants submitted Traffic Impact Study. However, the submitted DDP plans show full Washington Street frontage improvements to be completed with Phase 1.

Prior to issuance of a building permit, the applicant shall provide a phasing plan clarifying the timing of the proposed transportation improvements and a table linking the required transportation improvements to vehicle trip thresholds for each development phase. **It is reasonable, practicable and likely that this standard can be met through the conditions of approval.**

17.65.050.B.1.j. *The applicant or city staff may propose objective development standards to address identified impacts that will apply within the proposed development on land that is controlled by the institution. Upon approval of the general development plan, these standards will supersede corresponding development standards found in this code. Development standards shall address at least the following:*

1. *Pedestrian, bicycle and vehicle circulation and connectivity;*
2. *Internal vehicle and bicycle parking;*
3. *Building setbacks, landscaping and buffering;*
4. *Building design, including pedestrian orientation, height, bulk, materials, ground floor windows and other standards of Chapter 17.62; and*
5. *Other standards that address identified development impacts.*

Finding: The applicant requested adjustments to existing standards under 17.65.070 for several requirements rather than proposing alternative objective standards.

17.65.050.B.2 Maps and diagrams. *The applicant must submit, in the form of scaled maps or diagrams, as appropriate, the following information:*

- a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.*
- b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within two hundred fifty feet 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 two hundred fifty feet may be extended to and/or through the proposed development.*
- c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.*
- d. The approximate projected location, footprint and building square footage of each phase of proposed development.*
- e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.*

Finding: Complies as proposed. The applicant includes all the necessary maps and diagrams with the approximate locations of items required by this section.

17.65.050.C. Approval Criteria for a General Development Plan.

The planning commission shall approve an application for general development plan approval only upon finding that the following approval criteria are met.

17.65.050.C.1.

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

Finding: Complies as proposed. The proposed development is consistent with the purpose and intent of 17.65 to “foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure.” The proposed project is a large scale, multi-phased project, with impacts identified, and mitigation proposed in this application. The proposed hotel and the mixed use development will bring new tourism, retail and residential growth to the Mixed Use Downtown zone along with various impacts associated with both phases. Also, the applicant has proposed adjustments to various development standards, therefore the Type III review required for a general development plan and detailed development plan is the appropriate application type for a project of this complexity and thus is consistent with the purpose of 17.65.

17.65.050.C.2.

Development shall demonstrate compliance with Chapter 12.04, Streets, Sidewalks and Public Places.

Finding: Please see findings under Chapter 12.04.

17.65.050.C.3.

Public services for water supply, police, fire, sanitary waste disposal, and storm-water disposal are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.

Finding: Complies as proposed. The applicant indicates that public services for water supply, police, fire, sanitary waste disposal, and storm-water disposal are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.

See findings under OCMC subsection 17.62.050.A.(14) for adequacy of sewer and water facilities.

See findings under section OCMC 13.12 for adequacy of stormwater facilities.

Oregon City Police Department and Clackamas Fire District #1 were provided notice of this application and have not indicated any problems with providing police and emergency services to the development site.

17.65.050.C.4.

The proposed General Development Plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.

Finding: Complies as proposed. The proposed project will adequately protect Goal 5 resources. The proposed project protects and enhances existing natural, cultural, and historical resources within the development boundary and within two hundred fifty feet of the development boundary. The historic Hackett House will remain in its 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 tourism resource. Redevelopment of underutilized property within the Mixed Use Downtown zone relieves development pressure on existing open space, while protecting natural resources, conserving scenic and historic areas and implements the Regional Center designation by constructing development that is designed to be walkable and well served by public transportation. The proposed development will not impact the existing stream corridor of Abernethy Creek or its associated buffer and habitat area, as shown in the findings under 17.49.

17.65.050.C.5.

The proposed General Development Plan, including development standards and impact mitigation thresholds and improvements adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.

Finding: Complies with conditions. The applicant did not provide a clear schedule for the timing of public improvements. According to the applicant's civil engineer Sisul Engineering, the intent is to only complete construction of public street improvements along the frontage of the hotel site on both Washington St. and 17th St for Phase 1, while deferring completion of the remainder of the street frontage improvements on Washington and installation of the left turn lane on Washington Street until Phase II, according to the applicants submitted Traffic Impact Study. The applicant shall provide a clear schedule for timing of all public improvements related to mitigation thresholds, including transportation, sewer, water, stormwater facilities for approval by the Public Works Department prior to issuance of a grading or construction permit for public improvements. **It is reasonable, practicable and likely that this standard can be met through the conditions of approval.**

17.65.050.C.6.

The proposed general development plan is consistent with the Oregon City Comprehensive Plan and its ancillary documents.

Finding: See findings below for consistency with the Comprehensive Plan.

Section 1: Citizen Involvement

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

Policy 1.1.1 - Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, PWF Medical Center Master Plan Modification and Comprehensive Plan/Zone Change Application 20 Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.

Goal 1.2 Community and Comprehensive Planning - Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.

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

Goal 1.3 Community Education - Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.

Goal 1.4 Community Involvement - Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.

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

Finding: Complies as proposed. Citizen involvement has been encouraged through voluntary actions of the applicant as well as required neighborhood meetings. Pursuant to OCMC 17.50.055, the applicant attended a neighborhood meeting with the Two Rivers Neighborhood Association on January 25th, 2017. Additionally, as a courtesy, another meeting was held with the McLoughlin neighborhood association, on February 2, 2017. Public Notice of the application and public hearing for a Type III application was provided in accordance with OCMC 17.50 as documented within this report. Approval of the General Development Plan requires a public hearing before the Planning Commission at which any member of the public may testify or submit written comment.

The subject property was posted with land use notices at least 20 days prior the public hearing. Copies of the application were posted on-line on the city's website at <https://www.orcity.org/planning/project/cp-17-0002-dp-17-0003nr-17-0004>. Notice was posted in the Clackamas Review / Oregon City News, and email notice and transmittals were provided to all affected agencies and neighborhood associations on May 31, 2017. A copy of the Planning Commission Agenda was posted at all city offices and emailed to a variety of stakeholders including neighborhood associations, CIC members, one week prior to the first planning commission hearing.

Section 2: Land Use

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

Policy 2.1.2

Encourage the vertical and horizontal mixing of different land-use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.

Finding: Complies as proposed. The proposed development includes horizontal and vertical mixed-use, additional parking, more business opportunities, improved neighborhood livability. Infill and redevelopment of underutilized property within the City's Regional Center implemented by the Mixed Use Downtown zone district provides for efficient use of the land.

Goal 2.2 Downtown Oregon City

Develop the Downtown area, which includes the Historic Downtown Area, the "north end" of the Downtown, Clackamette Cove, and the End of the Oregon Trail area, as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for

pedestrian and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.

Policy 2.2.8

Implement the Oregon City Downtown Community Plan and Oregon City Waterfront Master Plan with regulations and programs that support compatible and complementary mixed uses, including housing, hospitality services, restaurants, civic and institutional, offices, some types of industrial and retail uses in the Regional Center, all at a relatively concentrated density.

Policy 2.2.10

Develop the Clackamette Cove area through the implementation of the Oregon City Waterfront Master Plan to achieve a balance between the natural and built environments, including wildlife habitat, multi-family residential development, office and retail, and family recreation.

Policy 2.2.11

Investigate an interpretive scheme that incorporates the End of the Oregon Trail Interpretive Center, the waterfront, and Downtown. Describe environmental, social, and historic aspects including the concept of a greenway along Abernethy Creek and nearby structures of historic significance.

Finding: Complies as proposed. The proposed development provides a quality place for hospitality services, shopping, living, working, and social interaction in the North End area of downtown with provisions for improved pedestrian and bicycle circulation through improvements to the street system and destinations for bicyclists and pedestrians. Providing additional tourism accommodation, services and residential uses in the downtown area promotes the Oregon City Waterfront Master Plan while improving an underutilized site. The retention of a designated historic structure on the site, the Hackett House, and the close proximity of the hotel to Abernethy Creek and the End of the Trail Interpretive Center will help to promote visitor's interpretation of the environmental, social and historical significance of the area.

Goal 2.4: Neighborhood Livability -

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

Policy 2.4.2

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

Finding: Complies as proposed. Development of a new hotel and mixed use development with apartments located between Oregon City's Main Street downtown area, the Train Station, the End of the Oregon Trail Interpretative Center and the landfill redevelopment area will promote vibrancy and a sense of place in this underutilized portion of Washington Street.

Goal 2.5: Retail and Neighborhood Commercial

Encourage the provision of appropriately scaled services to neighborhoods.

Policy 2.5.2

Allow and encourage the development of small retail centers in residential neighborhoods that provide goods and services for local residents and workers.

Generally, these centers should be located at the intersections of two or more streets that are classified as neighborhood collectors or higher.

Policy 2.5.4

Encourage the development of successful commercial areas organized as centers surrounded by higher density housing and office uses, rather than as commercial strips adjacent to low-density housing.

Finding: Complies as proposed. The proposed general development plan includes appropriately scaled commercial uses under multi-family residential which forms a small commercial center with higher density housing.

Section 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

Goal 5.1

Establish an open space system that conserves fish and wildlife habitat and provides recreational opportunities, scenic vistas, access to nature and other community benefits.

Goal 5.2 Scenic Views and Scenic Sites

Protect the scenic qualities of Oregon City and scenic views of the surrounding landscape.

Policy 5.2.1

Identify and protect significant views of local and distant features such as Mt. Hood, the Cascade Mountains, the Clackamas River Valley, the Willamette River, Willamette Falls, the Tualatin Mountains, Newell Creek Canyon, and the skyline of the city of Portland, as viewed from within the city.

Policy 5.2.2

Maximize the visual compatibility and minimize the visual distraction of new structures or development within important viewsheds by establishing standards for landscaping, placement, height, mass, color, and window reflectivity.

Finding: Although the End of the Oregon Trail Interpretive Center (EOT) has not been designated as historic, containing a scenic view or otherwise providing an important viewshed, by imposing a reduced height in proximity to the EOT, the height restriction mentioned of 45' within 500' feet of the EOT for the Mixed Use Downtown Zone District in OCMC 17.34.060.D.2 suggest a general intent to provide a step-down in building height in close proximity to the EOT. Comprehensive Plan policy 5.2.2 relates to the preservation of scenic views and although not controlling over this decision, staff finds that it provides some relevant context for the additional height restriction imposed with respect to the End of the Oregon Trail Interpretive Center.

Goal 5.3 Historic Resources

Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.

Policy 5.3.1

Encourage architectural design of new structures in local Historic Districts, and the central Downtown area to be compatible with the historic character of the surrounding area.

Policy 5.3.2

Evaluate the establishment of Historic and Conservation Districts to preserve neighborhoods with significant examples of historic architecture in residential and business structures.

Policy 5.3.3

Promote the designation of qualifying properties outside Historic and Conservation Districts as historic.

Policy 5.3.4

Support the preservation of Oregon City's historic resources through public information, advocacy and leadership within the community, and the use of regulatory tools and incentive programs.

Policy 5.3.6

Maintain Oregon City's status as a Certified Local Government in the National Historic Preservation Program.

Policy 5.3.7

Encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.

Policy 5.3.8

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

Goal 5.4 Natural Resources

Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.

Policy 5.4.8

Conserve natural resources that have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation and fish, and wildlife habitat.

Excerpt From Oregon City Comprehensive Plan Section 5 (Page 28):

Scenic Views and Sites

*Oregon City is blessed with topography that provides outstanding scenic views and sites that create a sense of place and civic identity for both residents and visitors. Distant views of Mount Hood and the Cascade Mountains, as well as nearer views of the Willamette and Clackamas Rivers, Willamette Falls, scenic cliffs, and wooded areas such as Newell Creek Canyon, provide Oregon City with an abundance of scenic amenities, many dramatic and unique. The views and sites are economic and aesthetic resources that contribute to the overall distinctiveness and identity of Oregon City, and they should be protected. While views of distant landscapes from promontories and high elevations are often protected, views from lower elevations of the higher topographic points of Oregon City have not been as appreciated or protected. **These lower elevation views should be considered when development is proposed.** Views can be preserved in a variety of ways, from prohibiting development in particularly significant view corridors to designing structures that are appropriate to a site, using, for example, color and landscaping to hide or minimize visual incongruity. The City should develop guidelines for integrating the built environment with natural resources and continue to adopt and use guidelines to address scenic views, both looking down from higher points and up from lower points.*

Finding: Complies as proposed. The proposed project protects and enhances existing natural, cultural, and historical resources within the development boundary and within two hundred fifty feet of the development boundary. The historic Hackett House will remain in its 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 tourism resource. Redevelopment of underutilized property within the Mixed Use

Downtown zone relieves development pressure on existing open space, while protecting natural resources, conserving scenic and historic areas and implements the Regional Center designation by constructing development that is designed to be walkable and well served by public transportation. The proposed development will not impact the existing stream corridor of Abernethy Creek or its associated buffer and habitat area, as shown in the findings under 17.49. The proposed project will adequately protect Goal 5 resources. The historic Hackett House will remain in its site location without modification, as approved by the Historic Review Board. The project will not impact the existing vegetated corridor of Abernethy Creek which is regulated by the Natural Resources Overlay District Development as shown in the findings pursuant to OCMC 17.49.

Development of a hotel and mixed use apartments serves the needs of new residential demands, and 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.

Section 6: Quality of Air, Water and Land Resources

Policy 6.1.1

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

Policy 6.1.4

Encourage the maintenance and improvement of the city's tree canopy to improve air quality.

Finding: Complies as proposed. The proposed development is located within walking and biking distance of transit streets and provides direct pedestrian connection to the adjacent Oregon City Train Station. Improvements along Washington Street will include sidewalks and street trees where none currently exist. Retention of an existing large tree along 17th Street by routing public walk around the tree will help to maintain the existing tree canopy.

Section 7: Natural Hazards

Protect life and reduce property loss from the destruction associated with natural hazards.

Policy 7.1.1

Limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.

Policy 7.1.5

Minimize the risk of loss of life and damage to property from flooding by limiting development in the 100-year floodplain and by ensuring that accepted methods of flood proofing are used.

Policy 7.1.6

Encourage the use of land and design of structures that are relatively unaffected by the periodic effects of flooding, such as parking and other uses not normally occupied by humans.

Policy 7.1.7

Prohibit uses in areas subject to flooding that would exacerbate or contribute to hazards posed by flooding by introducing hazardous materials, filling or obstructing floodways, modifying drainage channels, and other detrimental actions.

Policy 7.1.8

Provide standards in City Codes for planning, reviewing, and approving development in areas of potential landslides that will prevent or minimize potential landslides while allowing appropriate development.

Finding: Complies with Conditions. The proposed development is within the floodplain and staff has recommended Conditions of Approval to ensure that new buildings and structures will be constructed with

appropriate measures in compliance with the City's Flood Management Overlay District and applicable codes and standards to limit loss of life and damage to property. Building floors and site areas below the flood elevation are restricted to parking and commercial uses. Residential, hotel, and office uses are to be located above the flood elevation. Balanced cut and fill within the floodplain will mitigate the risk of modifying land within the floodplain. **It is reasonable, practicable and likely that this standard can be met through the conditions of approval.**

Section 9: Economic Development

Goal 9.1 Improve Oregon City's Economic Health - Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.

Finding: Complies as proposed. The proposed project seeks to provide diversification of uses, which should result in economically healthy growth within Oregon City.

Goal 9.6 Tourism

Promote Oregon City as a destination for tourism.

Policy 9.6.2

Ensure land uses and transportation connections that support tourism as an important aspect of the City's economic development strategy. This could include connections to the End of the Oregon Trail Interpretive Center and the train depot.

Policy 9.6.3

Provide land uses in the Downtown Historic Area, 7th Street corridor, and the End of the Oregon Trail Interpretive Center that support tourism and visitor services.

Policy 9.6.6

Encourage private development of hotel, bed and breakfast, restaurant facilities and other visitor services.

Finding: Complies as proposed. The proposed detailed development plan for Phase 1 includes a hotel, and the phased 2 mixed-use with multi-family residential over commercial / retail development will support tourism while creating improved frontage improvements along Washington Street to enhance pedestrian and bicycle connection to the Downtown area and the End of the Oregon Trail Interpretive Center. Development of a taller hotel serving the needs of visitors to the End of the Oregon Trail Interpretive Center across the street supports an important Oregon City tourism resource.

Section 10: Housing

Goal 10.1: *Provide for the planning, development and preservation of a variety of housing types and lot sizes.*

Policy 10.1.3

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

Goal 10.2 *Provide and maintain an adequate supply of affordable housing.*

Finding: Complies as proposed. The proposed general development plan for Phase 2 includes mixed-use with multi-family residential over commercial / retail spaces, creating a balanced development.

Section 11: Public Facilities

Goal 11.1: Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Policy 11.1.2: Provide public facilities and services consistent with the goals, policies and implementing measures of the Comprehensive Plan, if feasible.

Policy 11.1.3: Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land-use planning goals and regulations. Facilities that serve the public will be centrally located and accessible, preferably by multiple modes of transportation.

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

Policy 11.1.5: Design the extension or improvement of any major public facility and service to an area to complement other public facilities and services at uniform levels.

Policy 11.1.6: Enhance efficient use of existing public facilities and services by encouraging development at maximum levels permitted in the Comprehensive Plan, implementing minimum residential densities, and adopting an Accessory Dwelling Unit Ordinance to infill vacant land.

Finding: Complies as proposed. Adequate public facilities are present to serve the proposed site redevelopment. Washington Street frontage will be improved to bring it up to City arterial standards abutting the site. The location of the proposed development next to the Amtrak train station, near bus stops at 17th and Washington and close to two freeway interchanges will help connect the proposed development to various transportation and transit facilities. Infill and redevelopment of the property located between the train station and the End of the Oregon Trail is consistent with the policies of this section.

Section 12: Transportation

Goal 12.1 Land Use-Transportation Connection

Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.

Policy 12.1.1 Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.

Policy 12.1.2 Continue to develop corridor plans for the major arterials in Oregon City, and provide for appropriate land uses in and adjacent to those corridors to optimize the land use-transportation connection.

Policy 12.1.3 Support mixed uses with higher residential densities in transportation corridors and include a consideration of financial and regulatory incentives to upgrade existing buildings and transportation systems.

Policy 12.1.4 Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.

Goal 12.5 Safety Develop and maintain a transportation system that is safe.

Policy 12.5.1 Identify improvements that are needed to increase the safety of the transportation system for all users.

Policy 12.5.2 Identify and implement ways to minimize conflict points between different modes of travel.

Policy 12.5.3 Improve the safety of vehicular, rail, bicycle, and pedestrian crossings.

Goal 12.6 Capacity Develop and maintain a transportation system that has enough capacity to meet users' needs.

Policy 12.6.1 Provide a transportation system that serves existing and projected travel demand.

Policy 12.6.2 Identify transportation system improvements that mitigate existing and projected areas of congestion.

Policy 12.6.3 Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.

Policy 12.6.4 Identify and prioritize improved connectivity throughout the city street system.

Finding: Complies with conditions. Transportation Goals are addressed by providing features that meet or exceed the standards of this code; items such as bicycle parking, walking paths, improved sidewalks, safety, multi-modal transportation, and more, have design features or amenities proposed that are provided to enhance transportation to, from, and through the site, while also providing a connective fabric to the surrounding community.

The applicant submitted a 335-page Traffic Impact Study, prepared by Daniel Stumpf, EI and Michael Ard, PE of Lancaster Engineering, dated April 18, 2017. The study contains information regarding the study area, traffic counts, trip generation and distribution, traffic growth, traffic volume analysis (level-of-service as well as volume-to-capacity ratios), crash information, turn lanes at site entrances, pedestrian and bicycle facilities, site plan and access, intersection spacing, sight distance, consistency with the Transportation System Plan (TSP), and conclusions and recommendations of the applicant's traffic engineer.

The City's transportation consultant, Replinger and Associates, reviewed the study and determined that it provided a basis upon which the development can be evaluated for the specific purposes of determining the transportation impacts of the proposed development.

Replinger and Associates concluded that the TIS provides an adequate basis upon which to assess the impacts of the proposed development. The engineer uses appropriate data and methods to analyze the operations and developed appropriate mitigation measures to address safety and operation issues.

With regard to the proposed development, Replinger and Associates recommend the following conditions of approval relative to the off-site transportation impacts:

- The applicant construct Washington Street along the site frontage including a center turn lane to provide for left turns into the site.
- The applicant participate in the funding of improvements for the I-205/OR-99E ramp terminal projects (TSP Projects D75 and D76) in proportion to traffic volumes as a percentage of total year 2035 intersection volumes from the TSP. Based on this methodology, the applicant would be responsible for 0.42% of the \$3 million cost for Project D75 and for 0.49% of the project cost for Project D76. This would result in a contribution from the applicant of \$12,600 + \$14,700.
- The applicant participate in the funding of improvements for the Main Street/14th Street improvements (TSP Projects D7 and D8) in proportion to traffic volumes as a percentage of the predicted 2035 traffic volume at the intersection calculated in the TSP. Based on the applicant's predicted site traffic, the applicant's responsibility would be 1.66% of the project's cost. The higher cost option in the TSP is listed at \$670,000. That would result in a contribution from the applicant of \$11,122.
- Based on the existing high crash rate at the intersection of Main Street and 14th Street and continuing development in the city that will result in increased traffic volumes, the selection of a preferred option for TSP project D7 and a review of the implementation schedule for this project may be appropriate.

The applicant did not provide a clear schedule for the timing of transportation improvements. Based on the submitted civil engineering plans for the detailed development plan it appears that the improvements to the abutting site frontage will be made along the entire frontage of the project area for both phases of the General Development Plan, pursuant to (2), while deferring installation of the left turn lane on Washington Street until Phase II, according to the applicants submitted Traffic Impact Study.

Prior to issuance of a building permit, the applicant shall provide a phasing plan clarifying the timing of the proposed transportation improvements and a table linking the required transportation improvements to vehicle

trip thresholds for each development phase. **It is reasonable, practicable and likely that this standard can be met through the conditions of approval.**

Section 13: Energy Conservation

Goal 13.1 Conserve energy in all forms through efficient land-use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities.

Policy 13.2.1- Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).

Finding: Complies as proposed. The proposed development is multi-story, mixed-use, adding efficient increased density in close proximity to the End of the Oregon Trail and public transportation at the train station.

Section 14: Urbanization

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

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

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

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

Finding: Complies as proposed. The proposed development includes infill and redevelopment of multiple underutilized properties. The development will increase density of the area in a zone that allows greater density, while also redeveloping an underutilized area within the city limits.

D. Duration of General Development Plan.

A general development plan shall involve a planning period of at least five years and up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date.

Finding: Complies with condition. The applicant indicated that the proposed duration of the general development plan is 5 years, with up to 5 years extension to the plan provided an updated traffic impact study is provided, and identified additional impacts addressed.

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.

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.

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

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.

Finding: Submitted. The submitted detailed development plan included a Traffic Impact Study for Phase 1 and 2 prepared pursuant to the city's adopted guidelines for traffic impact analyses. This TIS along with the proposed public utility improvements, circulation system improvements and connections to existing streets, pedestrian and bicycle paths within 250 feet of the site was part of the complete application. Civil and Utility plans were submitted in accordance with this section. The site plans submitted contained all of the items specified under section (3) above. See Existing Topo Survey drawing for existing utilities. See Civil drawings for proposed utilities. 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.

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.

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.

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

Finding: Please refer to the analysis in this report and recommended conditions of approval. The applicant has requested various adjustments to the code which are detailed in the findings below.

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 date of the Detailed Development Plan, the Community Development Director may, on a one-time basis, grant a 12-month extension.

Finding: Complies as proposed. The applicant is proposing to construct the Detailed Development Plan within the timeframe identified.

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.

Finding: The following adjustments are requested for the General Development Plan:

Adjustment	Code	Description	Requested Adjustment
#1	17.34.060.D.2	Maximum building height of 45’ within 500 feet of the End of the Oregon Trail Interpretive Center	Hotel maximum building height 57 feet as measured from the flood plain elevation; Mechanical penthouse 59 feet as measured from the flood plain elevation.
#2	17.62.055.F	First floor to second floor height 14 feet minimum.	First floor to second floor height 12 feet minimum.
#3	17.54.100.B.4	Fence & retaining wall combined height 8.5 feet	Guardrail + retaining wall combined height of 15 feet maximum.
#4	17.62.057.L.2	Window design - <i>All windows on all elevations shall recess or project individual windows at least two inches from the facade and incorporate window trim at least four inches in width that features color that contrasts with the base building color.</i>	Exception: wood framed walls with exterior wall finishes projecting less than 3-1/2” from face of wall sheathing shall not be required to recess or project windows from façade

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.
- Not applicable. The applicant has not requested adjustment from any of the items listed.

B. 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;**

Adjustment #1

Code: 17.34.060.D.2 – Maximum building height 45’ within 500 feet of the End of the Oregon Trail Interpretive Center.

Adjustment: The proposed building will exceed the 45’ height limit by 21’ from the average finished grade along Washington Street, or by 14.6’ as measured from the Base Flood Elevation.

Finding: Complies as proposed. The applicant has applied for a master plan adjustment to the height limit for Phase I from section 17.34.060.D.2 – Maximum building height 45’ within 500 feet of the End of the Oregon Trail Interpretive Center. The proposed building for Phase I will exceed the 45’ height limit by 21’ from the average finished grade along Washington Street, or by 14.6’ as measured from the Base Flood Elevation.

The definition of Building Height is provided under 17.04.550 – Height: as follows:

"Height of building" means a vertical distance measured from the average elevation of the finished grade along the street-facing elevation to one-half the vertical distance between the eaves and the highest ridge for a gable, hip or gambrel roof...

The applicant provided two separate calculations for measuring the building height – one based on the code definition, and the other based on the Design Flood Elevation (See Exhibits). Staff interprets “the average elevation of the finished grade along the street-facing elevation” to mean at the front elevation of the structural improvements, i.e. the rock wall and stairs rather than the front door. The average grade at the base of the rock wall is 44.4’ and elevation of the highest point of the parapet is 110.47 feet. The building height of the hotel therefore equals $110.47 - 44.4 = 66.07'$. This is the most conservative measurement.

All new habitable buildings to be constructed in the area affected by the FEMA flood plain must be designed with a finished floor one foot above the base s one foot above the Base Flood Elevation of 50.8 feet, as identified in OCMC 17.42 Flood Management Overlay District. The applicant has proposed that the first floor and lobby level of the hotel be at 51.8 feet. Based on this measurement, the height of the highest parapet of the hotel (the mechanical penthouse) is 59’ 8”.

The requirement to new design buildings above the based flood elevation will always deviate to some extent from the finished grade along the street facing façade, due a variety of independent site variables, such as, for example, the existing street grade, the amount of cut/and fill required to meet balanced floodplain cut/fill requirements, and the uses proposed for the new building. This should be kept in mind when considering the height adjustment request. In some cases the difference will be negligible, and in others, such as for the subject proposal, it represents a difference of approximately 6.4’.

The applicant’s height adjustment request, therefore, is to exceed the 45’ height limit by 21’ from the average finished grade along Washington Street, or by 14.6’ as measured from the Base Flood Elevation.

The site is located within the Mixed Use Downtown District (MUD) which was adopted in 2004 to implement several goals of the updated Comprehensive Plan, which included the 1999 Downtown Community Plan and the City’s designation by Metro as a Regional Center in the Metro 2040 Growth Concept. Staff was not able to identify written documentation explaining the reasoning behind the 45’ height limit in the legislative files and minutes of the Planning Commission and City Commission during the adoption of the new Comprehensive Plan and Zoning Code (Planning File L 03-01). There is no mention of the need to preserve specific views of or from the EOT, or height as it relates to compatibility in the current adopted Comprehensive Plan or its ancillary documents. The prior zoning designations on the property included the old M-1 light industrial zone, which had a forty-foot height limit and included a provision for the pre-existing use of the property, and prior to that there was the old Tourism Commercial zone which had a 35-foot height limit.

The End of the Oregon Trail Interpretive Center (EOT) has not been designated as historic and no scenic view or otherwise has been adopted to protect the facility. Staff was not able to find any specific statements in the Comprehensive Plan or Zoning code regarding what view the reduced height was intended to protect by imposing a reduced height in proximity to the EOT, the height restriction suggests a general intent to provide a step-down in building height in close proximity to the EOT. As discussed in this report under the Master Plan adjustment criteria, Comprehensive Plan policy 5.2.2 relates to the preservation of scenic views, and although not controlling over this decision, staff finds that it provides some relevant context for the additional height restriction imposed with respect to the End of the Oregon Trail Interpretive Center.

According to the applicant, the hotel franchise requires a minimum of approximately 100 rooms for the Hilton brand. Within the property included in the General Development Plan, 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 constrained by an 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.

As discussed below, development of this site with a hotel meets the intent of several Comprehensive Plan goals and policies for redevelopment within the north end of Downtown, the Regional Center, and tourism and economic development in and around the End of the Oregon Trail Interpretive Center. Based on the above, staff finds that the adjustment will equally or better meet the purpose of the MUD Zone.

Adjustment #2

Code: 17.62.055.F – first floor to second floor height 14 feet minimum.

Requested adjustment: first floor to second floor height 12 feet minimum.

Finding: Complies with condition. The stated purpose of this section is to have adequate height to function efficiently for retail uses. Proposed uses include two new buildings, a hotel and a mixed-use building with ground floor retail/commercial uses and multi-family uses above. The hotel building is not likely to be repurposed to a different use, and a 12 foot floor-to-floor height is consistent with the franchise and industry standard for this type of hotel. The applicant indicated that the mixed-use building in Phase 2 ground floor consists of smaller scale spaces that can be adequately served and function efficiently with a reduced floor to floor height and that additional floor to floor height would add additional unnecessary cost to the project and increase the building height. Though the cost of the Phase 2 development is not applicable, the applicant failed to provide documentation into the record demonstrating how Phase 2 ground floor consists of smaller scale spaces that can be adequately served and function efficiently with a reduced floor to floor height and thus compliance with this criteria for phase 2 could not be determined. **It is reasonable, practicable and likely that this standard can be met through the conditions of approval.**

Adjustment #3

Code: 17.54.100.B.4 – Fence & retaining wall combined height 8.5':

Requested adjustment: Guardrail + retaining wall combined height 15 feet maximum.

Finding: Complies as proposed. The natural grade of the site drops significantly from south to north over the westerly half of the site. In order to balance cut and fill within the flood zone, the applicant proposes to maintain the hotel floor level above the flood elevation and allow for vehicle access to the hotel, so that a break in grade of approximately 11.5 feet will be required. With the addition of a 3.5 foot safety guardrail at the top of the wall,

the combined height required is 15 feet. The purpose of the height limitation is to reduce the visual impact of large vertical expanses of retaining walls. The purpose of the retaining wall is to support the fill that is required to raise the hotel out of the floodplain. The proposed wall will not be visible from either 17th Street or Washington Street.

Adjustment #4

Code: 17.62.057.L.2 Window design - All windows on all elevations shall recess or project individual windows at least two inches from the facade and incorporate window trim at least four inches in width that features color that contrasts with the base building color.

Requested adjustment: Exception: wood framed walls with exterior wall finishes projecting less than 3-1/2" from face of wall sheathing shall not be required to recess or project windows from façade.

Finding: Complies with Condition. The intent of this regulation is to assure that multi-family buildings are constructed with quality and visually interesting designs with include shadowing and contrasting trim to provide visual relief.

The applicant indicated that typical windows intended for wood framed construction are installed by attaching a flange or fin that is an integral part of the window frame to the face of the wall sheathing. This configuration establishes the relationship between the wall façade and the window. Installing the window in a different manner is not a window manufacturer approved installation and creates building envelope integrity challenges and liabilities.

The amount of recess in a typical installation varies considerably depending on both the window manufacturer's frame cross-section and the type of window operation. Traditional double-hung windows often have one of the window panels in front of the attachment flange by more than an inch. Other window types may have glazing in line with or slightly behind or in front of the attachment flange. Use of typical siding materials will not result in the required projection or recess without artificially contrived detailing that is contrary to code purpose of quality construction and integration existing construction. The purpose of the regulation is to create visual interest where windows occur through the creation of shadow-lines by requiring an off-set between the window plan and the plane of the wall. Similar effects through the use of wall finishes and projecting trim may be achieved.

4" trim is a minimum standard. Staff finds that adjustment #4 is not adequately mitigated though the use of contrasting trim 4" minimum width trim along with industry standard window installation which provides for quality construction, consistent with traditional wood-framed window & wall appearance. Therefore, prior to issuance of a building permit, the applicant shall propose additional mitigation such as increased minimum transparency, higher quality materials, greater articulation or modulation, or landscaping. **It is reasonable, practicable and likely that the applicant can meet this standard through the Condition of Approval.**

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

Finding: Complies as proposed. The cumulative effect of the requested adjustments results in a project consistent with the overall purpose of the Mixed Use Downtown 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;

Finding: Complies as proposed. Approval of the adjustments will not affect the protection of Goal 5 natural resources. The development will have no effect on the stream corridor of Abernethy Creek as determined under

Section 17.49. The Historic Review Board reviewed and approved landmark size reduction for the Hackett House. 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 economic development in the area. 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

Adjustment # 1

Code: 17.34.060.D.2 – Maximum building height 45’.

Requested adjustment: Exceed the 45’ height limit by 21’ from the average finished grade along Washington Street, or by 14.6’ as measured from the Base Flood Elevation.

Finding: Complies with Conditions.

Mitigation proposed: 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. With respect to the Hackett House, larger screening trees are proposed between hotel and the existing building.

Staff finds that the applicant can mitigate for the proposed adjustments through the Conditions of Approval. **It is reasonable, practicable and likely that this standard can be met through the conditions of approval.**

Adjustment #2

Code: 17.62.055.F – First floor to second floor height 14 feet minimum.

Requested adjustment: first floor to second floor height 12 feet minimum.

Finding: Complies as proposed.

Mitigation Proposed: As the reduced floor to floor height will not reduce the effectiveness of the spaces to function as retail/commercial, there is no impact to mitigate. These spaces are likely to remain as the uses intended as the hotel is a purpose built building and the ground floor of the mixed-use building is precluded from residential use by its location below the flood elevation. The structural system for the second floor will be concrete with approximate thickness of 12”-14”. This floor assembly is substantially thinner than other possible systems, further allowing reduced floor to floor height without adversely effecting functionality.

Staff finds that adjustment #2 is adequately mitigated. Since the hotel use will likely not change, there is no impact to the effectiveness of the space to function as a retail and commercial building. However, the applicant failed to provide documentation into the record demonstrating how Phase 2 would be mitigated and thus compliance with this criteria for phase 2 could not be determined. **It is reasonable, practicable and likely that this standard can be met through the conditions of approval.**

Adjustment #3

Code: 17.54.100.B.4 – Fence & retaining wall combined height 8.5’:

Requested adjustment: Guardrail + retaining wall combined height 15 feet maximum.

Finding: Complies as proposed.

Mitigation Proposed: The proposed wall is designed have a slightly angled face, constructed from large concrete blocks. The wall will not be visible from public streets. Planting in front of or on the wall face will further diminish the visual impact of the wall. Staff finds that adjustment #3 is adequately mitigated though the use of screening landscaping and angling of the face and by the location of the wall.

Adjustment # 4

Code: 17.62.057.L.2 Window design - All windows on all elevations shall recess or project individual windows at least two inches from the facade and incorporate window trim at least four inches in width that features color that contrasts with the base building color.

Requested adjustment: Exception: wood framed walls with exterior wall finishes projecting less than 3-1/2" from face of wall sheathing shall not be required to recess or project windows from façade.

Finding: Complies with Condition.

Proposed Mitigation: Providing contrasting trim 4" minimum width trim along with industry standard window installation provides for quality construction, consistent with traditional wood-framed window & wall appearance.

4" trim is a minimum standard. Staff finds that adjustment #4 is not adequately mitigated though the use of contrasting trim 4" minimum width trim along with industry standard window installation which provides for quality construction, consistent with traditional wood-framed window & wall appearance. Therefore, prior to issuance of a building permit, the applicant shall propose additional mitigation such as increased minimum transparency, higher quality materials, greater articulation or modulation, or landscaping. **It is reasonable, practicable and likely that the applicant can meet this standard through the Condition of Approval.**

5. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

Finding: Not applicable. Please see findings under 17.49. There are no officially inventoried resources or resource values present on the subject property. Tree regulations are discussed under section 17.41. The applicant requested verification that the proposal is exempt from the Natural Resources Overlay District and has no impact on nearby Goal 5 resources of Abernethy Creek and inventoried habitat areas. 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 150 feet from the project.

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

Finding: Complies as proposed. As discussed earlier in this report, the proposed adjustments for the proposed general development plan are consistent with the Oregon City Comprehensive Plan and ancillary documents.

17.65.80 Amendments to Approved Plans

Finding: Not applicable. The 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.

Finding: Complies as proposed. The applicant did not respond to this section. This application includes both the General Development Plan as well as construction of the first phase with the Detailed Development Plan and

thus is being reviewed with the current code. Future Detailed Development Plan applications may utilize this section.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.015 - Modifications that will better meet design review requirements.

The review body may consider modification of site-related development standards. These modifications are done as part of design review and are not required to go through the Variance process pursuant to [section 17.60.020](#). Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the Variance process pursuant to [section 17.60.020](#). Modifications that are denied through design review may be requested as Variance through the Variance process pursuant to [section 17.60.020](#). The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. The modification will result in a development that better meets design guidelines; and*
- B. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Finding: Not applicable. The applicant has not proposed a modification pursuant to this section.

17.62.020 – Pre-application conference.

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

Finding: Complies as proposed. Pre-application conferences were attended on February 8, 2017 (PA 17-02), July 6, 2016 (PA 16-30), and 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.

Finding: Applicable. The site has mixed use downtown zoning which requires site plan and Site Plan and Design Review is required for detailed development plans pursuant to OCMC 17.65.[0]60.

17.62.035 - Minor site plan and design review.

Finding: Not applicable. The proposal does not qualify for the minor site plan and design review process.

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.

Finding: Complies with Condition. The submittal requirements meet this standard and the application was deemed complete. The Community Development Director has not waived any submittal requirements. A copy of

the pre-application proposal was forwarded to SHPO, 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 requesting comments. Comments were received from the Confederated Tribes of the Grand Ronde recommending that subsurface archeological investigations be conducted prior to ground disturbance. A standard comment letter from SHPO was received advising the applicant of applicable state laws protecting cultural resources under ORS 358.905 and ORS 97.74. The applicant shall coordinate as needed to complete the necessary investigations prior to any ground disturbance.

It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.

17.62.050 - Standards.

A. All development shall comply with the following standards:

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

Finding: Complies with Condition. The applicant did not provide a calculation for the percentage of landscaping. The project is in the Mixed Use Downtown zone. Chapter 17.34.060.I requires a minimum of 10% of the site area to be landscaped including parking. The submitted stormwater site assessment indicates that the site is 2.15 acres (93,654 square feet) and that the amount of new and replaced impervious area (buildings and paved areas) will equal 62,137 square feet for phase 1. ($62,137 \div 93,654 = 0.66$ or 66%). All non-impervious areas shall be landscaped pursuant to OCMC 17.62.050.A.(1). Staff estimates based on this that the amount of landscaping will be approximately 34% of the site. See "Planting Plan", L1.0 showing required landscaping. Prior to issuance of a building permit, the applicant shall provide a calculation of the amount of landscaping on the site for both phases prior to issuance of a building permit.

It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.

a. Except as allowed elsewhere in the zoning and land division chapters of this Code, all areas to be credited towards landscaping must be installed with growing plant materials. A reduction of up to twenty-five percent of the overall required landscaping may be approved by the community development director if the same or greater amount of pervious material is incorporated in the non-parking lot portion of the site plan (pervious material within parking lots are regulated in OCMC [17.52.070](#)).

Finding: Complies as proposed. The applicant's landscaping plans Sheet L1.0 indicate compliance with this standard. The applicant has not proposed the use of pervious paving materials in order to reduce the amount of landscaping required.

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

Finding: Not applicable. The applicant has applied for verification that the site is not regulated by the Natural Resources Overlay District. See section 17.49 for findings.

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

community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.

Finding: Complies with Conditions. The landscaping plan was prepared by Steven Koch, FASLA, PLA of Koch Landscape Architecture and includes a mix of vertical (trees and shrubs) and horizontal elements. The plan includes 11 species of deciduous and coniferous trees, 9 species of deciduous shrubs, 9 species of evergreen shrubs, and 6 species of perennials and ground covers. The plan includes the preservation of existing trees where possible. Additionally the existing landscaping around the Hackett House will be maintained. Prior to issuance of a building permit the applicant shall provide a revised landscaping plan indicating that within three years the landscaping will cover one hundred percent of the Landscape area and that no mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.

It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.

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

Finding: Not applicable. The site is not within the Downtown Design District.

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

Finding: Complies as proposed. 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.

Finding: Complies with Conditions. OCMC 17.34.060.I allows the required landscaping of 10% of the site area to include parking lot landscaping. See "Planting Plan", L1.0 showing required landscaping. The applicant shall provide a calculation of the amount of landscaping on the site prior to issuance of a building permit.

It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.

2. Vehicular Access and Connectivity.

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

Finding: Complies as proposed. 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.

Finding: Complies as proposed. Additional findings of compliance for driveway locations and spacing are provided under OCMC 12.04. The applicant proposed three vehicular access locations. 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.

The submitted Traffic Impact Analysis from Lancaster Engineering includes intersection studies at three site access locations; the existing signalized intersection of Washington Street and 17th Street, the proposed site access at intersection at Washington Street, and the existing driveway at the train station.

John Replinger of Replinger and Associates, the City's transportation engineer, finds the access locations to be appropriate and that sight distance requirements can be met.

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

Finding: Complies with condition. The site is physically constrained by adjacent railroad tracks, right-of-way, and an adjacent train station. The applicant proposes a private driveway system on site to provide vehicular connections from Washington Street past the side of the hotel site, through the future phase 2 development site and ending at a connection to the adjacent train station. The drive aisle from this connection point in the train station to the right-of-way on Washington is constructed in a design similar to a streetscape. This connection will act in lieu of an alley, as it provides access through the site for the public. The City will require a public cross-access easement between the parcels to ensure pedestrian and vehicle access is maintained. The easement shall provide mutual access between all of the properties onsite as well as with the adjacent train station. See findings under (g) and (i) below. **It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.**

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

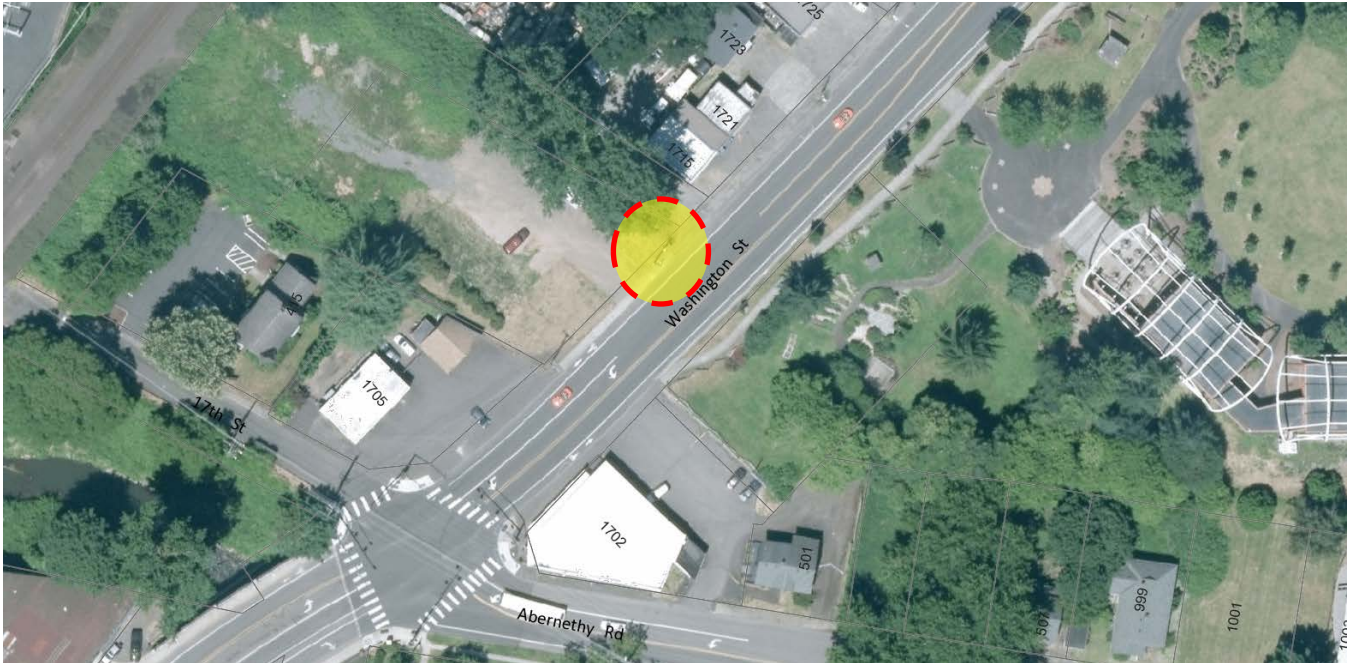
Finding: Complies as proposed. The site does not abut an alley, however, as described within this report, a private access drive will meet the intent of this standard by providing access from the right-of-way through the site to the adjacent train station property.

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

Finding: Complies as proposed. The hotel site includes two parcels with one access point each. The site is not a corner lot due to the existing commercial development at the corner which is not part of this application. Parcel 1, which includes the Hackett House, is proposed to have ingress only access from 17th Street. Parcel 2, which will include the hotel site, is proposed to use a new ingress and egress access to both 17th St. and Washington St. The two accesses as proposed will not have an impact on traffic safety since 17th Street is a short, dead-end street and the ingress only access for the Hackett House will allow a separate access for users of the Hackett House parking lot.

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

Finding: Complies as Proposed. The proposed driveway width on Washington Street is 32' wide. There are no existing or planned streets on adjacent sites that require alignment of driveways on the subject property. The existing End of the Oregon Trail entrance is already aligned with the entrance to the train depot. No additional streets are planned on the End of the Oregon Trail site. The following aerial photo indicates the approximate location of the proposed driveway.



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

Finding: Complies with conditions. A vehicular and pedestrian connection between the hotel site and the future Phase 2 site is planned. The City will require a public cross-access easement between the parcels to ensure pedestrian and vehicle access is maintained. The easement shall provide mutual access between all of the properties onsite as well as with the adjacent train station. **It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.**

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

Finding: Complies as Conditioned. The site is physically constrained by adjacent railroad tracks, right-of-way, and an adjacent train station. The applicant proposes a private driveway system on site to provide vehicular connections from Washington Street through the hotel site and parking lot to the future phase 2 development site and ending at a connection to the adjacent train station. No additional street connections are required due to the adjoining railroad right-of-way paralleling Washington Street. The drive aisle from the connection point at the train station to the right-of-way on Washington is constructed in a design similar to a public streetscape. This connection will act in-lieu-of an alley, as it provides access through the site for the public. The City will require a public cross-access easement between the parcels to ensure pedestrian and vehicle access is maintained. The City will require a cross-access easement between the parcels to ensure pedestrian and vehicle access is maintained. The easement shall provide mutual access between all of the properties onsite as well as with the adjacent train station. **It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.**

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

Finding: See findings under (c), (g) and (h) above.

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

Finding: Complies as proposed. No new street extensions are proposed. 17th Street, which is an existing street, cannot be extended due to railroad right-of-way requirements. However, the connection through the site acts as a street connection to the adjacent train station.

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

Finding: See findings for compliance with Chapter 12.04 in this report.

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

Finding: Not applicable. No parking garages are proposed with this detailed development plan. The design of phase 2 will be reviewed for compliance with this standard upon submittal of a detailed development application.

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

Finding: Not applicable. No structured parking is proposed with this detailed development plan. The design of phase 2 will be reviewed for compliance with this standard upon submittal of a detailed development application.

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

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

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

Finding: Complies with conditions. As demonstrated within this report, the application will comply with the applicable design standards with conditions of approval.

Exterior elevations proposed utilize materials and design characteristics consistent with those proposed on the front of the building, which faces Washington Street. These include a range of high quality, durable materials,

including stone veneer base, wood or composite siding with concealed fasteners, etc., including a troweled finish in a clean modern application for the Hotel, existing traditional materials and finishes for the historic Hackett House (with little or no change), and appropriate high quality, durable materials for the Mixed Use residential-over-commercial building. The submitted elevations for the hotel include the following materials:

<i>Exterior Material</i>	<i>Façade</i>			
	East (Front) Washington Street	South (Side) 17 th Street	North (Side)	West (Back)
Natural Stone Veneer	✓	✓	✓	✓
Wood Texture Fiber Cement Panel System	✓	✓	✓	✓
Metal Louvers Integrated with Window System	✓	✓	✓	
Insulated Glazing with Painted Aluminum Mullion	✓	✓	✓	✓
Synthetic Plaster	✓	✓	✓	✓
Painted Metal	✓	✓	✓	✓
Metal Flashing and Smooth Finish Synthetic Plaster	✓	✓	✓	✓
Natural Stone Veneer Site Wall	✓	✓	✓	✓

The site is not located within a historic district. No changes to the Hackett House, a two-story Queen Anne style house, used as an office building onsite are proposed. 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, although the End of the Oregon Trail Interpretive Center is not a historically designated site.

It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.

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

Finding: See findings under section 15.48 of this report.

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

Finding: See finding under Chapter 17.44.035.

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

Finding: See findings under section 13.12 of this report.

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

Finding: See findings for compliance with Chapter 17.52 in this report.

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

Finding: Complies with Condition. 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 approved by the City.

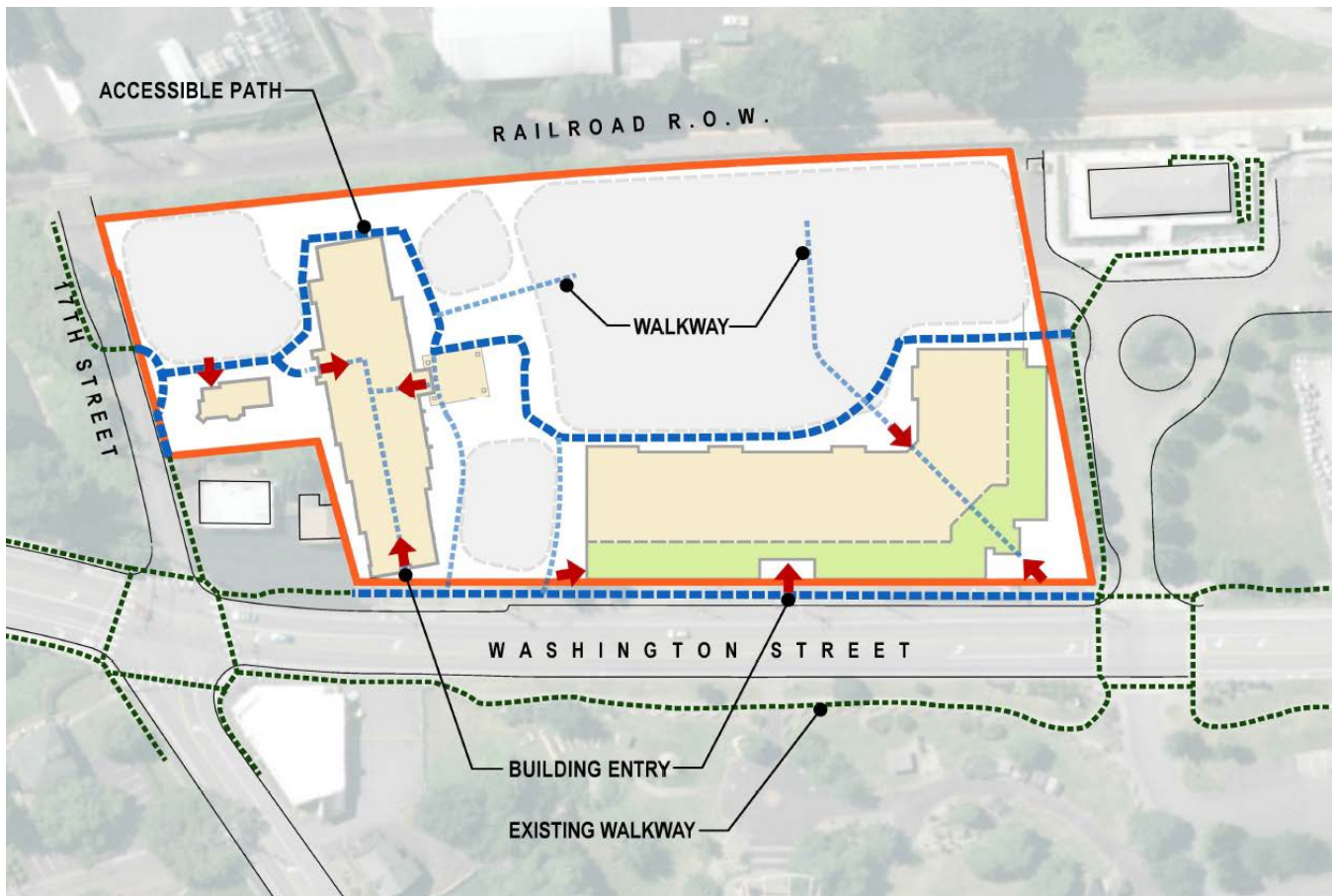
The applicant did not provide a clear schedule for the timing of transportation improvements. Based on the submitted civil engineering plans for the detailed development plan it appears that the improvements to the abutting site frontage will be made along the entire frontage of the project area for both phases of the General Development Plan in phase 1, while deferring installation of the left turn lane on Washington Street until construction of Phase II, according to the applicant's submitted Traffic Impact Study. The applicant has also indicated that the street improvements will be concurrent with each phase.

Prior to issuance of a building permit, the applicant shall provide a phasing plan clarifying the timing of the proposed transportation improvements and a table linking the required transportation improvements to vehicle trip thresholds for each development phase.

It is reasonable, practicable and likely that this standard can be met through the conditions of approval.

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

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



Finding: Complies as proposed. The application includes a system of interconnecting sidewalks and pathways that provide for continuous and protected on-site pedestrian circulation. This is illustrated in the pedestrian circulation plan sheet 2.3. Pathways between all building entrances are indicated on the site plans, with direct access to both 17th and Washington Street. The applicant will complete pedestrian improvements for Phase II when the Phase II buildings are proposed for detailed development plan review.

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

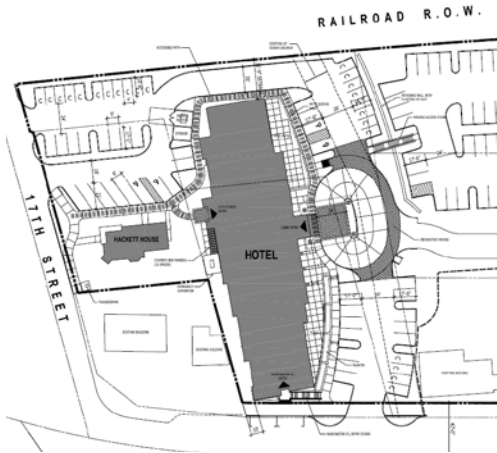
Finding: Complies as proposed. The on-site pedestrian circulation system connects all main entrances on the site. Additional pedestrian connections are provided to parking areas.

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.

Finding: Not applicable. The proposed project does not include dwelling units. Access to the hotel floors is provide by means of interior stairs and elevators.

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

Finding: Complies as proposed. The pedestrian circulation system shown on “Site Plan”, drawing A100,



connects the main entrances of the Hackett House and the hotel within phase 1 of the development. The pedestrian circulation system demonstrates a variety of connection between Phase 1 and Phase 2 buildings.

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

Finding: Complies as proposed. The proposed 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 Train Station will be provided under phase 2 development of the General Development Plan. 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.

Finding: Complies with conditions. All onsite walkways in Phase I appear to be designed in compliance with this standard with the following exceptions. The applicant has not a change in textual material or height to alert the driver of the pedestrian crossing area at the bottom of the stairs leading to the parking lot. Prior to issuance of a building permit, the applicant shall provide revised plans that indicate the use of a change in textual material or height to alert the driver of the pedestrian crossing area within the parking lot serving the hotel. **It is reasonable, practicable and likely that the applicant can meet this standard through a condition of approval.**

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

Finding: Complies as proposed. The applicant has indicated that they will provide the necessary maintenance of their private facilities and other areas not subject to periodic maintenance by the city. Any violations of this standard would typically be enforced through the standard code enforcement process.

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

Finding: See section 17.41 for findings.

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

Finding: See section 17.49 for findings.

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

Finding: Complies as proposed. The applicant indicates that the 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. Any violations of this standard would typically be enforced through the standard code enforcement process.

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

Finding: Complies with condition. Applicant proposes to utilize an existing service connection to the 48 inch gravity trunk sewer line maintained by Tri-City Service District (TCSD) that is within the site. Existing service connection to the 48-inch sewer pipe on site shall be usable and meet the minimum inside diameter requirement of 6" for serving commercial buildings. Any new connection to the Tri-City Service District (TCSD) main will require permission from TCSD with all approved permits provided to the City. Documentation of TCSD easement over the 48-inch sanitary sewer main shall be provided. The development shall extend the 8-inch sanitary sewer main within Washington Street, to and through the site frontage. The applicant shall confirm that no buildings have sewer service running within the subject site. If other buildings have a sewer service running through the subject site, the applicant must provide a new service line from the required 8-inch sanitary sewer main extension within its frontage.

The City of Oregon City has a 10-inch water main in Washington Street adequate to serve the development.

The existing 6-inch water main in 17TH Street shall be upsized to the City's standard 8-inch diameter ductile iron water main. A fee-in-lieu of construction of the new 8-inch water main will be considered if upsizing of 6-inch pipe is shown to not be feasible. An easement shall be provided for the water main along the frontage of 17th Street.

It is reasonable, practicable and likely that the applicant can meet this standard through a condition of approval.

15. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the city's transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation. Compliance with [Chapter] 12.04, Streets, Sidewalks and Public Places shall be sufficient to achieve right-of-way and improvement adequacy.

Finding: See Findings in 12.04.

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

Finding: Complies as proposed. Notice of the application was provided to Tri-Met who did not comment. The site is not located on a Tri-Met Route. The applicant is 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.

Finding: Complies with condition. Applicant proposed in the narrative to place all existing and proposed utility lines underground, but did not depict this on submitted plans. A condition will be applied to ensure overhead utilities along the site frontage will be relocated underground.

It is reasonable, practicable and likely that the applicant can meet this standard through a condition of approval.

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

Finding: Complies as proposed. Formal compliance with this standard will be further reviewed upon submittal of building permits and construction plans for public and private street improvements. The applicant proposed 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:

- An accessible route to the public street sidewalk at 17th Street.
- An accessible route from public street northward to the Hackett House and the hotel.

- An 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.
- The hotel will meet ADA requirements 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.

Finding: Not applicable. The proposed phase 1 hotel project is not a residential development. The MUD zone does not have any minimum residential density requirements, so this section will not apply to the Phase II mixed use apartments either.

20. Screening of Mechanical Equipment:

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

Finding: Complies as proposed. 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.

Finding: Complies as proposed. 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 (Packaged Terminal Air Conditioner). 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.

Finding: Complies as proposed. 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.

Finding: Complies as proposed. 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.

Finding: Not applicable. 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.

Finding: Complies with Conditions. See also findings under 17.62.050.A(3). The application includes 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, and appropriate high quality, durable materials for the Mixed Use residential over commercial building. No changes are proposed to the exterior of the Hackett House. Where Stucco or EIFS is implemented, it shall be detailed in such a way as to be trimmed, protected and sheltered by roof overhangs or other methods per the manufacturer's requirements. Prior to issuance of a building permit, the applicant shall clarify the use of "smooth finish synthetic plaster" on the submitted plans and provide details regarding how this material compares to EIFS and Stucco, and how it will be trimmed and protected from extreme weather in compliance with this OCMC 17.62.050.A.21. **It is reasonable, practicable and likely that the applicant can meet this standard through compliance with the Conditions of Approval.**

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

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

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

iii. Corrugated fiberglass.

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

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

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

Finding: Complies with Conditions. The applicant did not propose any materials on the "prohibited" list. The applicant proposed a fence on top of the retaining wall at the rear of the site through no details were submitted

for review. Oregon Department of Transportation provided comments regarding the need for a safety fence to separate the property from trespassing onto the railroad right-of-way. This included a ODOT specification for a fence detail with two design options, one which is chain-link, which is a prohibited material, and the other which is a wrought iron picket fence design which would meet the design standard. Any fence proposal for the property shall comply with the applicable provisions of OCMC 17.62.050.A.21 Building Materials and shall not include chain link. **It is reasonable, practicable and likely that the applicant can meet this standard through compliance with the Conditions of Approval.**

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

- 1. Concrete block. When used for the front facade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.*
- 2. Metal siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level).*
- 3. Exterior Insulation and Finish System (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.*
- 4. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.*

Finding: Complies with Condition. The application includes the use of painted architectural metal siding (metal louvers integrated with the window system), and painted metal siding for roof parapet edges and on the stair tower at the east end of the building, with the applicable trim and moldings. The applicant also proposes the use of synthetic plaster including a troweled finish of either Stucco or EIFS for the Hotel. Prior to issuance of a building permit, the applicant shall clarify the use of “smooth finish synthetic plaster” on the submitted plans and provide details regarding how this material compares to EIFS and Stucco, and how it will be trimmed and protected from extreme weather. **It is reasonable, practicable and likely that the applicant can meet this standard through compliance with the Conditions of Approval.**

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

Finding: Complies with conditions. The applicant shall comply with the conditions of approval as noted in this report. It is the owner's intent to comply with Conditions of Approval as required by this section. **It is reasonable, practicable and likely that the applicant can meet this standard through compliance with the Conditions of Approval.**

17.62.055 - INSTITUTIONAL AND COMMERCIAL BUILDING STANDARDS.

A. Purpose. *The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved through this process are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also*

provides safety through informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.

Finding: The applicant indicated understanding of the design intent for commercial buildings in this section.

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

Finding: The applicant understands the applicability of this section and indicated willingness to fully comply with the design standards.

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

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

Finding: Complies with condition. As demonstrated within this report, the proposal will comply with the design standards within the Oregon City Municipal Code, with the conditions of approval. The applicant proposed that the 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 Mixed Use Downtown zoning district. **It is reasonable, practicable and likely that the applicant can meet this standard through compliance with the Conditions of Approval.**

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

Finding: Complies with conditions. The applicant has proposed several 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 balance between franchise standards and local city/government standards. For example, the applicant made several design alterations to the building to meet the main entry requirements of this section where the building fronts on Washington Street, and also modified the building floor plans to be sensitive to the historically designated Hackett House structure site and grounds. As demonstrated within this report, the design will comply with the standards in the Oregon City Municipal Code, with the conditions of approval. **It is reasonable, practicable and likely that the applicant can meet this standard through compliance with the Conditions of Approval.**

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

Finding: Complies as proposed. Phase 1 consists of one building, which is the hotel. For this multi-building development, the buildings have been designed with some common architectural vocabulary. The applicant proposes that the hotel and the mixed-use building will have similar massing, providing additional cohesiveness while also including unique elements that help to identify the nature of each. Phase 2 of the development will be reviewed for compliance with this standard when the phase 2 detailed development plan is proposed.

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

Finding: Not applicable. The requirements of the underlying Mixed Use Downtown 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. Staff has not identified any such conflicts.

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

Finding: Complies as proposed. The street frontage along Washington Street has buildings located within five feet of the property line exceeding the sixty percent requirement, with the exception of required driveways and walkways upon completion of the Master Plan. The property has approximately 519 feet of street frontage. The phase 1 hotel plus the phase 2 mixed use building will take up approximately 50' + 283', respectively, including pedestrian amenity areas within the setbacks, and not including the private driveway access. This totals 63% of the property frontage ($333/519 = 0.64$).

D. Relationship of Buildings to Streets and Parking.

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

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

Finding: Complies as proposed. Upon dedication of additional right-of-way along Washington Street, all buildings will be located within five feet of the new property line along Washington Street or include the required pedestrian amenity area within the setback. The hotel façade facing Washington is approximately 50 feet wide and varies from 2' to 12' from the property line with a pedestrian entry that connects the hotel to the street frontage along Washington Street in the setback area. The applicant has proposed this design to accentuate the front façade of the building and provide a pedestrian oriented main entrance onto Washington Street. Staff finds that the design of this pedestrian stairway the canopy it connects to, the rough stone facing materials proposed for the stair (patterned stone - subsection (b)), and the 50-foot long landscaping strip (additional landscaping - subsection (h)) below the stair meets the requirements of this section.

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

Finding: Complies with Condition. The applicant provided a separate narrative with graphic three-dimensional renderings to support compliance with this standard. In particular the applicant stressed the following points:



"Please note that the Washington Street Elevation includes nearly all of the significant features outlined including the signature "Lantern" element, glazed double door entrance, direct access from the public street sidewalk, ceremonial grand stair up to the building entrance outdoor view terrace, cantilevered horizontal awning, entrance accent lighting, and ground level signage (which will be visible from the street and sidewalk adjacent to the hotel). The only significant features that



the Washington Street elevation does not include are the upper level signage which is viewed from a distance, and the Port Cochere which cannot be located at Washington Street elevation due to the 100 year flood elevation."



"The analysis of finishes shows that the front, Washington Street elevation has by far the highest percentage of the premium finishes such as floor to ceiling glazing, and wood accents, and the lowest percentages of lower cost finishes such as plaster siding, and aluminum punched windows. In comparison, all of the other elevations including the side, Interior elevation with the Port Cochere have lower percentages of the premium finishes such as floor to ceiling glazing and wood accents, and higher percentages of the lower cost finishes such as plaster siding and aluminum punched windows."

Staff finds that the proposal for the east entrance should be further enhanced in order to make the front façade the most architecturally significant. The applicant shall provide revised plans that extend the canopy further toward the street to highlight the entranceway, and propose art works, sculpture, fountain, lighting or a similarly prominent amenity feature placed on the side of the stone stairs facing Washington.

The applicant shall also prepare a quantitative table that clearly demonstrates the enhanced transparency in square feet, size of the patio, articulation, and use of materials as compared to other facades, and improve the connection from the doorway to the main lobby.

It is reasonable, practicable and likely that the applicant can meet this standard through the Condition of Approval.

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

a. Canopies or porticos;

b. Overhangs;

c. Recesses/projections;

d. Arcades;

e. Raised corniced parapets over the door;

f. Peaked roof forms;

g. Arches;

h. Outdoor patios;

i. Display windows;

j. Architectural details such as tile work and moldings which are integrated into the building structure and design;

k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

l. Planter boxes and street furniture placed in the right-of-way shall be approved for use according to materials, scale and type.

Finding: Complies with Condition. See also findings above for standard (2). The primary pedestrian entranceway for the hotel faces the major street, Washington Street and includes a canopy running from along the front of the building for approximately 20 feet (a), large display windows (i), a recess for the doorway of 5' from the canopy edge (c), a parapet at the top of the wood and glass detailing adjacent to the door (e), and a large natural stone wing wall as well as a wood architectural feature adjacent to the door(j), in addition to landscaping features below the stairs. This entrance has to be raised to access the first floor which is designed to be above the base flood elevation. Additionally the applicant has designed the stairwell leading to the upper floors as a tower with glass and wood elements so that it is highly visible from the north and south along Washington Street while softening the effect of the five story façade. The applicant shall provide revised plans that extend the canopy further toward the street to highlight the entranceway, and propose art works, sculpture, fountain, lighting or a similarly prominent amenity feature placed on the side of the stone stairs facing Washington. The applicant shall also prepare a quantitative table that clearly demonstrates the enhanced transparency in square feet, size of the patio, articulation, and use of materials as compared to other facades, and improve the connection from the doorway to the main lobby.

It is reasonable, practicable and likely that the applicant can meet this standard through the Condition of Approval.

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.

Finding: Not applicable. Phase I does not include retail use, therefore this standard does not apply. At the time a detailed development plan is submitted for Phase II, further compliance with this standard will be reviewed.

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

Finding: Not applicable. No projections are proposed 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.*

Finding: Not applicable. The project is not located on a corner lot.

F. Commercial First Floor Frontage.

In order to ensure that the ground floor of structures have adequate height to function efficiently for retail uses, the first floor height to finished ceiling of new infill buildings in the mixed use and neighborhood commercial districts shall be no lower than fourteen feet floor to floor. Where appropriate, the exterior facade at the ceiling level of new structures shall include banding, a change of materials or relief which responds to the cornice lines and window location of existing buildings that abut new structures.

Finding: See findings under 17.49.200. The proposed hotel building is designed to franchise standard 12 foot ground floor to second floor height. An adjustment is requested in the General Development Plan to the ground floor to second floor height requirement. No changes are proposed to the historic Hackett House which has less than 14 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.

Finding: Complies as proposed. To the extent reasonably feasible, 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.

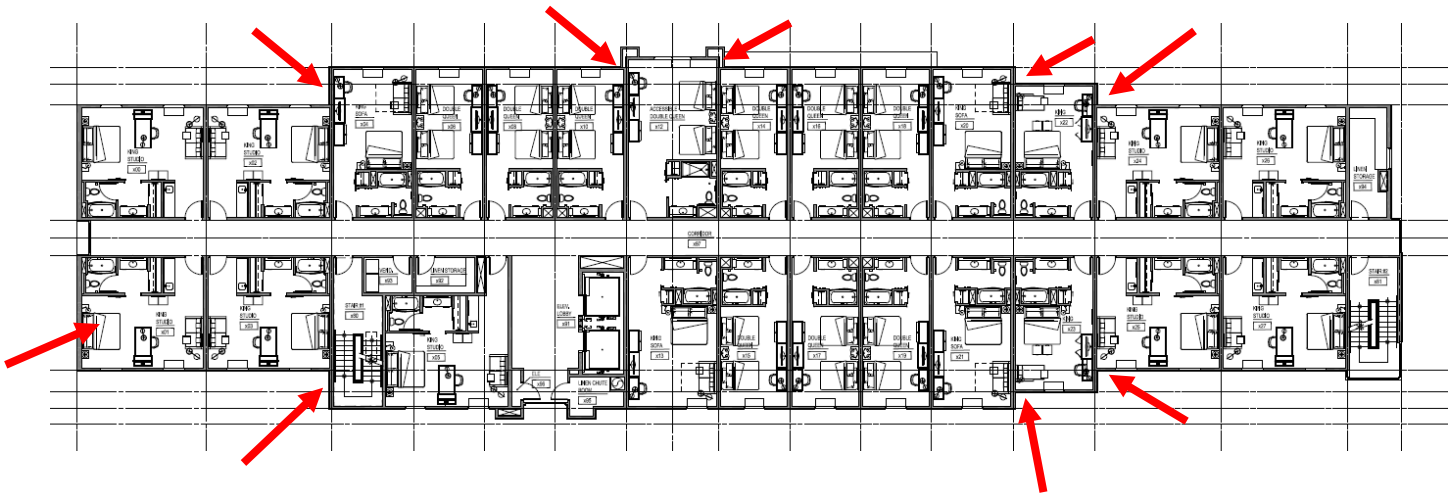
2. Horizontal masses shall not exceed a height: width ratio of one-to-three without substantial variation in massing that includes a change in height and projecting or recessed elements.

Finding: Complies as proposed. The applicant has proposed substantial variations in the hotel building massing to reduce horizontal building mass, including projecting elements (porte cochere, Washington Street stair tower, south building entry), recessed Washington Street entry, and variation in building parapet heights. The standard requires a variation to the height and projecting or recessed elements every 179 feet based on a height of 59'8" (59'8" * 3 = 179') as measured from the base flood elevation.

The following diagram illustrates the locations of the proposed massing variations for the facades that exceed the height-to-width ratio on the Washington Street elevation (variations indicated in yellow dashed ellipses with the measurements in red).



East (Washington Street) façade.



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.

Finding: Complies as proposed. 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. Staff has confirmed that this standard is met for all the facades (example of staff review below).



	East (Front) Washington Street	South (Side) 17 th Street	North (Side facing walkway)	West (Back)
<i>Wall Articulation Details</i>	Seven changes of plane from 2' to 18' Multiple building material texture changes (Wood texture fiber cement panels, smooth plaster, architectural metal) 4 rows of 1 windows (rooms) Lobby and Entrance (First Floor Windows) Stair Tower	Seven (7) changes in plane from 14' to 52' Multiple Building material texture changes (Wood texture fiber cement panels, smooth plaster, architectural metal) 4 rows of 18 Windows per floor (rooms) Lobby (First Floor Windows) Stair Tower	Seven (7) changes in plane from 14' to 52' Multiple Building material texture changes (Wood texture fiber cement panels, smooth plaster, architectural metal) 4 rows of 18 Windows per floor Lobby (First Floor Windows) Stair Tower	Four (4) changes in plane Multiple Building material texture changes (Wood texture fiber cement panels, smooth plaster, architectural metal) Vertical row of windows Lobby (First Floor Windows)

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

Finding: Complies as proposed.

East and West Façade: This standard does not apply to the East and West facades since they are less than are less than 100 feet in length.

The North and South facades are both approximately 238 feet long. The standard requires a projection or recess of 3% of 238 feet or 7.14' for a minimum length of 20% of the length of the façade, or 47.6 feet.

North Façade: At the ground level, the large windows located on grid line E are recessed approximately 7.23' back from the wall plane located on Grid C meeting the standard. The recessed walls extends from grid 1 East toward Grid 3 a distance of approximately 33', and also extends west from Grid 16 a distance of approximately 42 feet for a total of approximately 75 feet, which meets the standard. At the top of the building face of the wall and parapet between grid 12 and grid 16, a distance of approximately 68 feet is recessed between 7'8" and 11'6" back from the face of the parapet at the center of the building between grid 3 and grid 12, which meets the standard.

South Façade: At the ground level, the wall plane located on grid line J is recessed approximately 9.5 feet back from the wall plane located on Grid M meeting the standard. The recessed walls extends from grid 1 East to Grid 2 a distance of approximately 23', and also extends west from Grid 16 a distance of approximately 33 feet for a total of approximately 56 feet, which meets the standard. At the top of the building face of the wall and parapet between grid 12 and grid 16, a distance of approximately 68 feet is recessed between 7'8" and 11'6" back from the face of the parapet at the center of the building between grid 3 and grid 12, which meets the standard.

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

Finding: Complies as proposed. Changes in hotel building mass occur at building entries and/or are directly related to the organization of the interior spaces. This can be seen in a typical floor plan cross section that clearly indicates the multiple changes in plane at the exterior walls related to the interior spaces (See excerpt below with projections and wall plane changes indicated by red arrows).

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

Finding: Complies as proposed. This standard applies to 17th Street and Washington Street. The façade immediately abutting Washington Street measures approximately 50 feet wide, although the entire building façade (as measured through widest section of the building at the ground floor in the middle between the front and rear entry vestibule) measures 80 feet wide. At the ground floor level facing Washington there is a recessed entry, entry stairway, canopy and windows for a horizontal length of the 52 feet and meets the standard ($52/80 * 100 = 65\%$).

The façade facing 17th Street measures approximately 238'-8" in length. At the ground floor level facing 17th Street there is a recessed entry, canopy and windows for a horizontal length of 158' and meets the standard ($158'/239 * 100 = 66\%$). This area will be screened by the Hackett House and landscaping but meets the standard in any case.

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

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

Finding: Complies as proposed. The hotel building façades 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.

Finding: Complies as proposed. This standard may include windows. The 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.

Finding: Complies as proposed. Including windows, the 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.

Finding: Complies as proposed. Ground level hotel building facades must include at least 60 percent transparency facing Washington Street and 30 percent transparency on other facades. The glazing will have a maximum 15 percent outside visual light reflectivity value. Proposed glazing is dual-glazed, clear, low-E glass.

Transparency Calculations

Transparency Calcs			
Façade	Percentage	Façade Length	Total Window Length
North	42%	239	100.66
South	33%	239	77.99
East	61%	49.58	30.16
West	51%	49.1	25

For the Washington Street façade, staff measured 79% transparency based on the 80' width of the ground floor façade including the Porte Cochere.

For the 17th Street or south façade, staff measures 33% transparency based on the entire ground floor façade length of 239', however only approximately 80 feet of this façade is visible from 17th Street, and the remainder will be screened by the Hackett House and the existing corner lot, so staff calculates 26.6%.

The applicant shall increase the transparency level on the 17th Street façade where visible to meet 60% at the pedestrian level.

It is reasonable, practicable and likely that the applicant can meet this standard through compliance with the conditions of approval.



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

Finding: Complies as proposed. 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:

- Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials; or
- Sloping roof with overhangs and brackets; or
- Stepped parapets;

d. Special architectural features, such as bay windows, decorative roofs and entry features may project up to three feet into street rights-of-way, provided that they are not less than nine feet above the sidewalk.

Finding: Complies as proposed. 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.

Finding: Not applicable. The hotel is not a mixed use building. Phase 2 is proposed to include a mixed use building, however, it will be reviewed for compliance with this standard upon submittal of a building permit.

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

Finding: Not applicable. The roof treatments proposed under section 1 meet the standard and do not require consideration of the other roof forms.

K. Drive-through facilities shall:

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

2. Be designed to maximize queue storage on site.

Finding: Complies as proposed. The 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.

A. This section is intended to ensure that large retail building development is compatible with its surrounding area.

B. Large retail establishment shall mean a retail building occupying more than ten thousand gross square feet of floor area.

C. In addition to Sections 17.62.050 and 17.62.055 requirements, large retail buildings shall comply with design standards contained in this section.

Finding: Not applicable. Neither phase 1 nor phase 2 of the proposal includes a retail establishment larger than 10,000 square feet.

17.62.057 - Multi-family standards.

Finding: Not applicable. The phase 1 hotel does not include multi-family units. Phase 2 of the proposal includes 131-apartments and compliance with this section will be reviewed at the time a detailed development plan is proposed for phase 2.

17.62.059 - Cottage housing.

Finding: Not applicable. This proposal does not include cottage housing.

17.62.065 - Outdoor lighting.

B. Applicability.

1. General.

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

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

Finding: Applicable. The 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.

Finding: Applicable. The applicant submitted the required exterior lighting plan including the required details. 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.

Finding: Applicable. The proposal will include street lighting in the public right-of-way which is exempt from this regulation per (b) above.

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

Finding: Complies as proposed. The applicant indicated that the proposed exterior lighting is intended to meet this general review standard, by meeting 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:

Finding: Complies as proposed. Staff reviewed the "Site Photometrics Plan", drawings E004 & E005 for exterior lighting information required by this section, and finds the proposed lighting levels at the property line to be at or below the 0.5 footcandle limit.

2. Any light source or lamp that emits more than nine hundred lumens (thirteen watt compact fluorescent or sixty watt incandescent) shall be concealed or shielded with a full cut-off style fixture in order to minimize the

potential for glare and unnecessary diffusion on adjacent property. All fixtures shall utilize one of the following bulb types: metal halide, induction lamp, compact fluorescent, incandescent (including tungsten-halogen), or high pressure sodium with a color rendering index above seventy.

Finding: Complies with Conditions. The applicant has proposed LED fixtures that mention the use of full cut-off style glare protection as an option, however it is not clear from the submitted plans whether the proposed lighting will utilize this option. See “Site Photometrics Plan”, drawings E004 & E005 for exterior lighting information required by this section. LED lighting is a newer technology that was not available when this code section was written. LED lighting is very efficient and uses less energy than traditional bulbs, and can be screened and designed to meet the lighting levels of this section just like older technology lighting sources. The applicant’s photometric engineer shall provide revised lighting plans in compliance with this standard prior to issuance of a building permit.

It is reasonable, likely and practicable that the applicant can meet this standard through the attached condition of approval.

3. The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.

Finding: Complies as proposed. The applicant has not proposed pole mounted lighting fixtures for the hotel taller than 25 feet above ground. Phase 2 shall be reviewed for compliance with this standard upon submittal of permits.

4. Lighting levels:

Table 1-17.62.065. Foot-candle Levels

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

Finding: Complies with Condition. The lighting plan does not indicate the max/min ratio required by this standard therefore compliance cannot be determined. The applicant’s photometric engineer shall provide revised lighting plans in compliance with this standard prior to issuance of a building permit.

It is reasonable, likely and practicable that the applicant can meet this standard through the attached condition of approval.

5. Parking lots and other background spaces shall be illuminated as unobtrusively as possible while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize pedestrian scale lighting that defines the space without glare.

Finding: Complies as proposed. 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.

Finding: Complies with condition. The lighting plan does not indicate the max/min ratio required by this standard therefore compliance cannot be determined. The applicant's photometric engineer shall provide revised lighting plans in compliance with this standard prior to issuance of a building permit.

It is reasonable, likely and practicable that the applicant can meet this standard through the attached condition of approval.

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

Finding: Not applicable. The applicant has not proposed pedestrian accessways.

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

Finding: Not applicable. The applicant has not proposed 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.

Finding: Complies as proposed. The applicant indicated that 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.

Finding: Complies as proposed. The proposed light standards and fixtures are commercial grade and thus 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.

Finding: Complies as proposed. The photometric plan indicates compliance with this standard. Exterior lighting proposed for this site will not exceed 1 foot-candle 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.

Finding: Complies as proposed. The hotel operates 24 hours so no sensor operated outdoor lighting is proposed.

13. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.

Finding: Complies as proposed. The applicant indicated that illumination of flags or other pole-mounted objects will comply by use of narrow cone beam 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.

Finding: Complies with Conditions. The applicant indicated that any upward directed lighting will not be visible beyond the building roofline, although no such lighting was indicated on the submitted photometric plans. The applicant may propose such lighting in order to meet the requirements of 17.62.055(D) to enhance the pedestrian amenity area between the front of the building and the street. If proposed, such lighting shall comply with this section. **It is reasonable, likely and practicable that the applicant can meet this standard through the attached condition of approval.**

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

Finding: Not applicable. 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.

Finding: Not applicable. This is not a wireless communication facility.

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

i. Maximum permitted light post height: eighty feet.

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

Finding: Not applicable. No outdoor recreational uses are proposed.

17.62.080 - Special development standards along transit streets.

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

Finding: Not applicable. Washington Street is not currently a transit street in the Oregon City Transportation System Plan and no transit passes by the site currently. Currently Tri-Met Route 154 runs on Washington Street and Abernethy Road and the nearest bus stops are approximately 500 feet south of the intersection of Abernethy Road and Washington Street. Tri-Met was sent notice of this application and did not provide comments.

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

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

A. Sized appropriately to meet the needs of current and expected tenants, including an expansion area if necessary;

B. Designed with sturdy materials, which are compatible to the primary structure(s);

C. Fully enclosed and visually screened;

D. Located in a manner easily and safely accessible by collection vehicles;

E. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;

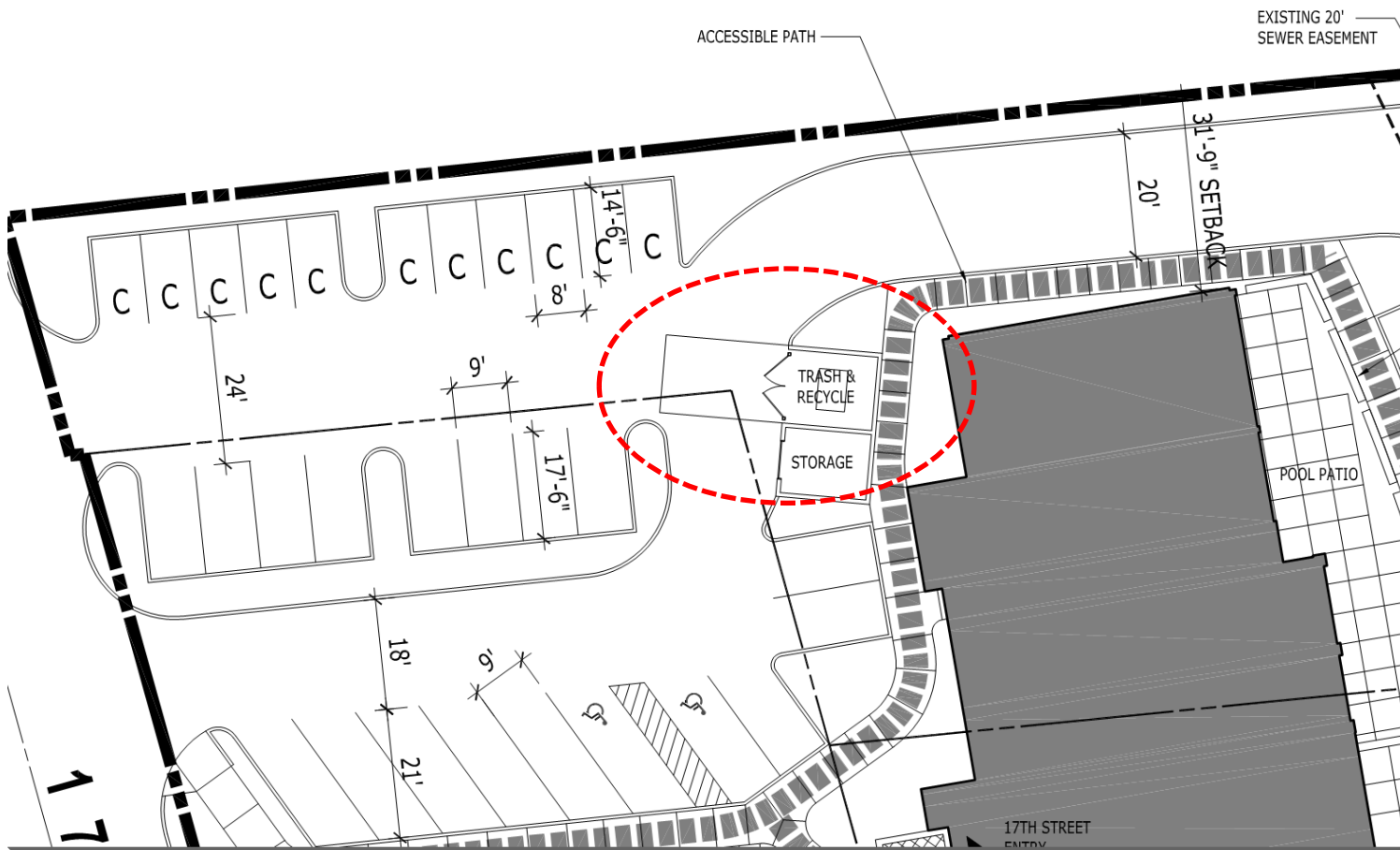
F. On a level, hard surface designed to discharge surface water runoff and avoid ponding;

G. Maintained by the property owner;

H. Used only for purposes of storing solid waste and recyclable materials;

I. Designed in accordance with applicable sections of the Oregon City Municipal Code (including Chapter 8.20—Solid Waste Collection and Disposal) and city adopted policies.

Finding: Complies with Conditions. Refuse and recycling facilities to serve the hotel are proposed near the western corner of the site at the rear of the hotel next to a drive aisle that loops behind the building. The applicant did not indicate the proposed materials to show that they will be compatible with the hotel. The applicant shall provide such details during the construction plan submittal. **It is reasonable, likely and practicable that the applicant can meet this standard through the attached condition of approval.**



CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.010 - Applicability.

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

Finding: Applicable. The applicant has proposed a new commercial building requiring a detailed development plan (Site Plan and Design Review) which includes review of the parking to serve the new use.

17.52.015 - Planning commission adjustment of parking standards.

A. Purpose: The purpose of permitting a planning commission adjustment to parking standards is to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would

adversely impact the surrounding or planned neighborhood. The purpose of an adjustment is to provide flexibility to those uses which may be extraordinary, unique or to provide greater flexibility for areas that can accommodate a denser development pattern based on existing infrastructure and ability to access the site by means of walking, biking or transit. An adjustment to a minimum or maximum parking standard may be approved based on a determination by the planning commission that the adjustment is consistent with the purpose of this Code, and the approval criteria can be met.

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

C. Approval criteria for the adjustment are as follows:

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

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

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

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

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

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

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

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

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

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

Finding: Not applicable. The applicant has not requested a Planning Commission adjustment from the parking standards. 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
Hotel, Motel	1.0 per guest room	1.25 per guest room
Office	2.70	3.33

Finding: Complies as proposed. The required number of parking spaces per table 17.52.020 is as follows:

Hackett House (2,110 net SF offices): 5.69 spaces minimum / 7.02 spaces maximum.
Hotel (99 rooms): 99 spaces minimum / 123.75 (124) spaces maximum
TOTAL: 105 spaces minimum / 131 spaces maximum

The applicant has proposed 101 off-street parking spaces, of which 23 are compact. Two on-street spaces are indicated in front of the hotel. Per 17.52.020.C, the subject site is within the Downtown Parking District and is eligible for a 50% reduction per 17.52.020.C, thus the minimum number of parking stalls is 53. The applicant has proposed 101 on-site stalls, in excess of the minimum and less than the maximum of 131. The number of parking stalls onsite will be evaluated upon submittal of a Detailed Development Plan for Phase 2.

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

Finding: Complies as proposed. 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.

Finding: Not applicable. The proposed use does not include uses not specifically listed. Compliance of the mixed use phase of the project will be determined at the time of detailed development plan review.

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

Finding: Complies as proposed. The applicant calculated correctly.

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

Finding: Complies as proposed. The applicant indicates that 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.

Finding: Not applicable. The project includes the existing Hackett House office building, which will not change, and a 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.

Finding: Complies as proposed. The 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 overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.

Finding: Not applicable. The applicant has not proposed the use of shared parking since the properties involved are under common ownership.

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

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

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

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

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

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

Finding: Complies as proposed. The application proposes two 22' deep parallel on-street parking spaces on Washington Street.

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

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

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

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

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

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

Finding: Complies as proposed. The applicant has proposed 101 off-street parking spaces with Phase 1, of which 23 are compact. Two on-street spaces are indicated in front of the hotel. Per See also response to 17.52.020.C, the subject site is within the Downtown Parking District and is eligible for a 50% reduction, thus the minimum number of parking stalls is 53. The applicant has proposed 101 on-site stalls, in excess of the minimum and less than the maximum of 131.

Downtown Parking Overlay District



17.52.030 - Standards for automobile parking.

A. **Access.** Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety. Groups of more than four parking spaces shall be so located and served by driveways so that their use will

require no backing movements or other maneuvering within a street right-of-way other than an alley. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.

Finding: Complies as proposed. 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 redeveloped, 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.

Finding: Complies as proposed. The application proposes that 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 when 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.

Finding: See responses under section 13.12.

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 Curb	to	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.

Finding: Complies as proposed. 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 proposed, 22% of the total 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."

Finding: Complies as proposed. 5% of 40 employee spaces would result in 2 carpool/vanpool spaces. The proposed project (phase 1) 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.

Finding: Applicable. 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*

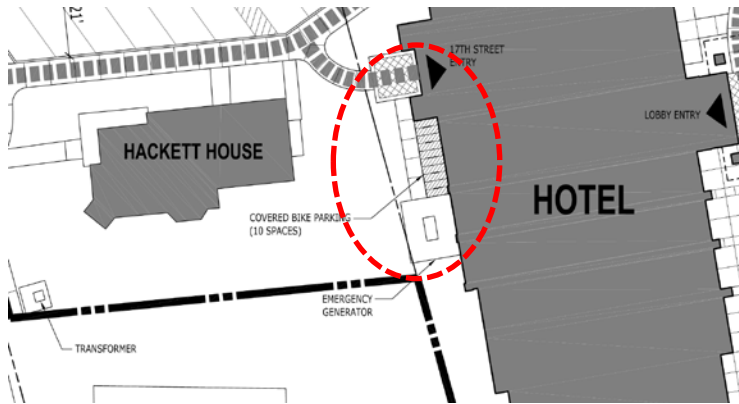
Where two options for a requirement are provided, the option resulting in more bicycle parking applies. Where a calculation results in a fraction, the result is rounded up to the nearest whole number.

<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.

Finding: Complies as proposed. Hotel use is not specified on the table, though staff used the “retail” and/or multi-family categories to determine compliance with this standard which have a ratio of 1 bicycle parking space per ten automobile spaces. The applicant has proposed 101 off-street parking spaces with Phase 1, so ten (10) bicycle parking spaces are required based on the proposed use.



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

Finding: Complies as proposed. 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.

Finding: Complies as proposed. 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. All bicycle spaces will include stationary steel pipe bicycle racks secured to concrete paving.

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

Finding: Complies with Condition. Bicycle parking will be clearly visible from both the South entry to the Hotel and the Hackett House. The applicant shall provide revised plans that include signs at the main entrance that indicate the location of the bicycle parking at the south entrance. **It is reasonable, practicable and likely that the applicant can meet this standard through the Condition of Approval.**

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

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

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

Finding: Complies as proposed. The bicycle parking area is separated from motor vehicle areas by more than five feet, and 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.

Finding: Complies as proposed. The bicycle parking area will be 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 17th Street 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.

Finding: Complies as proposed. The applicant indicated that the parking lot perimeter and interior landscaping treatments are paramount to the users and public enjoyment of this site. The landscaping will be designed in accordance with the City's adopted stormwater and drainage design standards. The applicant has prioritized maintaining any existing native plantings that have significant ecological value and to proposing native and naturalized plant species. The landscape design will provide alternative species when site conditions warrant to fulfill required public safety and enjoyment goals.

A. Development Standards.

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

Finding: Complies as proposed. The parking lot landscaping is 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.

Finding: Complies as proposed. All areas in a parking lot not used for parking, maneuvering, or circulation will be 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.

Finding: Complies as proposed. The 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;

Finding: Complies as proposed. The proposed landscaping plan was prepared by a certified landscape architect and includes trees selected for the specific site needs. The plan indicates the use of three (3)-inch caliper 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;

Finding: Complies as proposed. The applicant indicated that an irrigation system will be provided.

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

Finding: Complies as proposed. The proposed landscaping plan was prepared by a certified landscape architect and includes plants selected for the specific site needs. Many native and naturalized plant species are proposed.

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

Finding: Complies as proposed. The transportation analysis indicates that sight distances are adequate.

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

Finding: Complies as proposed. 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;

Finding: Complies as proposed. The entry to the parking lots abutting Washington Street and 17th Street include landscape islands that are at least 5' wide on average with trees on either side.

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

Finding: Complies with Condition. The proposed landscaping plan includes ground covers that appear to meet this standard. Prior to issuance of a building permit, the applicant's landscape architect shall confirm in writing that the proposed planting plan can achieve 100% coverage within three years, and that no bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees. **It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.**

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

Finding: Complies with Condition. The proposed landscaping plan did not clearly indicate an evergreen hedge or the height of the proposed vegetation. Prior to issuance of a building permit, the applicant's landscape architect shall provide a revised landscaping plan conforming to this requirement. **It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.**

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

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

Finding: Complies with conditions. The landscaping plan indicates that there will be head-in parking spaces abutting the on-site pedestrian pathway which is next to a retaining wall with a planter box running the length of the wall which is six feet wide. This separates the main patio on the north side of the hotel from the parking lot. This meets the intent of this standard for the front of the hotel.

At the rear of the hotel and abutting the Hackett House, no landscaping buffer was proposed on either side of the pedestrian walkway abutting the head in parking. The applicant shall revise the plans to comply with subsection (1(a)-(c)), or (2) of this section. **It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.**

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

Finding: Complies as proposed. The planting area includes trees spaced a maximum of thirty-five feet apart.

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

Finding: Complies with Condition. The proposed landscaping plan includes ground covers that appear to meet this standard. Prior to issuance of a building permit, the applicant's landscape architect shall confirm in writing that the proposed planting plan can achieve 100% coverage within three years, and that no bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees. **It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.**

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

Finding: Complies with Condition. The proposed landscaping plan includes a planter box above the retaining wall that appears to meet this standard. Prior to issuance of a building permit, the applicant's landscape architect shall provide revised plans indicating an evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average for the parking area/building buffer or otherwise confirm in writing that the plan meet this standard. **It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.**

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

Finding: Complies with Condition. If the revisions required in (c) above cannot meet the standard, prior to issuance of a building permit the applicant shall revise the plans to include seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells for the parking area / building

buffer. **It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.**

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

Finding: Complies with Condition. The applicant did not provide a response to this section, although it appears to be met. The applicant shall provide landscaping percentage calculations for the parking lot interior and all other landscaped areas on the site prior to issuance of a building permit. **It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.**

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

Finding: Complies with Conditions. The submitted landscaping plans indicates 39 trees in the interior of the parking lot. There are 101 parking spaces, which requires 16 trees. The standard is met.

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

Finding: Complies with condition. The proposed landscaping plan includes ground covers that appear to meet this standard. Prior to issuance of a building permit, the applicant's landscape architect shall confirm in writing that the proposed planting plan can achieve 100% coverage within three years, and that no bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees. **It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.**

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

Finding: Complies as proposed. The landscaping plan includes shrubs that meet the spacing requirement.

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

Finding: Complies as proposed. The landscaping plan includes landscaping islands at the required spacing of one Landscape Island per six spaces. The typical landscaping islands indicated are 16' long and six feet wide.

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

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

Finding: Complies with Condition. This standard applies to pedestrian walkways on the interior of parking lots. Pathways are proposed leading to the Phase II portion of the site. Where such pathways are proposed in Phase I, the applicant shall provide a revised landscaping plan that includes trees at the required spacing. **It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.**

E. Installation.

1. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.
2. The site, soils and proposed irrigation systems shall be appropriate for the healthy and long-term maintenance of the proposed plant species.
3. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the city, such as the posting of a surety.

Finding: Complies as proposed. 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).

Finding: Not applicable. The applicant has not proposed an alternative landscaping plan.

17.52.080 - Maintenance.

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

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

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

Finding: Complies as proposed. The owners and/or operators of properties of the proposed development will provide maintenance in accordance with this code. Any violations may be subject to compliance through the city's standard process of code enforcement.

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.

Finding: Complies as proposed. The applicant indicated that 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.*

Finding: Not applicable. The proposed hotel use 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.*

Finding: Not applicable/Complies as proposed. Though this standard is not applicable, according to the applicant, 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.*

Finding: Not applicable. 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.*

Finding: Not applicable. No loading areas adjacent to or within a street right-of-way are proposed.

CHAPTER 13.12 – STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

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

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

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

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

Finding: Applicable. Construction of improvements to the public stormwater conveyance facilities is required to serve this development; therefore, the proposal does not meet the criteria for exemption.

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

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

Finding: Applicable. The proposed development will create or replace more than 5,000 sf of impervious area.

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

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

Finding: Applicable. 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 flow control requirement exception of

13.12.050.C1. The project shall meet water quality standards of Oregon City Stormwater and Grading Design Standards but is not required to meet flow control standards.

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

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

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

13.12.080 - Submittal requirements.

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

Finding: Complies as Proposed. The applicant has submitted preliminary drainage plans, drainage reports, and design flow calculation reports demonstrating compliance with this section.

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

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

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

Finding: Complies as Proposed. The applicant has submitted preliminary drainage plans, drainage reports, and design flow calculation reports demonstrating that this criteria will be met with engineered plans to be submitted with construction plans.

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

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

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

13.12.120 - Standard construction specifications.

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

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

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

12.04.003 - Applicability.

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

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

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

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

Finding: Applicable. The applicant has proposed a General Development (Master) Plan and a Detailed Development Plan and therefore this section is applicable to the proposed development.

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

A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the

proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.

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

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

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

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

Finding: Complies as proposed. The applicant acknowledges the City's jurisdiction and management of the public right-of-way.

12.04.007 - Modifications.

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

A. The modification meets the intent of the standard;

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

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

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

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

Finding: Complies with Conditions.

Applicant has requested modification from normal street design standards in the following areas:

On Washington Street:

- Having a half street right-of-way width of 43 feet.
- Having an on-street parking that slopes away from the curblane toward a 4 foot gutter pan between the on-street parking area and bike lane
- 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.
- Extensions of curb return radii into the on-street parking area at driveway entrances to match curb return already in the adjacent northeast property. Landscape strip of driveway entrance with curb return radii to be utilize as roadside water quality planters.

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 possible through connections to Main St.

Staff has evaluated the proposed modifications to the Washington Street and 17th Street cross-sections. The proposed modifications meet the intent of the standard, provide safe and efficient movement of vehicles, freight, pedestrians and bicycles, and are consistent with surrounding street patterns and are in accordance with the adopted Transportation System Plan. The modifications were not sought due to constitutional reasons. The applicant shall dedicate sufficient right-of-way (ROW) to provide, at minimum, a ROW width 43 feet north of the centerline for Washington Street. Improvements required north of the centerline along the frontage of Washington Street are: a 6-foot-wide half center lane, a 12-foot-wide travel lane, a 6-foot-wide bike lane, 8-foot-wide on-street parking, 0.5-wide curb, 4-foot-wide furnishing zone/planter strip, 6-foot-wide sidewalk behind the planter strip and 0.5-foot public access.

17th Street shall have a 24-foot wide street section, as can be accommodated without extending street pavement towards Abernethy Creek. The improvements required along 17th Street are 0.5-wide curb with gutter, 5-foot-wide curb-tight sidewalk and 0.5-foot public access. Portions of the sidewalk will be allowed to meander around the existing tree but shall be provided a public sidewalk easement.

The block length along Washington Street is exceeded. The applicant has stated that the existing railroad right-of-way justifies modification to the block length standards, as there are no opportunities to provide connection to the street system west of the tracks. The proposed on-site circulation provides vehicular, bicycle, and pedestrian access between Washington Street and 17th Street for Phase 1 and for Phase 2. The proposed on-site circulation therefore meets the intent of the standard, provide safe and efficient movement of vehicles, freight, pedestrians and bicycles, and are consistent with surrounding street patterns. The modifications were not sought due to constitutional reasons. To ensure adequate public access in accordance with the intent of this standard, a public access easement shall be recorded over the existing access road serving the adjacent parcel to the northeast.

12.04.010 - Construction specifications—Improved streets.

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

Finding: Complies with Condition. Construction to City standards will occur 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.

Finding: Not applicable. Street frontages are proposed to be improved.

12.04.025 - Street design—Driveway curb cuts.

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

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

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

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

Figure 12.04.025: Example Driveway Curb Cut

Finding: Complies as proposed. The proposed driveways are between 15 and 40 feet wide as permitted for nonresidential 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.*

Finding: Not applicable. Minimization of the number and size of curb cuts is not required.

D. For all driveways, the following standards apply.

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

Finding: Complies as proposed. The submitted plan demonstrates compliance with driveway design and construction standards.

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

Finding: Not Applicable. Applicant is not requesting deviation from standard.

12.04.030 - Maintenance and repair.

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

Finding: Acknowledged. The applicant is responsible for maintaining all sidewalk and abutting curb adjacent to the proposed development.

12.04.031 - Liability for sidewalk injuries.

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

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

Finding: Acknowledged. The applicant is liable for sidewalk injuries caused by negligence of owner failing to maintain the sidewalk in good condition.

12.04.032 - Required sidewalk repair.

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

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

C. The public works director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the public works director shall cause a copy of the

notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

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

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

12.04.033 - City may do work.

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

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

12.04.034 - Assessment of costs.

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

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

12.04.040 - Streets—Enforcement.

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

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

12.04.050 - Retaining walls—Required.

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

Finding: Not applicable. No 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](#).

Finding: Not applicable. No retaining wall is proposed or required to prevent soil from falling or sliding from the proposed improvements into public street right-of-way.

12.04.070 - Removal of sliding dirt.

It shall be the duty of the owner of any property as mentioned in [Section 12.04.050](#), and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both

as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.

Finding: Acknowledged. Applicant accepts responsibility for maintaining the public right-of-way clear from falling dirt.

12.04.080 - Excavations—Permit required.

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

Finding: Acknowledged. The applicant will obtain required excavation permits in conjunction with public facilities plan approval.

12.04.090 - Excavations—Permit restrictions.

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

Finding: Not Applicable. This section applies to temporary excavation permit work. The proposed development will be permitted instead through the public facilities construction plan approval process.

12.04.100 - Excavations—Restoration of pavement.

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

Finding: Complies with Condition. The applicant has proposed work in the public right-of-way that will require pavement restoration. The applicant shall perform all cuts and restoration to pavement within the right-of-way in accordance with the City's Pavement Cut Standards. **It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.**

12.04.110 - Excavations—Nuisance—Penalty.

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

Finding: Not Applicable. No violation of this chapter has been identified.

12.04.120 - Obstructions—Permit required.

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

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

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

- a. Site plan showing right-of-way, utilities, driveways as directed by staff;
 - b. Sight distance per [Chapter 10.32](#), Traffic Sight Obstructions;
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
 - d. Alternative routes if necessary;
 - e. Minimizing obstruction area; and
 - f. Hold harmless/maintenance agreement.
3. If the commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the city engineer shall issue a right-of-way permit with any conditions deemed necessary by the commission.
- B. Temporary Obstructions.**
1. A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.
2. The city engineer, or designee, is authorized to grant a permit for a temporary obstruction.
3. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.
4. The applicant shall submit, and the city engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the city engineer:
- a. Site plan showing right-of-way, utilities, driveways as directed by staff;
 - b. Sight distance per [Chapter 10.32](#), Traffic Sight Obstructions;
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
 - d. Alternative routes if necessary;
 - e. Minimizing obstruction area; and
 - f. Hold harmless/maintenance agreement.
5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the city engineer may issue such a permit only after finding that the following criteria have been satisfied:
- a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;
 - b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;
 - c. No alternative locations are available that would not require use of the public right-of-way; and
 - d. Any other factor that the city engineer deems relevant.
6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.
- C. Fees.** The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the commission.

Finding: Not applicable. The applicant does not propose any obstructions of the right-of-way requiring an obstruction permit.

12.04.130 - Obstructions—Sidewalk sales.

- A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.
- B. The city commission may, in its discretion, designate certain areas of the city to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided.

Finding: Not Applicable. The applicant has not proposed a sidewalk sale with this application.

12.04.140 - Obstructions—Nuisance—Penalty.

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

Finding: Acknowledged. Applicant acknowledges violations will be subject to code enforcement procedures.

12.04.150 - Street and alley vacations—Cost.

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

Finding: Not Applicable. The applicant has not proposed a street or alley vacation with this application.

12.04.160 - Street vacations—Restrictions.

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

Finding: Not Applicable. The applicant has not proposed a street or alley vacation with this application.

12.04.170 - Street design—Purpose and general provisions.

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

Finding: Complies with Condition. All development shall be in conformance with the policies and design standards established by Chapter 12.04.170 of the Oregon City Municipal Code and with applicable standards in the city's public facility master plan and city design standards and specifications. All street, water, sanitary sewer, storm drainage and utility plans associated with any development shall be reviewed and approved by the City prior to construction. **It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.**

12.04.175 - Street design—Generally.

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

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

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

Finding: Complies with Condition. Construction to City standards is intended by applicant except as noted in the modification requests under Chapter 12.04.007. **It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.**

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

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Local	Mixed Use, Commercial or	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft.	N/A

	Public/Quasi Public							Lane s	
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft.	Shared Space	N/A
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft.	Shared Space	N/A

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

Finding: Complies with Condition. See Chapter 12.04.007 of this report for additional description of street design modifications. **It is reasonable, practicable and likely that the applicant can meet this standard through a Condition of Approval.**

12.04.185 - Street design—Access control.

- A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the city as a city controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.
- B. The city may grant a permit for the adjoining owner to access through the access control.
- C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."
- D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Finding: Not Applicable. No stub streets or half-streets are proposed with this 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.

Finding: Complies as Proposed. The proposed internal private streets will align with and provide continuation of the adjacent private access street serving the train station.

12.04.194 - Traffic sight obstructions.

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

Finding: Complies as Proposed. The traffic impact analysis indicates compliance with this section.

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.

Finding: Complies as Proposed. See Chapter 12.04.007 of this report for discussion of street design modifications.

12.04.199 - Pedestrian and bicycle accessways.

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

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

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

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

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

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

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

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

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

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

2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees;

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

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

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

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

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

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

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

1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or

2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

Finding: Not applicable. An offsite pedestrian accessway is not proposed or required.

12.04.205 - Mobility standards.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection D below, to be maintained at or below the following mobility standards during the two-

hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan or as otherwise identified by the city transportation engineer.

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

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

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

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

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

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

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

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

1. For signalized intersections:

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

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

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

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

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

I-205/OR 99E Interchange

I-205/OR 213 Interchange

OR 213/Beavercreek Road

State intersections located within or on the Regional Center Boundaries

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

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

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

2. Development which does not comply with the mobility standards for the intersections identified in [Section] 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to

improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

Finding: Complies with Conditions. A traffic impact study is included in the application including assessment of the development impact on the intersections identified in this exemption.

The applicant submitted a 335-page Traffic Impact Study (TIS), prepared by Daniel Stumpf, EI and Michael Ard, PE of Lancaster Engineering, dated April 18, 2017. The study contains information regarding the study area, traffic counts, trip generation and distribution, traffic growth, traffic volume analysis (level-of-service as well as volume-to-capacity ratios), crash information, turn lanes at site entrances, pedestrian and bicycle facilities, site plan and access, intersection spacing, sight distance, consistency with the Transportation System Plan (TSP), and conclusions and recommendations of the applicant's traffic engineer. The City's transportation consultant, Replinger and Associates, reviewed the study and determined that it provided a basis upon which the development can be evaluated for the specific purposes of determining the transportation impacts of the proposed development.

Replinger and Associates concluded that the TIS provides an adequate basis upon which to assess the impacts of the proposed development. The engineer uses appropriate data and methods to analyze the operations and developed appropriate mitigation measures to address safety and operation issues.

With regard to the proposed development, Replinger and Associates recommend the following conditions of approval relative to the off-site transportation impacts:

- The applicant construct Washington Street along the site frontage including a center turn lane to provide for left turns into the site.
- The applicant participate in the funding of improvements for the I-205/OR-99E ramp terminal projects (TSP Projects D75 and D76) in proportion to traffic volumes as a percentage of total year 2035 intersection volumes from the TSP. Based on this methodology, the applicant would be responsible for 0.42% of the \$3 million cost for Project D75 and for 0.49% of the project cost for Project D76. This would result in a contribution from the applicant of \$12,600 + \$14,700.
- The applicant participate in the funding of improvements for the Main Street/14th Street improvements (TSP Projects D7 and D8) in proportion to traffic volume as a percentage of the predicted 2035 traffic volume at the intersection calculated in the TSP. Based on the applicant's predicted site traffic, the applicant's responsibility would be 1.66% of the project's cost. The higher cost option in the TSP is listed at \$670,000. That would result in a contribution from the applicant of \$11,122.
- Based on the existing high crash rate at the intersection of Main Street and 14th Street and continuing development in the city that will result in increased traffic volumes, the selection of a preferred option for TSP project D7 and a review of the implementation schedule for this project may be appropriate.

Prior to issuance of a building permit, the applicant shall provide a phasing plan clarifying the timing of the proposed transportation improvements and a table linking the required transportation improvements to vehicle trip thresholds for each development phase.

It is reasonable, practicable and likely that this standard can be met through the conditions of approval.

12.04.210 - Street design—Intersection angles.

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection

design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the city engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

Finding: Complies as Proposed. No new public streets are proposed. The site will be served by an existing private access to the northeast which meets the standard.

12.04.215 - Street design—Off-site street improvements.

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

Finding: Complies with condition. Mitigation of off-site impacts was discussed above under 12.04.205. **It is reasonable, practicable and likely that this standard can be met through the conditions of approval.**

12.04.220 - Street design—Half street.

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

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

Finding: Not Applicable. No new half streets are proposed.

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

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

Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and city adopted street standards. Permanent dead-end streets other than cul-de-

sacs shall provide public street right-of-way/easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.

Finding: Complies with Condition. No new streets are proposed. 17th Street will remain a permanent dead-end street due the requirements of the railroad for closure. The proposed entrance on 17th Street is approximately 200 feet from the Washington Street right-of-way, so the dead-end length requirement is met. Requiring a cul-de-sac at the end of 17th Street is neither appropriate nor required for the following reasons: (a) the additional impervious surface created would impact the existing stream bank and vegetated buffer of Abernethy Creek, a sensitive watershed, and (b) the proposed private driveway access through the site will provide opportunities for longer vehicles to circulate without the need for backing movements. A condition has been applied to ensure public access is allowed throughout the site. This alternative meet the intent of this standard. **It is reasonable, practicable and likely that this standard can be met through the conditions of approval.**

12.04.230 - Street design—Street names.

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

Finding: Not Applicable. No new streets are proposed.

12.04.235 - Street design—Grades and curves.

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

Finding: Not Applicable. No new streets are proposed.

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

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

Finding: Complies as Proposed. Washington Street is designated as a Minor Arterial so this section applies. Staff has determined that the proposed vehicular access plan provides adequate protection and buffering. No restrictive covenant or other form of protection is needed for the proposed development.

12.04.245 - Street design—Pedestrian and bicycle safety.

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

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

Finding: Complies as proposed. 17th Street is designated as a Local Street, and has no sidewalk on its southerly side; the applicant will provide northerly sidewalk that will terminate prior to the railroad crossing. ODOT Rail

and Public Transit Division will not allow future pedestrian connection within the railroad ROW. Because 17th Street is a permanent dead-end, it is not utilized by nonlocal automobile traffic.

12.04.255 - Street design—Alleys.

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

Finding: Not applicable. The parcel is zoned MUD.

12.04.260 - Street design—Transit.

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

Finding: Not applicable. Washington Street north of 17th Street is not a transit route.

12.04.265 - Street design—Planter strips.

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

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

Finding: Complies with condition. See findings for Chapter 12.04.180. If trees are planted within an easement along 17th Street the applicant shall provide a protective covenant that allows the city to enforce the public street tree requirements in this area. **It is reasonable, practicable and likely that this standard can be met through the conditions of approval.**

12.04.270 - Standard construction specifications.

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

Finding: Complies with Condition. The applicant is responsible for this project's compliance with the standards referenced in this section. **It is reasonable, practicable and likely that this standard can be met through the conditions of approval.**

12.04.280 - Violation—Penalty.

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

Finding: Acknowledged

CHAPTER 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.*

Finding: The applicant acknowledged the intent of this section.

12.08.015 - Street tree planting and maintenance requirements.

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

Finding: Complies with condition. The applicant did not provide a street tree plan. 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. The applicant shall provide a street tree plan for 17th Street and Washington Street for both phases prior to issuance of a building permit.

It is reasonable, practicable and likely that this standard can be met through the conditions of approval.

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

Finding: See finding above.

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

- 1. Fifteen feet from streetlights;*
- 2. Five feet from fire hydrants;*
- 3. Twenty feet from intersections;*
- 4. A minimum of five feet (at mature height) below power lines.*

Finding: See finding above.

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

Finding: See finding above.

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

Finding: See finding above.

12.08.020 - Street tree species selection.

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

Finding: See finding above.

12.08.025 - General tree maintenance.

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

Finding: Complies as proposed. The property owner will be responsible for maintenance of all street trees.

12.08.030 - Public property tree maintenance.

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

Finding: The applicant acknowledges the city's authority to conduct necessary maintenance if needed.

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
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<i>Diameter of tree to be Removed (Inches of diameter at 4-ft height)</i>	<i>Number of Replacement Trees to be Planted</i>	<i>Diameter of tree to be Removed (Inches of diameter at 4-ft height)</i>	<i>Number of Replacement Trees to be Planted</i>
<i>Any Diameter</i>	<i>1 Tree</i>	<i>Less than 6"</i>	<i>1 Tree</i>
		<i>6" to 12"</i>	<i>2 Trees</i>
		<i>13" to 18"</i>	<i>3 Trees</i>
		<i>19" to 24"</i>	<i>4 Trees</i>
		<i>25" to 30"</i>	<i>5 Trees</i>
		<i>31" and over</i>	<i>8 Trees</i>

Finding: Not applicable. The proposal did not identify if the trees would be removed this this proposal. Any removal associated with the proposed development will be reviewed per OCMC 17.41.

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

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

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

Finding: Applicable. The proposed development involves grading activities in excess of ten cubic yards, disturbance of over one-half acre, and creation of more than two thousand square feet of impervious area.

15.48.090 Submittal requirements.

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

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

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

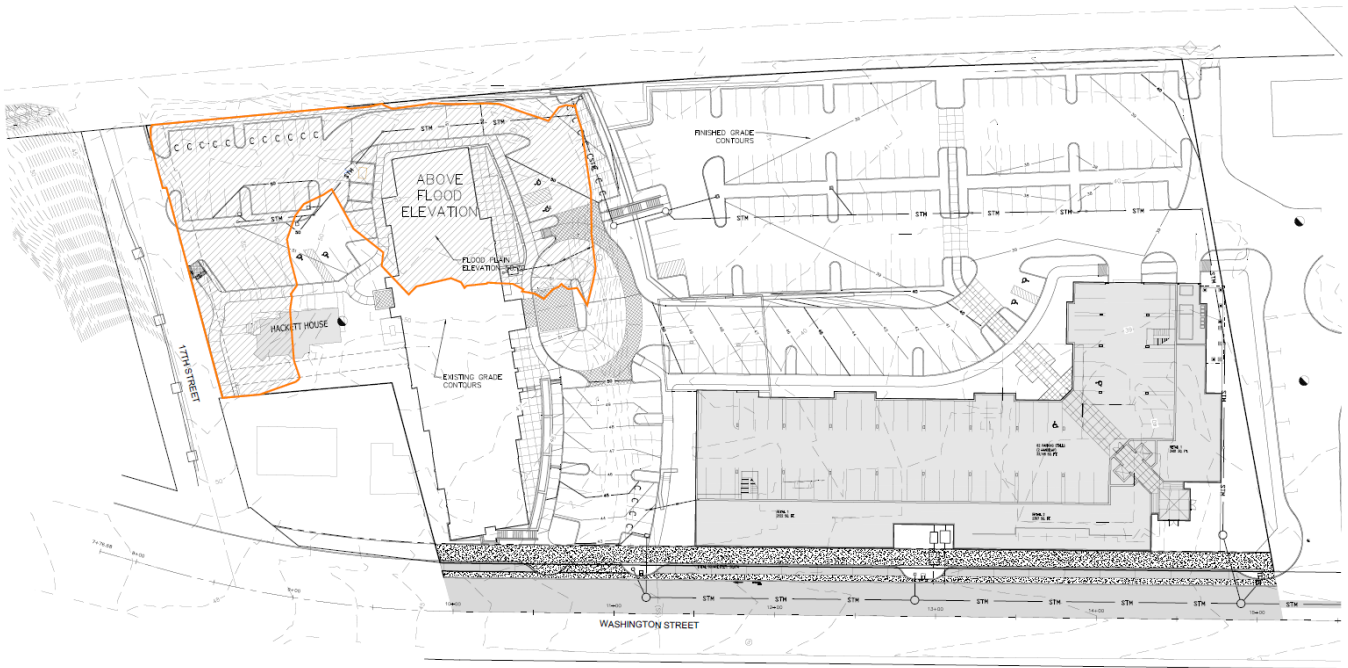
B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.

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

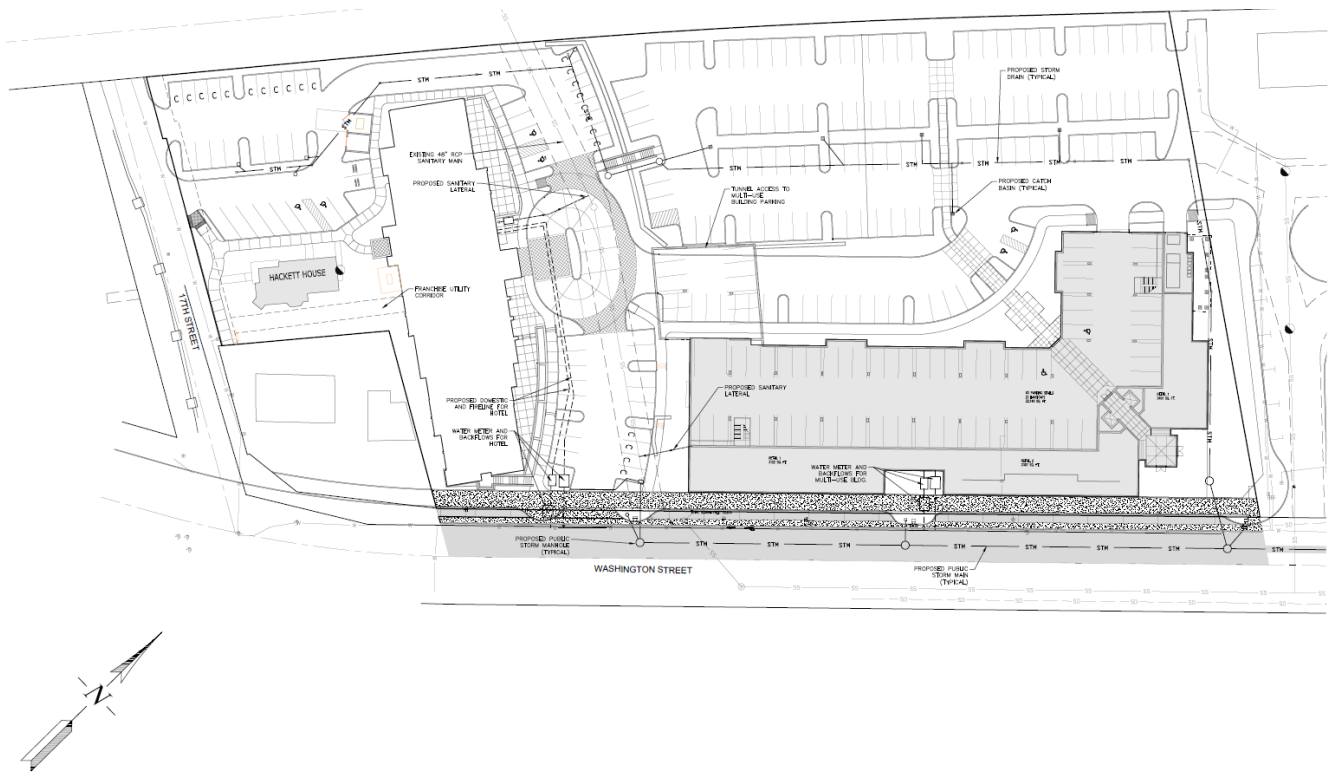
- 1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;*
- 2. When an embankment for a stormwater pond is created by the placement of fill;*
- 3. When, by excavation, the soils remaining in place are greater than three feet high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

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

Finding: Complies with Conditions. The proposed development does not qualify for an abbreviated grading plan. An engineered grading plan and geotechnical report are required, and the applicant has submitted preliminary materials. A condition will be applied to ensure complete materials are submitted and approved and that site grading will not commence until all necessary permits have been obtained. **It is reasonable, practicable and likely that this standard can be met through the conditions of approval.**



GDP Drawing PP2 - Preliminary Grading Plan



GDP Drawing PP1 – Preliminary Utility Plan

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

17.47.070 Erosion and sediment control plans.

A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.

Finding: Complies with condition. The applicant has submitted a preliminary erosion control plan with this application which demonstrates compliance. As the disturbance area will exceed one acre, the applicant shall also obtain a 1200-C permit from Oregon Department of Environmental Quality. Both permits shall be obtained prior to commencement of construction activities. **It is reasonable, practicable and likely that this standard can be met through the conditions of approval.**

CHAPTER 17.41 - TREE PROTECTION STANDARDS

17.41.020 - Tree protection—Applicability.

1. Applications for development subject to Chapters 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.
2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.

3. Tree canopy removal greater than twenty-five percent on sites greater than twenty-five percent slope, unless exempted under [Section 17.41.040](#), shall be subject to these standards.

4. A heritage tree or grove which has been designated pursuant to the procedures of [Chapter 12.08.050](#) shall be subject to the standards of this section.

Finding: Applicable. This application includes compliance with site plan and design review standards per the Detailed Development Plan pursuant to Chapter 17.62, therefore these standards apply.

17.41.030 - Tree protection—Conflicting code provisions.

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

Finding: Complies as proposed. The applicant indicated tree protection methods on the site clearing and demolition plan and in the submitted arborist report.

17.41.040 - Same—Exemptions.

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

Finding: Not applicable. The applicant applied for verification that the site is not within the NROD, and has not requested exemption from this chapter.

17.41.050 -17.41.125 Same—Compliance options.

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

A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections [17.41.060](#) or [17.41.070](#). All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.

B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections [17.41.080](#)—[17.41.100](#); or

C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections [17.41.110](#)—[17.41.120](#); or

D. Option 4—Cash-in-lieu of planting pursuant to [Section 17.41.130](#).

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

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

- 1. Preclude achieving eighty percent of minimum density with reduction of lot size; or*
- 2. Preclude meeting minimum connectivity requirements for subdivisions.*

Finding: Complies with Condition. The applicant indicated that they intend to comply with this chapter through one of the approved methods, but has not stated which one. The application includes an arborist report from Multnomah Tree Experts indicating that there are forty-one trees that are 6-inches DBH or larger at the site, and

twenty-five will be removed. Under option one, this would require the planting of 168 trees to mitigate for the tree removals. The applicant's arborist indicates that there is insufficient space to replant all of the mitigation trees on site, and therefore has recommended that there be a pre-construction 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. Staff concurs.

Prior to issuance of a building permit for the site, the applicant shall select one or more of the options for complying with Chapter 17.41. 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. The project arborist preparing the tree mitigation plan shall coordinate with the project landscape architect to ensure that any trees to be preserved are indicated on the revised landscaping plans for the site and that all protective measures are properly installed pursuant to OCMC 17.41.130 - Regulated tree protection procedures during construction. The applicant shall record a protective covenant to be approved by the city for all protected and replanted trees prior to issuance of a certificate of occupancy for phase I or 2.

It is reasonable, practicable and likely that the applicant can meet this standard through a condition of approval.

17.41.130 - Regulated tree protection procedures during construction.

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

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

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

9. The city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.

10. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.

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

Finding: Complies with Condition. The applicant indicated that they intend to comply with this chapter through one of the approved methods, but has not indicated which one. The applicant shall provide a revised arborist report indicating recommendations for tree protection procedures during construction or as a minimum show compliance with protective measures in OCMC 17.41.130 B(1-9). **It is reasonable, practicable and likely that the applicant can meet this standard through a condition of approval.**

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

17.50.050 Preapplication Conference

A. *Preapplication Conference.* Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

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

Finding: Complies as proposed. Pre-application conferences were attended on February 8, 2017 (PA 17-02), July 6, 2016 (PA 16-30), and 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.

Finding: Complies with Condition. 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. The applicant did not include notes from the neighborhood meeting in their application packet. **The applicant shall provide the notes of the neighborhood association meetings for the Planning Commission.**

CHAPTER 17.54.100 – FENCES, HEDGES AND WALLS

Finding: Please see adjustment section under 17.65. This section allows retaining walls with fences to be a combined height of 8.5 feet in height. The applicant requested an adjustment to the permissible combined height limit for a fence on a retaining wall. All other fences proposed will comply with this section.

CHAPTER 17.49 NATURAL RESOURCE OVERLAY DISTRICT

The applicant applied for a verification that the property proposed for development in the General Development Plan is not within the Natural Resources Overlay District pursuant to Section 17.49.250. The applicant provided an “NROD Boundary Verification Report” as part of the GDP application packet. The submitted report was prepared by the firm Environmental Technology Consultants, authors John McConnaughey, PWS and Annakate Martin, and dated March 2017. Along with the report, the applicant included code responses in support of the verification.

17.49.050 Emergencies

Finding: Not applicable. No emergency has been identified.

17.49.060 Consistency and Relationship to Other Regulations

A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the Oregon City Municipal Code, other City requirements, regional, state or federal law, the provisions that provides the greater protection of the resource shall govern.

Finding: The applicant acknowledges this provision. There are no conflicts. The NROD shall remain in place on the south side of 17th Street.

17.49.060.B. Compliance with Federal and State Requirements.

a. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make application for such approval prior to or simultaneously with the submittal of its development application to the City. The planning division shall coordinate City approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the City pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.

b. The requirements of this chapter apply only to areas within the NROD and to locally significant wetlands that may be added to the boundary during the course of development review pursuant to Section 17.49.035. If, in the course of a development review, evidence suggests that a property outside the NROD may contain a wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the City's comprehensive plan and this code.

Finding: Complies with Condition. The applicant is responsible for contacting and applying for any Corps of Engineers or Department of State Land approvals necessary to undertake the project and providing such documentation to the City prior to issuance of a building permit. **It is reasonable, practicable and likely that this standard can be met through the conditions of approval.**

17.49.[0]70 - Prohibited uses.

Finding: Not applicable. Applicant did not propose a prohibited use. The applicant applied for a verification that the property proposed for development in the General Development Plan is not within the Natural Resources Overlay District pursuant to Section 17.49.250.

17.49.[0]80 –Uses allowed outright (Exempted).

Finding: Not applicable. The applicant did not propose an exempt use. The applicant applied for a verification that the property proposed for development in the General Development Plan is not within the Natural Resources Overlay District pursuant to Section 17.49.250-255.

17.49.090 Uses Allowed Under Prescribed Conditions

Finding: Not applicable. The applicant has not proposed a use under prescribed conditions. The applicant applied for a verification that the property proposed for development in the General Development Plan is not within the Natural Resources Overlay District pursuant to Section 17.49.250.

17.49.250 Verification of NROD Boundary

The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site. This may through a site specific environmental survey or, in those cases where existing information demonstrates that the NROD significance rating does not apply to a site-specific area. Applications for development on a site located in the NROD area may request a determination that the subject site is not in an NROD area and therefore is not subject to the standards of Section 17.49.100. Verifications shall be processed as either a Type I or Type II process.

Finding: Applies. The applicant has applied for a verification that the property proposed for development in the General Development Plan is not within the Natural Resources Overlay District pursuant to this section.

17.49.255 Type I Verification

A. Applicants for a determination under this section shall submit a site plan meeting the requirements of Section 17.49.220, as applicable.

B. Alternatively, an applicant may request a Type I Verification determination by the community development director by making an application therefore and paying to the city a fee as set by resolution of the city commission. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:

- 1. No soil, vegetation, hydrologic features have been disturbed;*
- 2. No hydrologic features have been changed;*
- 3. There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.*
- 4. The property does not contain a wetland as identified by the city's local wetland inventory or water quality and flood management areas map.*
- 5. There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or manmade storm or surface water runoff structures or artificial water collection devices.*
- 6. Evidence of prior land use approvals that conform to the City's existing Water Quality Resource Area Overlay District.*

There is an existing physical barrier between the site and a protected water feature, including:

- a. Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the city storm sewer system, as approved by the city.*
- b. Walls, buildings, drainages, culverts or other structures and which form a physical barrier between the site and the protected water features, as approved by the city.*

C. If a the city is not able to clearly determine, through the Type I verification process that the applicable criteria subsection B.1.—B.6. above are met the verification application shall be denied. An applicant may then opt to apply for an verification through the Type II process defined below.

Finding: Complies as proposed. The applicant submitted a report by Environmental Technology Consultants with code responses comply with this section. According to the submitted report, no wetlands or streams were found within the project boundaries. No soil, vegetation, hydrologic features have been disturbed. No hydrologic features have been changed. There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation on the site. The property does not contain a wetland as identified by the city's local wetland inventory or water quality and flood management areas map. There is no evidence of a perennial or intermittent stream system or other protected water feature on the site. There are no established irrigation ditches currently under active farm use, or canals. Manmade storm and surface water runoff structures and artificial water collection devices do exist on site, though there are not protected resources and will be modified with the development. There is no evidence of prior land use approvals that conform to the City's existing Water Quality Resource Area Overlay District for the subject property. A prior water resource exemption for the PGE substation site at 306 18th Street just to the north of the property was approved by planning staff in 2015 (Planning File NR-15-0007). The field data sheets for that approved verification refer to the same barrier of 17th Street as with this application: a 40-foot wide Right-of-Way and 24 feet of pavement is a physical barrier between the protected feature and the property. Due to this barrier, the vegetative corridor is confined to the bank of Abernethy Creek and does not project onto the subject properties. 17th Street constitutes a physical barrier wider than 15 feet and includes a drainage system that is connected to the City's stormwater system. In the case of the wetland area identified to the North, which was constructed and improved as part of the mitigation by the City for the I-205 Jughandle project, the wetland buffers per table 17.49.110 fall about 150' from the project. Therefore the site is not within the NROD.

17.49.260. Type II Verification

Verifications of the NROD which cannot be determined pursuant to the standards of Section 17.49.255 may be processed under the Type II permit procedure.

A. Applicants for a determination under this section shall submit a site plan meeting the requirements of Section 17.49.220 as applicable.

B. Such requests may be approved provided that there is evidence that demonstrates in an environmental report prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry, that a resource function(s) and/or land feature(s) does not apply to a site-specific area.

C. Verification to remove a recently developed area from the NROD shall show that all of the following have been met:

- 1. All approved development in the NROD has been completed;*
- 2. All mitigation required for the approved development, located within the NROD, has been successful; and*
- 3. The previously identified resources and functional values on the developed site no longer exist or have been subject to a significant detrimental impact.*

Finding: Not applicable. The applicant submitted a verification pursuant to section 17.49.255 above.

Based on the above, the project as proposed is not subject to further review under Chapter 17.49.

CHAPTER 17.42 - FLOOD MANAGEMENT OVERLAY DISTRICT

17.42.020 - Applicability.

A. This chapter shall apply to development in the flood management overlay district, which may also be referred to as the "floodplain overlay district" in this code. The flood management overlay district includes all areas of special flood hazards and all flood management areas within the city. The overlay district restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.

B. The flood management areas which have been mapped include the following locations:

- 1. Land contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance maps dated June 17, 2008, including areas of special flood hazard pursuant to Section 17.42.040 and the area of inundation for the February 1996 flood; and*
- 2. Lands that have physical or documented evidence of flooding within recorded history based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.*

C. The standards that apply to the flood management areas apply in addition to state or federal restrictions governing floodplains or flood management areas.

Finding: Applicable. The subject site is within the Flood Management Overlay District; compliance is required.

The development application included a letter from Atalia Raskin, registered Engineer from Cardno which identified floodplain calculations for Phase 1 and Phase 2 of the development. As the applicant has not proposed to construct Phase 2 with this application, the scope of this Flood Management Overlay District review is limited to Phase 1.

17.42.040 - Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of these floodplain regulations and other applicable regulations. Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction. Any person who violates this Chapter or fails to comply with any of its requirements shall be subject to the enforcement procedures of this code per OCMC 1.20 Civil Infractions and 1.24 Code Enforcement. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy.

Finding: Applicable. The subject site is within the 100 year floodplain and the 1996 flood inundation. Compliance with this Chapter is required.

17.42.040.A Development Permit.

1. A development permit shall be obtained before construction or development begins within any portion of the flood management overlay district. The permit shall be for all structures, including manufactured homes and all other development, including fill and other activities, as set forth in Chapter 17.04 (Definitions).
2. Application for a development permit shall be made on forms furnished by the community development department. Requirements may include, but are not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage materials, drainage facilities; and the location of the foregoing.
3. The following information is specifically required:
 - a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
 - b. Elevation in relation to mean sea level to which any structure has been floodproofed;
 - c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.42.170E.5.; and
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Finding: Applicable. The subject site is within the 100 year floodplain and the 1996 flood inundation. The applicant submitted this application to determine compliance with this chapter.

17.42.110 - Information to be obtained and maintained.

The building official shall:

- A. Where base flood elevation data is provided through the flood insurance study, FIRM or required as in Section 17.42.100, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- B. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in Section 17.42.080:
 1. Verify and record the actual elevation (in relation to mean sea level); and
 2. Maintain the floodproofing certifications required in Section 17.42.080C.3.;
 3. Maintain for public inspection all records pertinent to the provisions of this Chapter.

Finding: Complies with condition. Prior to issuance of permits, the applicant shall submit adequate documentation to the building official to comply with OCMC 17.42.110.

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

17.42.120 - Alteration of watercourses.

- A. Notify adjacent communities and the department of land conservation and development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- B. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

Finding: Not Applicable. The applicant has not proposed to alter a watercourse with this development.

17.42.130 - Map administration.

Finding: Not applicable. The applicant has not proposed a map correction with this development application.

17.42.140 - Appeals and variance procedure.

Finding: Not applicable. The applicant has not proposed an appeal or variance.

17.42.150 - Conditions for variances.

Finding: Not applicable. The applicant has not proposed a variance to the floodplain regulations.

17.42.160.A - Flood management area standards.

Uses Permitted Outright:

1. *Excavation and fill required to plant any new trees or vegetation.*
2. *Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.190 (Floodways).*

Finding: Not applicable. The applicant proposed grading and construction of structures within the floodplain. The development is not permitted outright.

17.42.160.B Provisional Uses.

1. *All uses allowed in the base zone or existing flood hazard overlay zone are allowed in the flood management overlay district subject to compliance with the development standards of this section.*

Finding: Complies as proposed. The applicant proposed uses permitted in the Mixed Use Downtown zone which are permitted within the flood plain subject to these standards.

17.42.160.C Prohibited Uses.

1. *Any use prohibited in the base zone;*
2. *Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.*

Finding: Not applicable. The applicant did not propose prohibited uses.

17.42.160.D.1 Site Development Standards.

All development in the floodplain shall conform to the following balanced cut and fill standards:

This subsection does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that, after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

17.42.160.D.2 No net fill in any floodplain is allowed.

All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed. For the purpose of calculating net fill, fill shall include any structure below the design flood elevation that has been floodproofed pursuant to subsection (E)(5) of this section.

17.42.160.D.3

Any excavation below bankfull stage shall not count toward compensating for fill.

17.42.160.D.4

Excavation to balance a fill shall be located on the same parcel as the fill unless it is not practicable to do so. In such cases, the excavation shall be located in the same Oregon City floodplain, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.

17.42.160.D.5

For excavated areas identified by the city to remain dry in the summer, such as parks or mowed areas, the lowest elevation of the excavated area shall be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the protected water feature pursuant to Chapter 17.49. One percent slopes will be allowed in smaller areas.

17.42.160.D.6

For excavated areas identified by the city to remain wet in the summer, such as a constructed wetland, the grade shall be designed not to drain into the protected water feature pursuant to Chapter 17.49.

17.42.160.D.7

Parking areas in the floodplain shall be accompanied by signs that inform the public that the parking area is located in a flood management area and that care should be taken when the potential for flooding exists.

17.42.160.D.8

Temporary fills permitted during construction shall be removed at the end of construction, thirty days after subdivision acceptance or completion of the final inspection.

17.42.160.D.9

New culverts, stream crossings and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.

17.42.160.D.10

Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable lands.

Finding: Complies with Conditions. The applicant proposed development of Phase 1 of the General Development Plan. Compliance with this chapter is not exempt. The applicant is required to provide calculations from a registered engineer demonstrate that all fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed prior to development onsite as well as prior to issuance of a certificate of occupancy for each phase of development. Due to the size and topography of the site the applicant is likely to comply. Prior to issuance of a permit associated with the proposed development the applicant shall submit documentation demonstrating compliance with the Flood Management Overlay District in OCMC 17.42. **It is reasonable, practicable and likely that the applicant can meet this standard through the conditions of approval.**

17.42.160.E.1 Construction Standards.

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movements and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebooks for additional techniques).

17.42.160.E.2 Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

17.42.160.E.3 Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during

Finding: Complies with Conditions. The design of the structure can feasibly comply with the standards in this section. Prior to issuance of a permit associated with the proposed development the applicant shall submit documentation demonstrating compliance with the Flood Management Overlay District in OCMC 17.42. **It is reasonable, practicable and likely that the applicant can meet this standard through the conditions of approval.**

17.42.160.E.4 Residential Construction

- a. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the design flood elevation.*
- b. Full enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria.*
 - i. A minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.*
 - ii. The bottom of all openings shall be no higher than one foot above grade.*
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.*

Finding: Not applicable. The proposed Phase 1 does not include residential development.

17.42.160.E.5 Nonresidential Construction.

- a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:*
 - i. Be floodproofed so that below the design flood level the structure is watertight with walls substantially impermeable to the passage of water provided that the requirements of subsection D.2. of this section are met;*
 - ii. Have structured components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;*
 - iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.42.110B.;*
 - iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection E.4.b. of this section; and*
 - v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the design flood level will be rated as one foot below that level).*
 - vi. Manufactured Homes. The following standards apply to all manufactured homes to be placed or substantially improved on sites within Flood Hazard Areas.*

When manufactured dwellings are installed in flood hazard areas, they shall be elevated and anchored according to the Oregon Residential Specialty Code.

Finding: Complies with Conditions. The design of the structure can feasibly comply with the standards in this section. Prior to issuance of a permit associated with the proposed development the applicant shall submit documentation demonstrating compliance with the Flood Management Overlay District in OCMC 17.42. **It is reasonable, practicable and likely that the applicant can meet this standard through the conditions of approval.**

17.42.160.F Recreational Vehicles.

Finding: Not applicable. The development proposal did not include placement of recreational vehicles within the floodway.

17.42.160.G Below Grade Crawlspaces.

Finding: Complies with Conditions. The design of the structure can feasibly comply with the standards in this section. Prior to issuance of a permit associated with the proposed development the applicant shall submit documentation demonstrating compliance with the Flood Management Overlay District in OCMC 17.42.

It is reasonable, practicable and likely that the applicant can meet this standard through the conditions of approval.

17.42.170 - Review of building permits.

Where elevation data is not available either through the flood insurance study, FIRM or from another authoritative source (Section 17.42.110), application for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall be made by the building official, considering use of historical data, high water marks, photographs of past floodings, etc., where available, and the provisions of this title. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

Finding: Applicable. The application will be reviewed by the Building Division upon submittal of an application.

17.42.180 - Subdivision standards.

Finding: Not applicable. The applicant has not proposed a subdivision with this proposal.

17.42.190 - Floodways.

Finding: Not applicable. The applicant did not respond to this criteria. According to the FEMA Flood Insurance Rate Map #41005C0276D effective June 17, 2008 for this area the site is not within a Floodway.

GEOLOGIC HAZARDS – CHAPTER 17.44

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.

Finding: Complies with condition. Staff has reviewed the preliminary submittal against the geohazard overlay boundary available from the City's mapping system. There is a small area along 17th Street located within the overlay. It appears that the proposed development will meet the criteria for exemption from this chapter. However, the applicant has not shown the overlay boundary on the plans, and the two preliminary geotechnical reports did not address the geohazard overlay. To demonstrate exemption from OCMC chapter 17.44, applicant

shall provide an exhibit showing that excavation within the Geologic Hazard overlay zone is limited to excavation or fill which is less than two feet in depth, or involves less than twenty-five cubic yards of volume. However, should the applicant propose any work requiring excavation or fill which is more than two feet in depth, or which involves more than twenty-five cubic yards of volume within the Geologic Hazard overlay Zone the project will be subject to Geologic Hazard review as outlined in OCMC Chapter 17.44.

It is reasonable, practicable and likely that the applicant can meet this standard through the conditions of approval.

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);*
- 2) Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;*
- 3) Comprehensive information about site topography;*
- 4) 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;*
- 6) Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;*
- 7) Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;*
- 8) Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;*
- 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.*

10) 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.*

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.

Finding: See discussion in Section 17.44.035.

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.*

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.*

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.*

Finding: See discussion in Section 17.44.035.

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.*

Finding: See discussion in Section 17.44.035.

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.

Finding: See discussion in Section 17.44.035.

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.

Finding: See discussion in Section 17.44.035.

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

Finding: See discussion in Section 17.44.035.

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.

Finding: See discussion in Section 17.44.035.

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.

Finding: See discussion in Section 17.44.035.

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

Finding: See discussion in Section 17.44.035.

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.

Finding: See discussion in Section 17.44.035.

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.

Finding: See discussion in Section 17.44.035.

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.

Finding: See discussion in Section 17.44.035.

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.

Finding: See discussion in Section 17.44.035.

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.

Finding: See discussion in Section 17.44.035.

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.

Finding: See discussion in Section 17.44.035.

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.*

Finding: See discussion in Section 17.44.035.

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.

Finding: See discussion in Section 17.44.035.

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.

Finding: See discussion in Section 17.44.035.

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.*

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.*

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).

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

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.*

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.*

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.*

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

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.*

Finding:

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.*

Finding: See discussion in Section 17.44.035.

CHAPTER 17.58 - LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS

17.58.015 - Applicability.

The regulations of this chapter apply only to those nonconforming situations that were lawfully established or that were approved through a land use decision. All nonconforming structures, uses or lots shall have been maintained over time. These situations have lawful nonconforming status. Nonconforming situations that were not allowed when established or have not been maintained over time have no lawful right to continue.

Finding: Applies. This section applies to the existing Hackett House, which is a lawfully pre-existing non-conforming structure with respect to compliance with certain landscaping standards and orientation standards for a commercial building. The applicant has proposed to make significant upgrades to the parking lot for the Hackett House and additionally will be completely removing and bringing the public street frontage along 17th

Street up to code and in compliance with Chapter 12.04. Since the Hackett House and its grounds and landscaping is a designated historic structure and landmark minimal changes are proposed beyond the parking lot and street improvements. The house itself will remain in place.

Staff anticipates that the landscaping in front of the house may require upgrades to assure compliance with this section. See further findings below.

17.58.040 - Lawful nonconforming structure.

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

Finding: Applicable. The subject site is nonconforming for a variety of reasons including use and outdoor storage for the Phase 1 and 2 locations, as well as landscaping standards and orientation standards the Hackett House. The structure is constructed in a manner which does not comply with exterior building design standards or the zoning code and in a location which is too far from the frontage to meet the commercial building orientation requirements. The applicant has proposed to make significant upgrades to the hotel site and parking lot for the Hackett House and additionally will be completely removing and bringing the public street frontage along 17th Street up to code and in compliance with Chapter 12.04. The development is likely to exceed \$75,000.

- 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.*

Finding: Complies with condition. The applicant has proposed to make significant upgrades to the hotel site and parking lot for the Hackett House and additionally will be completely removing and bringing the public street frontage along 17th Street up to code and in compliance with Chapter 12.04. The development is likely to exceed \$75,000. Prior to issuance of a building permit, the applicant shall submit documentation demonstrating compliance with 17.58.040.

It is reasonable, practicable and likely that the applicant can meet this standard through the conditions of approval.

- 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.*

Finding: Complies with Condition. The applicant did not respond to this code section. The applicant has proposed to redevelop a majority of the site with the exception of land near the Hackett House. Prior to issuance of a building permit, the applicant shall submit documentation demonstrating compliance with 17.58.040.

It is reasonable, practicable and likely that the applicant can meet this standard through the conditions of approval.

- 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.*

Finding: Complies with Condition. The applicant did not respond to this code section. The applicant has proposed to redevelop a majority of the site with the exception of land near the Hackett House. Prior to issuance of a building permit, the applicant shall submit documentation demonstrating compliance with 17.58.040.

It is reasonable, practicable and likely that the applicant can meet this standard through the conditions of approval.

III. CONCLUSION AND RECOMMENDATION

Based on the analysis and findings as described above, Staff concludes that the proposed General Development Plan, and Phase I Detailed Development Plan for a hotel on the site located at 415 17th Street + no address on Washington Street, and identified as Clackamas County Assessor's Map number 2-2E-29CA, Tax Lots 601, 900, 1000, 1100, 1200, 1300, and 1301, can meet the requirements as described in the Oregon City Municipal Code by complying with the recommended Conditions of Approval provided in this report.

Therefore, the Community Development Director recommends approval of Files CP-17-0002, DP-17-0003 and NR-17-0004 with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

- 1. Vicinity Map
- 2. Application
 - a. General Development Plan Application, Narrative and Plans
 - b. Detailed Development Plan Application, Narrative and Plans
 - c. Transportation Impact Study
 - d. Geotechnical Study
- 3. Washington Street Elevation Architectural Analysis

4. Building Height Calculation Schematic.
5. Façade Articulation Measurements.
6. Clackamas Heritage Partner's letter of support.
7. Confederated Tribes of the Grande Ronde comments, February 27, 2017.
8. State Historic Preservation Office comments, July 14, 2016.
9. Two River's Neighborhood Association comments, January 25, 2017.
10. Replinger and Associates review of Transportation Impact Study.
11. Oregon Department of Transportation Comments, July 14th, 2017.
12. FEMA Flood Plain Map 41005C0276D
13. HR-17-02 Staff Report