



**TYPE III  
STAFF REPORT AND RECOMMENDATION**  
*November 6, 2017*

**FILE NUMBER:** CP 17-03: General Development (Concept Master) Plan Amendment  
DP 17-01: Detailed Development Plan

**APPLICANT:** Melissa Earlbaum  
256 Warner Milne Road  
Oregon City, OR 97045

**OWNER:** Clackamas County  
Don Krupp, County Administrator  
1710 Red Soils Court, #200  
Oregon City, OR 97045

**REPRESENTATIVE:** Clackamas County  
Lindsey Nesbitt, Clackamas County Planning Manager  
150 Beavercreek Road  
Oregon City, OR 97045

**REQUEST:** The applicant submitted a General Development (Concept Master) Plan Amendment to establish guidelines for temporary structures within the Clackamas County Red Soils campus, and a Detailed Development Plan for a temporary structure at the property located at 256 Warner Milne Road, Oregon City.

**LOCATION:** 256 Warner Milne Road, Oregon City; 1710, 1810 Red Soils Court, Oregon City; and 2051 Kaen Road, Oregon City  
Clackamas County Map 3-2E-05C, Tax Lots 700, 806, 807, and 812

**REVIEWER:** Diliانا Vassileva, Assistant Planner, 503-974-5501, [dvassileva@orc.org](mailto:dvassileva@orc.org)  
Sang Pau, Development Engineering Associate, 503-974-5503, [spau@orc.org](mailto:spau@orc.org)

**RECOMMENDATION:** Approval with Conditions.

**Submitted:** March 2, 2017  
**Complete:** August 11, 2017  
**120 Day Deadline:** January 12, 2018

**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.

**Recommended Conditions of Approval**  
**Planning File CP 17-03 and DP 17-01**

*(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.*

1. No new chain link fencing shall be permitted except for temporary purposes such as a construction site or as a gate for a refuse enclosure. (P)
2. The temporary structure proposed under DP 17-01 shall be removed within five years of the date of building permit issuance. No extensions for temporary structures will be granted. In the event that the temporary structure is not removed within five years, Planning staff will not approve a development application (including Type II-IV applications) for any development within the Red Soils Master Plan boundary until the temporary structure is removed. (P)

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

3. A photometric plan or documentation from a qualified professional demonstrating compliance with minimum and maximum illumination levels for the entrance of the modular building and the new pedestrian walkway to access the modular building, in accordance with the OCMC 17.62.085.B.4. If new lighting is required the applicant shall submit details of proposed light fixtures demonstrating compliance with standards for outdoor lighting in OCMC Section 17.62.065 prior to issuance of a permit associated with the proposed development. (P)
4. Documentation demonstrating compliance with refuse and recycling standards in OCMC Section 17.62.085. (P)
5. A revised site plan reflecting the addition of a temporary bollard located near the entrance of the building, as shown in Figure 8, providing a barrier between the parking lot and the modular building and providing a distinction between parking areas and areas used by pedestrians. (P)
6. The following adjustments are approved the proposed Detailed Development Plan with mitigation as identified within this report. The adjustments are not approved for future temporary structures:
  - 17.62.050(A)(9)- Pedestrian pathways and direct access to the street
  - 17.62.055 (G and H)- Variation in massing and minimum wall articulation
  - 17.62.055 (I)- Façade transparency
  - 17.62.055 (J)- Roof treatment
  - 17.52.060(A)(2)- Landscaping between temporary building and the property line
  - 17.52.060(C)- Landscaping between temporary and parking area

- 17.62.050.A.20.b Wall mounted mechanical equipment

The impact of the proposed adjustments for the Detailed Development Plan are addressed with mitigation identified within this report.

The following adjustments are approved for future temporary structures which are onsite less than 5 years within the Master Plan boundary:

- 17.62.050(C)(5)- Increase front yard setback
- 17.62.055(D)(2 and 3)- Front façade and primary entrance oriented towards street and maximum entry setback
- 17.62.080 (C)(1)- Main building entrances and transit streets
- 17.62.055.c.3 Each building include characteristics of other buildings

The applicant shall provide an updated Red Soils Master Plan to reflect this condition of approval. (P)

7. The perimeter of the property along the southern property line and along the western property line south of the Shaver Building, as shown in Figure 9, shall be landscaped with one 2" caliper tree every 35' as well as 1 shrub every 4 feet or evergreen hedge (minimum of 30" in height). The landscaping shall be approved by a Registered Landscape Architect and no bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees. Within the Natural Resource Overlay District plantings shall be native species and be installed using hand-held equipment, no existing native vegetation shall be disturbed or removed, and all work shall occur outside of wetlands. (P)

## **I. BACKGROUND:**

### **1. Existing Conditions**

#### **Red Soils Master Plan**

The Red Soils Master Plan area is an approximately 68-acre campus that consists of most of Clackamas County's government services and facilities, including but not limited to:

- administrative offices for numerous County departments;
- public services such as community health services, behavioral services and veterans' services;
- emergency operations;
- Clackamas County Jail/Adult Detention Facility

The site is zoned "MUE", Mixed Use Employment District. Surrounding zoning designations include:

- North: "R-2", Multi-Family Dwelling District and "MUC-1", Mixed Use Commercial District
- East: "MUE", Mixed Use Employment District
- South: "R-10" Single-Family Residential District and Hillendale Park
- West: "R-6" and "R-10" Single-Family Dwelling Districts, and "MUC-1", Mixed Use Corridor District.

The site is mostly developed, but includes two wetlands located within the Master Plan boundary: the Mud Creek Wetland in the southwest portion of the Master Plan site, and the Newell Creek wetland in the northeastern part of the site (Figure 3).

The Red Soils Master Plan was established in 2005 and has been amended a number of times since its original approval. A brief summary of the site history and land use approvals, Type II and III, associated with the Clackamas County Master Plan is provided below:

#### SP 03-08

A Site Plan and Design Review application for the construction of a 109,000 square foot Public Services Building and parking lot, with pedestrian amenities and landscape improvements. The four-story office building houses offices for County health services, family services, community development and administration. In addition to office spaces, the structure includes a Council Chamber, a training room, lunchroom and lockers. Review of this application included an analysis of the stream onsite (Mud Creek) and associated wetlands and delineated the Water Quality Area Resource Overlay.

#### CP 05-01, WR 05-36 & CU 05-03

A General Master Plan and two Conditional Use permits were approved for the subject site to construct a Juvenile Facility, bring a pre-existing Detention Facility into compliance and expand the facility. A Water Resource Exemption was approved for the development. The Master Plan proposed three phases of development. The first phase of construction to occur within 5 years of approval includes the construction of the Development Services Building (DSB), the Central Plaza in front of the DSB, the central utility plant and a new Facilities Building to replace the existing building. Phase two is between 5 and 10 years and includes the construction of the Courthouse, Human Services Building and three retail buildings. Phase three is between 10 and 20 years and will include the construction of the Sheriff Building, Juvenile Building, expansion of the existing detention facility and a possible expansion of the central utility plant to include a waste water treatment facility or similar component. An expansion of the central utility plant as a waste water treatment facility would require a separate conditional use permit at the time of development.

The approval identified four principles that serve as the foundation for the Master Plan:

1. Create an enduring image for the campus;
2. Create a great place for county employees to work;
3. Create a plan that makes both short term and long term fiscal sense; and
4. Create a place that employs environmentally sustainable practices.

DP 06-02

A Detailed Development Plan was approved to construct a Development Services Building and associated parking lot. The 4-story municipal building included offices for County Assessment and Taxation, Transportation and Development, County Surveyor and Water Environment Services Departments. The offices are located above a 53,000 square foot basement parking garage and storage area.

CP 07-02 and DP 07-01

A General Plan Amendment to add a Central Utility Plant and a Detailed Development Plan for the exterior improvements to the Central Utility Plant was approved by the Planning Division.

CP 08-03

A second General Plan Amendment was approved to construct an Adult Detention Facility and visitor parking lot, capable of accommodating up to 800 beds, in phase 2 of the development of the campus rather than in phase 3. The original phase 2 projects, including the County Office Buildings, parking garage, retail/office buildings and Court House, would subsequently be constructed in phase 3 developments. The amended Master Plan additionally relocated the interior loop road from north of the proposed Adult Detention Facility to south of the facility as part of the phase 3 construction and relocated the Juvenile Facility from the north side to the south side of Mud Creek.

CP 09-03, DP 09-02 and WR 09-07

The proposal includes an amendment to the Master Plan to accommodate the expansion of the jail footprint with the addition of a sally port and medical wing, and a Natural Resource Review updating the Red Soils Site/Mud Creek Wetland Delineation.

CP 12-01 and DP 12-01

The proposal included an amendment to the Master Plan to incorporate the Silver Oak Building into the Master Plan, and a review to change the use of the Silver Oak Building from light industrial to storage and office. Adjustments to fence height and building material requirements were also processed with this application.

DP 14-02

The applicant completed façade changes, landscaping changes, and relocation of the refuse enclosure at the Silver Oak Building.



Figure 1. Vicinity Map – Red Soils Master Plan Area

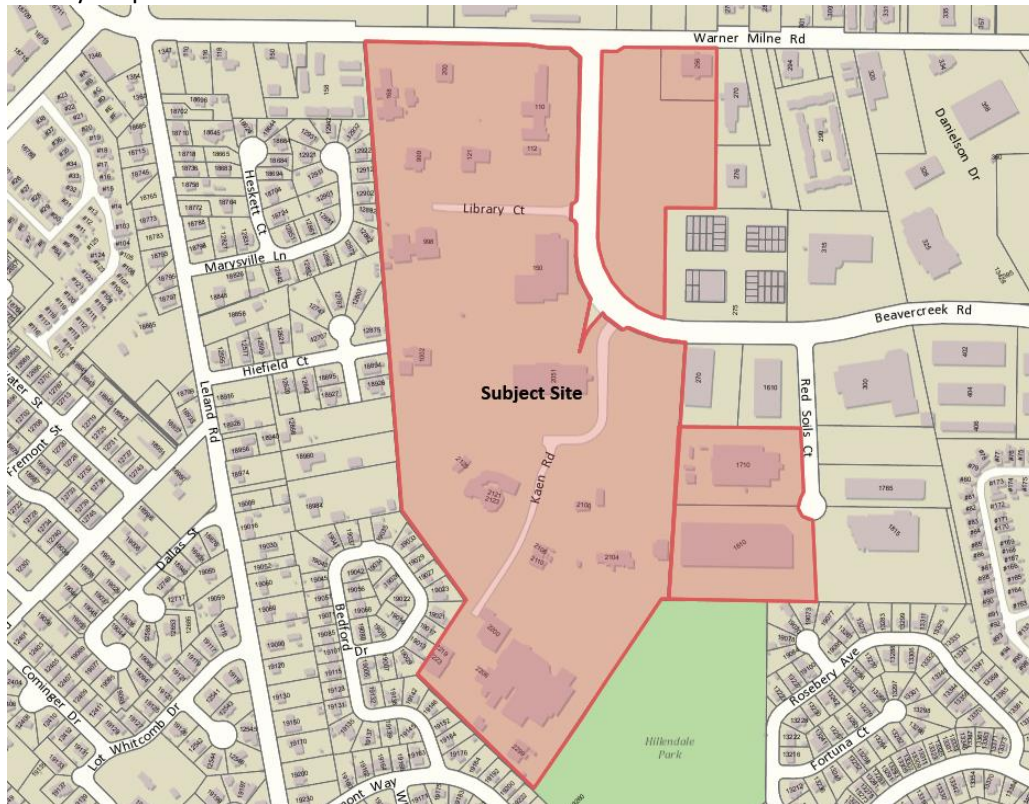


Figure 2. Existing Conditions – 2016 Aerial Image Red Soils Master Plan Area





Figure 3. Existing Conditions – Wetlands within Red Soils Master Plan



### 256 Warner Milne Road

The property located at 256 Warner Milne Road and is located in the northeastern most corner of the master plan boundary and is within the Mixed Use Employment (MUE) zoning district. The property is generally flat and is approximately 41,898 square feet in area. The site includes the Shaver Building – a single story 9,280 square foot building that was constructed in 1966, and is currently being utilized by A Safe Place Family Justice Center. Current site improvements include:

- 44 paved parking spaces, including accessible parking spaces.
- Direct paved access to Warner Mile Road.
- Paved maneuvering areas.
- Landscaping that includes a mixture of ground cover, shrubs, and mature coniferous and deciduous trees.
- Internal pedestrian sidewalks, including a direct pedestrian and accessible connection from the public sidewalk to the primary building entrance on Warner Milne.
- Right of way improvements such as a striped bike lane and curb tight sidewalks.
- The south and west portion of the property is screened with a site obscuring fence.
- The east side of the property includes an arborvitae hedge over 10 feet tall that screens the view to the back portion of the property and the side of the property.
- On site lighting for the exterior building and parking areas.

The following is an excerpt from the applicant's submittal detailing the services provided by A Safe Place Family Justice Center:

*The office building is currently being utilized by A Safe Place Family Justice Center (ASP-FJC), which began operation in December 2013. ASP-FJC is a public and non-profit agency partnership providing a variety of services, under one roof, to victims and their children fleeing domestic violence, sexual violence, elder abuse, and stalking. Services offered at ASP-FJC are free of charge and include safety planning, assistance with filing court protective orders, accessing emergency shelter, civil legal services, food resources, housing, and counseling.*

*A Safe Place uses the Family Justice Center Business Model which was developed to assist with reducing domestic violence, homicides, increase victim safety, empower victims, reduce fear and anxiety for victims and their children and reduce incidents where victims lose heart and recant allegations or minimize crimes. The model limits or eliminates the number of barriers victims encounter when attempting to access services by locating as many services as possible in one location.*

*Before ASP-FJC opened their doors in 2013, the process of accessing help was lengthy and overwhelming, where in most cases it took up to 8 weeks and as many as 10 different agency visits for a domestic violence victim in Clackamas County to seek help. Each agency stop required the victim to recount their traumatic experience, causing re-traumatization of the victim. In most cases, victims often visit with children, who were also subject to reoccurring telling of the horrific traumatic events. In addition, victims often needed to take time off from work and find transportation to make each of the 10 visits, which are significant barriers to overcome. ASP-FJC attempts to provide as many of the necessary services as possible to eliminate barriers of seeking life changing and lifesaving help to stop violence. Some of the free on site services provided at A Safe Place in Clackamas County include:*

- Assistance in filing a restraining order.*
- Playroom with childcare while accessing services.*
- Counseling services and support groups.*
- Free weekly appointments for civil legal services.*
- Crime reporting.*
- Use of computers, fax machines, printers, and internet.*
- Please see Attachment 8 for more information about the services provided at ASP-FJC.*

*ASP-FJC also utilizes video conferencing technology for an onsite video courtroom that allows victim seeking protective orders to appear in court while remaining in a trauma-informed environment with advocacy and support throughout the court process. In 2015 ASP-FJC assisted with 274 protective court orders and received 3,700 visits for services, which was a 21% increase from the previous year. ASP FJC recently received a grant (Improving Criminal Justice Response to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Grant Program) to further the important work and services provided at A Safe Place. The grant allows A Safe Place to hire more team members to assist with this worthy cause. However, as demonstrated in the application materials, the existing building is being used to its maximum capacity and a temporary modular office is needed to provide adequate space for additional team members*



Figure 4. Vicinity Map – 256 Warner Milne Road

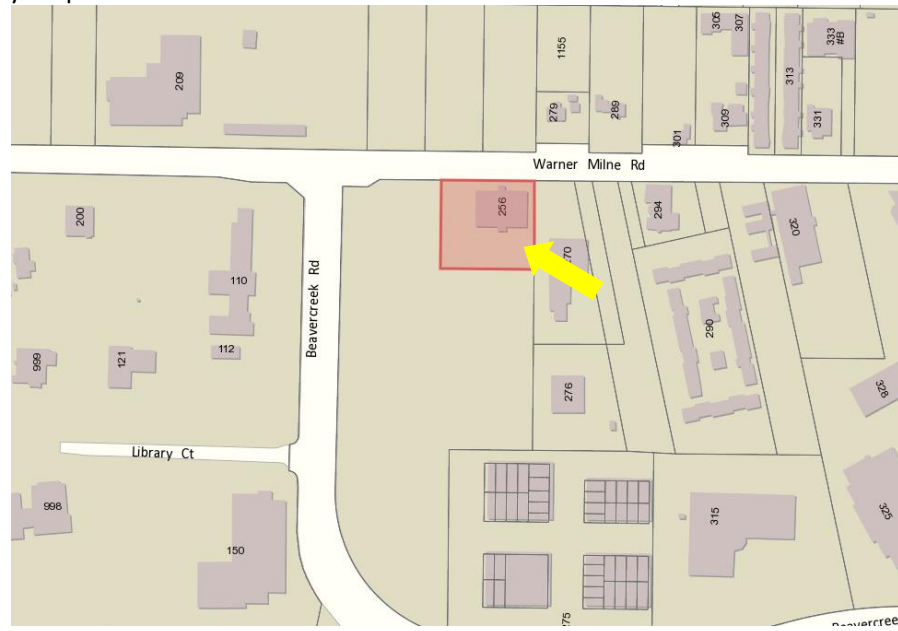
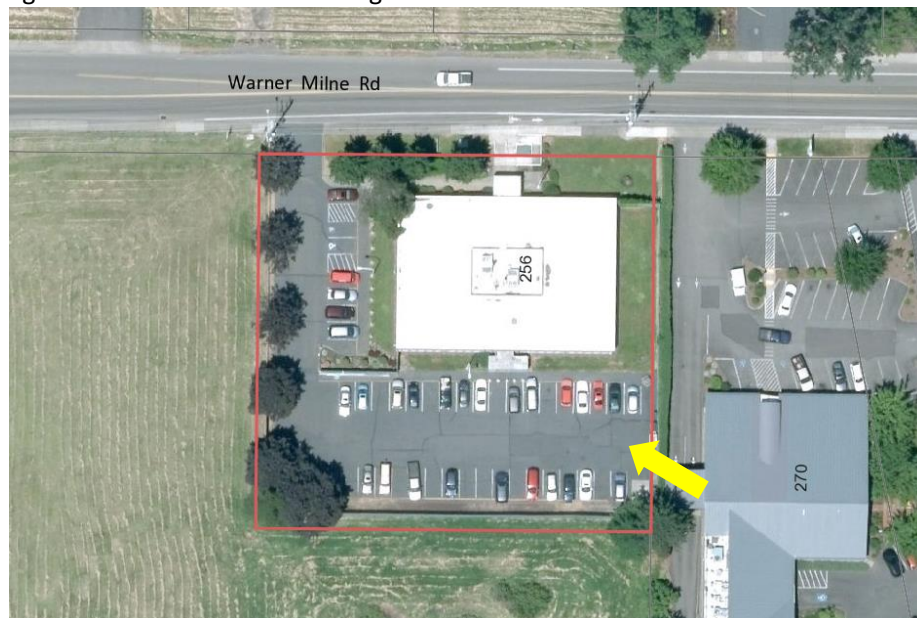


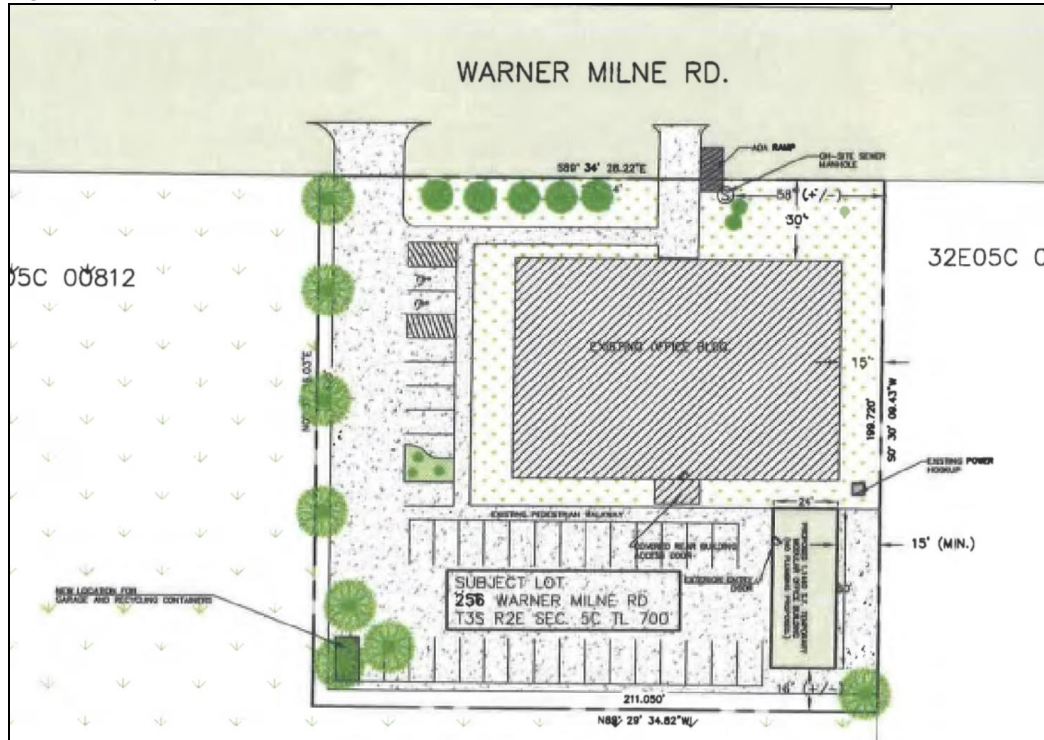
Figure 5. Existing Conditions – 2016 Aerial Image 256 Warner Milne Road



## 2. Project Description

In order to accommodate additional staff, the applicant is requesting approval of a Master Plan amendment and Detailed Development Plan for a temporary modular building located behind the Shaver Building. The building is approximately 1,400 square feet in size (24'x60'), and is proposed to be remain onsite for up to five years.

Figure 6. Proposed Site Plan



The existing Red Soils Master Plan allows temporary buildings when located behind an existing structure, but does not define temporary buildings or provide any additional parameters for these types of structures. The applicant is requesting approval of a Master Plan Amendment to allow the structure which is not identified in the existing Master Plan, to be constructed within 100 feet of the Master Plan boundary, and define and establish guidelines for temporary buildings within the Red Soils Master Plan.

The applicant is also requesting adjustments for all future temporary buildings within the subject site from the following standards of the Oregon City Municipal Code:

- 17.62.050(A)(9)- Pedestrian pathways and direct access to the street
- 17.62.050(C)(5)- Increase front yard setback
- 17.62.055(D)(2 and 3)- Front façade and primary entrance oriented towards street and maximum entry setback
- 17.62.055 (G and H)- Variation in massing and minimum wall articulation
- 17.62.055 (I)- Façade transparency
- 17.62.055 (J)- Roof treatment
- 17.62.080 (C)(1)- Main building entrances and transit streets
- 17.52.060(A)(2)- Landscaping between temporary building and the property line
- 17.52.060(C)- Landscaping between temporary and parking area

The applicant has updated the existing Red Soils Master Plan to reflect the aforementioned amendments and adjustments on the following pages of the Master Plan:

- Page 2 (last paragraph): Introduces above mentioned amendments to the Master Plan
- Page 60 (Temporary Flexible Guidelines – last paragraph and list of adjustments): Defines temporary structures and establishes adjustments from standards in the OCMC for temporary structures

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

12.04 - Streets, Sidewalks, and Public Places  
12.08 - Public and Street Trees  
13.12 - Stormwater Management  
15.48 - Grading, Filling and Excavating  
17.31 – Mixed Use Employment District  
17.41 – Tree Protection  
17.47 - Erosion and Sediment Control  
17.49 – Natural Resources Overlay District  
17.50 - Administration and Procedures  
17.62 - Site Plan and Design Review  
17.52 - Off Street Parking and Loading  
17.54.100 – Fences  
17.58 - Nonconforming Uses, Structures, and Lots

The City Code Book is available on-line at [www.orcity.org](http://www.orcity.org).

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

**5. Notice and Public Comment**

Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property. A comment from Clackamas River Water (CRW) was received identifying that CRW had no comment on the proposal. No additional public comments have been received as of the date of this staff report.

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

**II. ANALYSIS AND FINDINGS:**

**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 (Concept 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: Not Applicable.** The applicant proposes a temporary modular placed on private property and is not proposing any work in the 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: Not Applicable.** The applicant has not requested any modifications.

**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: Not Applicable.** No public improvement is required or proposed.

**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.** There are no unimproved streets associated with this project.

**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: Not Applicable.** The existing driveway to Warner Milne Road has been constructed with a width of approximately 24 feet. There are no modifications proposed to the driveway. The existing driveway width meets City of Oregon City nonresidential driveway access width requirements as described in section 12.04.025 (shown above).

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

- 1. To provide adequate space for on-street parking;*
  - 2. To facilitate street tree planting requirements;*
  - 3. To assure pedestrian and vehicular safety by limiting vehicular access points; and*
  - 4. To assure that adequate sight distance requirements are met.*
- a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements.*
- b. Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the "R-5" Single-Family Dwelling District or "R-3.5" Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or*



property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements.

**Finding: Complies as Proposed.** The applicant has provided a Traffic Analysis Letter written by a licensed engineer which states the following:

*While no new access is proposed, intersection sight distance is adequate at the existing driveway to Warner Milne Road. Warner Milne Road is posted with a speed of 30 MPH. According to AASHTO intersection sight distance standards, adequate intersection sight distance is 335 feet. Looking to both the east and west from the site driveway, intersection sight distance exceeds 335 feet.*

The City's transportation consultant, Replinger and Associates, reviewed the TAL and determined that it addresses the City's requirements and provides an adequate basis to evaluate the impacts of the proposed development (Exhibit 5). Staff concurs with the findings of the Traffic Analysis Letter (TAL) so the development will not require a reduction in the number or size of curb cuts.

*D. For all driveways, the following standards apply.*

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

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

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

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

**Finding: Not Applicable.** The development has an existing driveway which meets Oregon City standards and is not proposing any new driveways.

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

**Finding: Not applicable.** The applicant has not requested an exemption to the driveway standards.

#### **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.** There are no required sidewalk repairs along the frontage of this development at the time of application submittal.

#### **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.** Earth or soil is not 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.** Earth is not expected to fall or slide from the proposed improvements into public street right-of-way.

**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 as Proposed.** Staff has determined that the application is in conformance with the policies and design standards established by the City. There are no public improvement required or proposed by the applicant.

**12.04.175 - Street design—Generally.**

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

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

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

**Finding: Not Applicable.** The applicant has submitted a TAL which states the following:

The applicant has reviewed the City's TSP and the Warner Milne frontage is not constructed to City typical section standards. According to OCMC 12.04.180, a standard minor arterial would have right-of-way width of 116 feet, an overall paved width of 94 feet with five travel lanes of 12 feet, a sidewalk width of 10.5 feet with tree wells, a bike lane with a width of six feet, on street parking with a width of eight feet, and a median width of six feet. While these standards are not met, the increase in trip generation associated with the modular building is a de minimis impact of only eight weekday AM peak hour trips and one PM peak hour trip. Additionally, the City TSP has not adopted a project to widen Warner Milne Road to five lanes or provide the other referenced elements. Additionally, the City TSP has not adopted a project to widen Warner Milne Road to five lanes or provide the other referenced elements. The City's TSP does call for a sidewalk infill project on Warner Milne Road (Project #W41), but does not appear to include major widening.

The City's transportation consultant, Replinger and Associates, reviewed the TAL and determined that it addresses the City's requirements and provides an adequate basis to evaluate the impacts of the proposed development (Exhibit 5). City staff concurs with the submitted TAL and have determined that the impact of the 1,400 square foot office space is minimal given the relatively small size of the structure and the 5 year maximum duration and thus frontage improvements are not proposed or required.

#### **12.04.180 - Street design.**

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

**Table 12.04.180 Street Design**

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

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A
	Residential	85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft. Lanes	N/A

Road Classification	Comprehensive Plan Designation	Right-of-Way	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lane	Median
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		Width		ss			e		s	
Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A
	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:** Please refer to findings in OCMC Section 12.04.175.

**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.** There is no street dedicated to end at the boundary of the development or access through the development property granted by the City.

**12.04.190 - Street design—Alignment.**

The centerline of streets shall be:

- A. Aligned with existing streets by continuation of the centerlines; or
- B. Offset from the centerline by no more than five (5) feet, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

**Finding: Not Applicable.** No new street proposed.

**12.04.194 - Traffic sight obstructions.**

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

**Finding: Not Applicable.** No new street proposed.

**12.04.195 - Spacing standards.**

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

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

Table 12.04.195.B Minimum Driveway Spacing Standards			
Street Classification	Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Streets	Arterial	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	175 ft.
Minor Streets	Arterial	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	175 ft.
Collector Streets		Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	100 ft.
Local Streets		Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	25 ft.

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

**Finding: Complies as Proposed.** The existing driveway meets minimum driveway spacing standards. No new street proposed.

#### **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.** The development does not create lack of street continuity or create inconvenient or out of direction travel patterns for local pedestrian or bicycle trips. No pedestrian accessways are proposed or required. Therefore, the development is not required to provide a new pedestrian or bicycle accessway.

#### **12.04.205 - Mobility standards.**

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection D below, to be maintained at or below the following mobility standards

during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan or as otherwise identified by the city transportation engineer.

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

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

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

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

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

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

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

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

1. For signalized intersections:

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

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

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

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

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

I-205/OR 99E Interchange

I-205/OR 213 Interchange

OR 213/Beavercreek Road

State intersections located within or on the Regional Center Boundaries

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

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

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

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

**Finding:** Please refer to findings in Section 12.04.175 of this report.

**12.04.210 - Street design—Intersection angles.**

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

**Finding: Not Applicable.** The development is not adjacent to or abut an existing intersection and no new intersection is proposed.

**12.04.215 - Street design—Off-site street improvements.**

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

**Finding:** Please refer to findings in Section 12.04.175 of this report.

**12.04.220 - Street design—Half street.**

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

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

**Finding: Not Applicable.** No half street required or proposed.

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

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

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

**Finding: Not Applicable.** No Cul-de-sacs and dead-end streets required or proposed.

**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 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 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: Not Applicable.** Staff has determined that there is no need for screen planting or wall for this 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: Not Applicable.** Development does not front any local streets.

**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 development has adequate access to off-street parking.

**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.** The subject site is not located on 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:** Please refer to findings in Section 12.04.175 of this report.

**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: Not Applicable.** No construction within the ROW is required or proposed.

**CHAPTER 12.08 - PUBLIC AND STREET TREES**

**Finding: Not Applicable.** The applicant has not proposed to designate or remove a heritage tree or grove. No street trees are proposed or required to be planted with the proposed development.

**CHAPTER 13.12 - STORMWATER MANAGEMENT**

**Finding: Not Applicable.** The applicant proposes a temporary trailer placed on an existing paved parking lot and will not trigger stormwater improvements. This Chapter in its entirety is not applicable.

**CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING**

**Finding: Not Applicable.** The applicant proposes a temporary trailer placed on an existing paved parking lot and will not trigger grading standards. This Chapter in its entirety is not applicable.

**CHAPTER 17.31 "MUE" MIXED USE EMPLOYMENT DISTRICT**

17.31.020. Permitted uses in the MUE district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Child care centers, nursery schools;
- C. Medical and dental clinics, outpatient; infirmary services;
- D. Distributing, wholesaling and warehousing;



- E. Health and fitness clubs;*
- F. Hospitals;*
- H. Emergency service facilities (police and fire), excluding correctional facilities;*
- I. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;*
- J. Offices;*
- K. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;*
- L. Postal services;*
- M Parks, play fields and community or neighborhood centers;*
- N. Research and development offices and laboratories, related to scientific, educational, electronics and communications endeavors;*
- O. Passenger terminals (water, auto, bus, train);*
- P. Utilities. Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, water tanks, telephone exchange and cell towers;*
- Q. Transportation facilities.*

**Finding: Complies as Proposed.** The applicant has proposed a modular building to include offices, a permitted use pursuant with OCMC Section 17.31.020.J.

#### *17.31.030 - Limited uses.*

*The following permitted uses, alone or in combination, shall not exceed twenty percent of the total gross floor area of all of the other permitted and conditional uses within the MUE development site or complex. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the same development site, as determined by the community development director.*

- A. Retail services, including personal, professional, educational and financial services; laundry and dry cleaning;*
- B. Restaurants, eating and drinking establishments;*
- C. Retail shops, provided the maximum footprint for a stand alone building with a single store does not exceed sixty thousand square feet;*
- D. Public and/or private educational or training facilities;*
- E. Custom or specialized vehicle alterations or repair wholly within a building.*

**Finding: Not Applicable.** The applicant has not proposed a limited use.

#### *17.31.040 - Conditional uses.*

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

- A. Correctional, detention and work release facilities;*
- B. Drive-in or drive-through facilities;*
- C. Hotels, motels and commercial lodging;*
- D. Outdoor markets that do not meet the criteria of Section 17.31.020.M;*
- E. Public utilities and services such as pump stations and sub-stations;*
- F. Religious institutions;*
- G. Veterinary or pet hospital, dog day care.*

**Finding: Not Applicable.** The applicant has not proposed a conditional use.

#### *17.31.050 - Prohibited uses.*

*The following uses are prohibited in the MUE district:*

- A. Outdoor sales or storage;*
- B. Kennels;*
- C. Gas/Convenience stations;*

- D. Motor vehicle parts stores;*
- E. Motor vehicle sales and incidental service;*
- F. Heavy equipment service, repair, sales, storage or rental<sup>2</sup> (including but not limited to construction equipment and machinery and farming equipment);*
- G. Recreation vehicle, travel trailer, motorcycle, truck, manufactured home, leasing, rental or storage;*
- H. Self-storage facilities.*

**Finding: Complies as Proposed.** The applicant has not proposed any prohibited uses.

*17.31.060 - Dimensional standards.*

*A. Minimum lot areas: None.*

**Finding: Not Applicable.** No changes to the lot size have been proposed as part of this Master Plan Amendment and Detailed Development Plan application.

*B. Minimum Floor Area Ratio: 0.25.*

**Finding: Complies as Proposed.** The applicant has proposed the addition of a 1,440 square foot modular temporary building, which will result in an increased floor area ratio.

*C. Maximum building height: except as otherwise provided in subsection C.1. of this section building height shall not exceed sixty feet.*

*1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.*

**Finding: Complies as Proposed.** The proposed modular building is approximately 19 feet in height.

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

**Finding: Not Applicable.** The subject site does not abut a residential zone.

*E. Maximum allowed setbacks: No maximum limit provided the Site Plan and Design Review requirements of [Section 17.62.055](#) are met. Development of a campus with an approved Master Plan in the MUE zone is exempt from Section 17.62.055D.1 of Site Plan and Design Review. All other standards are applicable.*

**Finding: Not Applicable.** The proposal is within an approved Master Plan in the MUE zone and is therefore exempt from the maximum setback requirements in OCMC Section 17.62.055.D.1. The applicant has requested an adjustment from the maximum setback requirements, however, an adjustment is not required because the development is exempt from this standard.

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

**Finding: Complies as Proposed.** The modular building is proposed to be located in the parking lot. Since the structure is replacing existing parking lot area, the total site coverage of the building and parking lot would not change.

*G. Minimum landscape requirement (including the parking lot): Twenty Percent.*

*The design and development of the landscaping in this district shall:*

- 1. Enhance the appearance of the site internally and from a distance;*
- 2. Include street trees and street side landscaping;*
- 3. Provide an integrated open space and pedestrian way system within the development with appropriate connections to surrounding properties;*
- 4. Include, as appropriate, a bikeway walkway or jogging trail;*
- 5. Provide buffering or transitions between uses;*
- 6. Encourage outdoor eating areas appropriate to serve all the uses within the development;*
- 7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.*

**Finding: Not Applicable.** Additional impervious surfaces or removal of existing landscaping is not proposed as part of this Master Plan Amendment and Detailed Development Plan application. The modular building is

proposed to be located in the parking lot. Since the structure is replacing existing parking lot area, the total site coverage of the building and parking lot would not change.

#### **CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL**

**Finding: Not Applicable.** The applicant proposes a temporary trailer placed on an existing paved parking lot and will not trigger erosion control measures. This Chapter in its entirety is not applicable.

#### **CHAPTER 17.49 – NATURAL RESOURCE OVERLAY DISTRICT**

**17.49.[0]80** –*Uses allowed outright (Exempted).*

*The following uses are allowed within the NROD and do not require the issuance of an NROD permit:*

*A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the City.*  
*B. Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.*

*C. Utility service using a single utility pole or where no more than 100 square feet of ground surface is disturbed outside of the top-of-bank of water bodies and where the disturbed area is restored to the pre-construction conditions.*

*D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.*

*E. Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the Community Development Director.*

*F. Trails meeting all of the following:*

- 1. Construction shall take place between May 1 and October 30 with hand held equipment;*
- 2. Widths shall not exceed 48 inches and trail grade shall not exceed 20 percent;*
- 3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;*
- 4. Located no closer than 25 feet to a wetland or the top of banks of a perennial stream or 10 feet of an intermittent stream;*
- 5. No impervious surfaces; and*
- 6. No native trees greater than one (1) inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least 2-inch diameter and planted within 10 feet of the trail.*

*G. Land divisions provided they meet the following standards, and indicate the following on the final plat:*

- 1. Lots shall have their building sites (or buildable areas) entirely located at least 5 feet from the NROD boundary shown on the City's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least 3,500 square feet with minimum dimensions of 40 feet wide by 40 feet deep;*
- 2. All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) are located outside the NROD;*
- 3. Streets, driveways and parking areas where all pavement shall be located at least 10 feet from the NROD; and*

*4. The NROD portions of all lots are protected by:*

*a. A conservation easement; or*

*b A lot or tract created and dedicated solely for unimproved open space or conservation purposes.*

*H. Site Plan and Design Review applications where all new construction is located outside of the NROD boundary shown on the City's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the City.*

*I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.*

*J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.*

*K. Measures mandated by the City of Oregon City to remove or abate nuisances or hazardous conditions.*

*L. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List), and removal of refuse and fill, provided that:*

- 1. All work is done using hand-held equipment;*
- 2. No existing native vegetation is disturbed or removed; and*

3. All work occurs outside of wetlands and the top-of-bank of streams.

**Finding: Complies with Conditions.** In 2005, the natural resources onsite were delineated. The delineation identified a wetland located in the northeast corner of the property and drains to Newell Creek. The delineation was approved by the Division of State Lands (DSL) as WD 04-0433 and includes a vegetated buffer 50 feet wide from the edge of each of the delineated wetlands.

Figure 7: Existing Conditions – Wetlands within Red Soils Master Plan



The applicant has proposed to place the structure and garbage area in the existing paved area that has been developed since 1966. No new impervious surface is proposed, therefore, the project is exempt pursuant with OCMC Section 17.49.080.J.

Through the Master Plan amendment process, the applicant has requested various adjustments from development standards in accordance with OCMC Section 17.65.070. Mitigation is required for requested adjustments to development standards pursuant with OCMC Section 17.65.070.D.4. Part of the required mitigation is the planting of additional vegetation around the southern and western perimeter of the property in order to provide screening of the site. This area is located within the NROD, therefore, pursuant with this section, all planted vegetation must be native, all planting must be done using hand-held equipment, no existing native vegetation may be disturbed or removed, and all work must occur outside of wetlands and the top of bank of streams. Installation of native plantings is will improve the vegetated corridor associated with the wetland and is a permitted activity. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

## **CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES**

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

**Finding: Complies as Proposed.** The proposed Master Plan Amendment and Detailed Development Plan applications are being reviewed pursuant to the Type III process. Notice was posted onsite, online, mailed to property owners within 300 feet of the proposed development site and posted in a general circulation newspaper.

*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.** The applicant held a pre-application conference (file PA 16-18) on April 26, 2016. The applicant submitted a land use application on March 2, 2017, more than six months after the date of the pre-application conference, however, the Community Development Director waived the requirement for a third pre-application conference. The application was deemed incomplete on March 30, 2017 and July 28, 2017. In a letter dated August 10, 2017, the applicant requested that the land use application be deemed complete pursuant with OCMC Section 17.50.070.B, and the land use application was deemed complete on August 11, 2017.

*17.50.055 Neighborhood Association Meeting*

**Finding: Complies as Proposed.** Two Neighborhood Association meetings were held to satisfy this requirement. The applicant attended a Hillendale Neighborhood Association meeting on March 7, 2017. In addition, the applicant held a second meeting on March 8, 2017. The applicant submitted a copy of the meeting flyer, a sign-in sheet of the meeting attendees, and a summary of the issues discussed.

*17.50.060 Application Requirements.*

**Finding: Complies as Proposed.** All application materials required are submitted with this narrative. The applicant has provided full-size and two reduced size sets of plans to accompany the submittal items.

*17.50.070 Completeness Review and 120-day Rule.*

**Finding: Complies as Proposed.** This land use application was submitted on March 2, 2017. The application was deemed incomplete on March 30, 2017 and again on July 28, 2017. In a letter dated August 10, 2017, the applicant requested that the land use application be deemed complete pursuant with OCMC Section 17.50.070.B. The applicant has extended the 120-day review period and the City has until January 12, 2018 to make a final determination.

*17.50.080 Complete Application--Required Information.*



**Finding: Complies as Proposed.** This land use application was submitted on March 2, 2017. The application was deemed incomplete on March 30, 2017 and again on July 28, 2017. In a letter dated August 10, 2017, the applicant requested that the land use application be deemed complete pursuant with OCMC Section 17.50.070.B.

*17.50.090 Public Notices.*

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

*17.50.100 Notice Posting Requirements.*

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

## **CHAPTER 17.52 OFF-STREET PARKING AND LOADING**

*17.52.015 - Planning commission adjustment of parking standards.*

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

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

*C. Approval criteria for the adjustment are as follows:*

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

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

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

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

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

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

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

4. *Compatibility: The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.*
5. *Safety: The proposal does not significantly impact the safety of adjacent properties and rights-of-way.*
6. *Services: The proposal will not create a significant impact to public services, including fire and emergency services.*

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

*17.52.020 - Number of automobile spaces required.*

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

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

	<u>Minimum</u>	<u>Maximum</u>
Red Soils Campus Parking	2,053 stalls	2,996 stalls

**Finding: Complies as Proposed.** The previous Master Plan identified a minimum and maximum for parking onsite. The proposed 1,440 square-foot modular structure would be placed within the parking area, reducing the overall parking by approximately 10 spaces. The modular structure would include an office use, resulting in a total of 1,440 square feet of office space requiring a minimum of 4 parking stalls ( $1.44 \times 2.7 = 3.88$ ), and a maximum of 5 parking stalls ( $1.44 \times 3.33 = 4.79$ ). Prior to this proposal the master plan had 2,541 parking stalls, however subsequent to the proposed development the site would result in 2,531 parking stalls, exceeding the minimum requirement of 2,053 and less than the maximum of 2,996 parking stalls.

*2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed.*

**Finding: Not Applicable.** The applicant has proposed an office use which is specifically listed in Table 17.52.020.

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

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

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

**Finding: Complies as Proposed.** The parking onsite exceeds the minimum requirements within the Master Plan. It is not anticipated that additional vehicles or materials will be stored onsite.

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

**Finding: Not Applicable.** The applicant has not proposed to change the use of an existing building.

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

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

2. *Shared Parking.* Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially 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.

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

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

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

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

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

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

**Finding: Not Applicable.** The applicant has not proposed any of the options provided in this section. All parking stalls are accommodated onsite.

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

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

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

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

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

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

**Finding: Not Applicable.** The applicant has not requested a reduction for the number of parking spaces required.

*17.52.030 - Standards for automobile parking.*

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

**Finding:** See finding from section 12.04.025.

*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:** See findings from section Chapter 13.12.

*C. Drainage. Drainage shall be designed in accordance with the requirements of [Chapter 13.12](#) and the city public works stormwater and grading design standards.*

**Finding:** See findings from section Chapter 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.*

**Finding: Not Applicable.** The applicant has not proposed a new parking lot. Parking stalls onsite are existing.

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

**Finding: Not Applicable.** The applicant has not proposed a new parking lot. Parking stalls onsite are existing.

*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: Not Applicable.** The applicant has not proposed new bicycle parking as part of this Master Plan Amendment or Detailed Development Plan application.

*17.52.060 - Parking lot landscaping.*

*A. Development Standards.*

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

**Finding: Complies as Proposed.** The applicant has not proposed any additional landscaping and is requesting adjustments to parking lot landscaping requirements. Please refer to Master Plan adjustment criteria in Section 17.65.070 of this report.

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

**Finding: Complies as Proposed.** The proposal does not comply with this standard as the area behind the proposed manufactured building would not be used for parking, maneuvering, or circulation, nor would it be landscaped. The applicant is requesting adjustments to parking lot landscaping requirements. Please refer to Master Plan adjustment criteria in Section 17.65.070 of this report.

*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.*

*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;*

*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;*

*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.*

*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: Not Applicable.** No parking lot landscaping is proposed.

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

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

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

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

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

*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*

*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: Not Applicable.** The applicant has not proposed to amend or an expansion to the parking lot or new perimeter parking lot landscaping.



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

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

**Finding: Complies as Proposed.** The applicant has not proposed parking area/building buffer landscaping for the proposed modular building. The applicant is requesting adjustments to parking lot landscaping requirements. Please refer to Master Plan adjustment criteria in Section 17.65.070 of this report.

*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: Not Applicable.** The existing parking lot includes some interior parking lot landscaping, though it does not meet all of the interior parking lot landscaping standards. No parking lot changes or expansions are proposed, therefore, additional interior parking lot landscaping is not proposed or required.

*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: Not Applicable.** No new parking lot landscaping is proposed.

*17.52.070 - Alternative landscaping plan.*

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

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

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

**Finding: Not Applicable.** The applicant 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 applicant's narrative identifies that the existing landscaping will continue to be maintained.

*17.52.090 - Loading areas.*

*B. Applicability.*

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

**Finding: Not Applicable.** The applicant's narrative identifies that the proposed office use and modular building will not receive deliveries from trucks with a wheel base of forty feet or greater, nor at a frequency of one or more vehicles per week. Truck deliveries to the site will not be increased with the addition of the proposed modular building. No loading areas are required or proposed.

#### **CHAPTER 17.54.100 - FENCES**

**Finding: Not Applicable.** New fences, hedges, or walls are not proposed or required as part of this Detailed Development Plan and Master Plan Amendment application.

#### **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: Applicable.** The site is considered non-conforming for various reasons including parking lot landscaping, maximum setbacks, and building modulation and articulation among others; therefore, Chapter 17.58 is applicable to this development.

*A structure that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered a lawful nonconforming structure. Notwithstanding development standard requirements in this Code, minor repairs and routine maintenance of a lawful nonconforming structure are permitted. The continuation of a lawful nonconforming structure is subject to the following:*

*A. Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.*

*B. Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.*

*C. Expansion. An expansion of a lawful nonconforming structure may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.*

*1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it must be found that the criteria identified in Section 17.58.060 have either been met, can be met by observance of conditions, or are not applicable.*

*2. An expansion of a nonconforming structure with alterations that exceed the threshold of subparagraph C.2.a. below shall comply with the development standards listed in subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.*

*a. Thresholds triggering compliance. The standards of subparagraph C.2.b. below shall be met when the value of the proposed exterior alterations or additions to the site, as determined by the community development*

director, is more than seventy-five thousand dollars. The following alterations and improvements shall not be included in the threshold calculation:

1. Proposed alterations to meet approved fire and life safety agreements;
2. Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
3. Alterations required to meet Seismic Design Requirements; and
4. Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.

b. Standards that shall be met. Developments not complying with the development standards listed below shall be brought into conformance.

1. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;
2. Minimum perimeter parking lot landscaping;
3. Minimum interior parking lot landscaping;
4. Minimum site landscaping requirements;
5. Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with [Chapter 17.52—Off-Street Parking and Loading](#);
6. Screening; and
7. Paving of surface parking and exterior storage and display areas.

c. Area of required improvements.

1. Generally. Except as provided in C.2.c.2. below, required improvements shall be made for the entire site.
2. Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant shall meet the following:

i. The signed ground lease — or excerpts from the lease document satisfactory to the city attorney — shall be submitted to the community development director. The portions of the lease shall include the following:

- The term of the lease. In all cases, there must be at least one year remaining on the ground lease; and
- A legal description of the boundaries of the lease.

ii. The boundaries of the ground lease shall be shown on the site plan submitted with the application. The area of the lease shall include all existing and any proposed development that is required for, or is used exclusively by, those uses within the area of the lease; and

iii. Screening shall not be required along the boundaries of ground leases that are interior to the site.

d. Timing and cost of required improvements. The applicant may choose one of the two following options for making the required improvements:

1. Option 1. Required improvements may be made as part of the alteration that triggers the required improvements. The cost of the standards that shall be met, identified in subparagraph C.2.b. above, is limited to ten percent of the value of the proposed alterations. It is the responsibility of the applicant to document to the community development director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal. When all required improvements are not being made, the priority for the improvements shall be as listed in subparagraph C.2.b. above.

2. Option 2. Required improvements may be made over several years, based on the compliance period identified in [Table 17.58—1](#) below. However, by the end of the compliance period, the site shall be brought fully into compliance with the standards listed in subparagraph C.2.b. Where this option is chosen, the following must be met:

i. Before a building permit is issued, the applicant shall submit the following to the community development director:

- A Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in Subparagraph C.2.b.
- A covenant, in a form approved by the city attorney, executed by the property owner that meets the requirements of [17.50.150](#). The covenant shall identify development on the site that does not meet the standards listed in Subparagraph C.2.b., and require the owner to bring that development fully into

compliance with this title. The covenant shall also specify the date by which the owner will be in conformance. The date must be within the compliance periods set out in Table 17.58 — 1.

ii. The nonconforming development identified in the Nonconforming Development Assessment shall be brought into full compliance with the requirements of this Title within the following compliance periods. The compliance period begins when a building permit is issued for alterations to the site of more than seventy-five thousand dollars. The compliance periods are based on the size of the site (see Table 17.58—1 below).

iii. By the end of the compliance period, the applicant or owner shall request that the site be certified by the community development director as in compliance. If the request is not received within that time, or if the site is not fully in conformance, no additional building permits will be issued.

iv. If the regulations referred to by subparagraph C.2.b. are amended after the Nonconforming Development Assessment is received by the community development director, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant shall address the new nonconforming development using Option 1 or 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant and compliance period will be required for the new nonconforming development.

Table 17.58—1

Compliance Periods for Option 2

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

**Finding: Not Applicable.** The applicant has identified that the construction cost of the modular building is approximately \$72,000 and that the building is temporary in nature, therefore, proportional non-conforming upgrades to the site are not required.

## **CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW**

**17.62.015** Modifications that will better meet design review requirements.

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

**Finding: Applicable.** Though the applicant has not requested modifications through the Site Plan and Design Review process, the applicant has proposed a plywood siding, which is identified as a prohibited building material. Therefore, a modification to 17.62.050.A.21 is needed, as plywood siding is prohibited when visible.

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

**Finding: Complies with Condition.** OCMC Section 17.62.050.A.21 identifies that plywood siding is a prohibited building material if visible. The Red Soils Master Plan allows for the use of temporary structures, though requires that they are located behind existing structures in order to provide screening. The modular building proposed would also be screened by an existing eight-foot chain link fence with slats to act as a visual obstruction and an existing hedge along portions of the fence. As conditioned in this report, the building would be further screened by additional vegetation along the western and southern property lines resulting in landscaping along the exterior of the fencing where the building can be seen from the

neighboring properties and right-of-way. The exterior material of the proposed modular building is similar to the exterior material of many temporary structures. As the Master Plan allows for temporary structures it is assumed that, given the requirement for locating them behind permanent buildings, that the exterior material would be allowed if properly screened. Though parts of the temporary modular building will still be visible in certain locations, the building would be temporary, therefore, the impact of the prohibited building material will not be permanent, while the trees planted to provide screening will remain after the removal of the modular building resulting in a development that better meets design guidelines. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*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: Complies with Condition.** The standards for building materials are intended to enhance the appearance of buildings and provide for visually appealing building design. They also ensure that lasting, quality materials are used. This building would not be open to the public, would be temporary in nature, and would not be visible to the extent feasible, therefore, standards that enhance the appearance of the building are not as critical as they are for buildings that are permanent, visible, and accessible to the public. The modification meets the intent of the standard. **Staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*17.62.020 - Preapplication conference.*

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

**Finding: Complies as Proposed.** Please refer to findings in Section 17.50.050 of this report.

*17.62.030 - When required.*

*Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6, R-5 and R-3.5 zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cottage housing development, multi-family and non-residential uses in all zones. No building permit or other permit authorization for development shall be issued prior to site plan and design review approval. Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval. Site plan and design review shall not alter the type and category of uses permitted in zoning districts.*

**Finding: Applicable.** The applicant has proposed development of a property in the Mixed Use Employment District. Compliance with OCMC Chapter 17.62 is required for Detailed Development Plan applications pursuant with OCMC Section 17.65.060.

*17.62.035 - Minor site plan and design review.*

**Finding: Not Applicable.** The applicant's proposal does not qualify for the Minor Site Plan and Design Review process.

*17.62.040 - Plans required.*

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

*17.62.050 - Standards.*

*A. All development shall comply with the following standards:*

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



**Finding: Not Applicable.** The applicant has identified that approximately 24% of the subject site is landscaped. The proposed modular building is being placed in the existing parking lot and no landscaping is being removed to accommodate the proposed structure. Therefore, no changes to site landscaping are proposed.

*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.** Though no additional parking stalls are proposed with this application, all parking areas are located behind the Shaver Building, which is the forward-most structure on the site.

*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: Not Applicable.** No new driveways are proposed or required as part of this Detailed Development Plan or Master Plan Amendment application. The site has existing access to Warner Milne Road.

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

**Finding: Not Applicable.** The site is not located within the R-2, MUC-1, MUC-2, MUD, or NC districts. No changes to vehicular access are required or proposed as part of this Detailed Development Plan or Master Plan Amendment application.

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

**Finding: Not Applicable.** The site does not abut an alley. No changes to vehicular access are required or proposed as part of this Detailed Development Plan or Master Plan Amendment application.

*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: Not Applicable.** The site is developed with a single driveway. No additional driveways or other changes to vehicular access are required or proposed as part of the Detailed Development Plan or Master Plan Amendment application.

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

**Finding: Not Applicable.** No new driveways are proposed or required as part of this Detailed Development Plan and Master Plan Amendment application.

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

**Finding: Not Applicable.** The development does not propose to alter existing site access or connections to adjacent sites. The Red Soils Master Plan at full buildout provides connections for to adjacent sites within the Master Plan area.

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

**Finding: Not applicable.** The existing pedestrian accessways on the site are not in lieu of vehicular streets.

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

**Finding: Not Applicable.** The development does not propose to alter existing site access or connections to adjacent sites. The Red Soils Master Plan at full buildout provides connections for to adjacent sites within the Master Plan area.

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

**Finding: Not Applicable.** No stub streets are proposed.

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

**Finding: Not Applicable.** The original master plan approval identified public improvements.

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

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

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

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

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

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

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

**Finding: Complies as Proposed.** As demonstrated within this report, the proposal will comply with the applicable standards in the Oregon City Municipal Code with the proposed conditions of approval or adjustments. All sides of the building include materials and design characteristics consistent with those on front, and inferior or lesser quality materials on rear or side facades of the building are not proposed. The subject site is not located within a historic area.

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

**Finding: Not Applicable.** No grading is proposed as part of this Detailed Development Plan and Master Plan Amendment application.

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

**Finding: Not Applicable.** Site is not within the Geologic Hazard overlay district.

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

**Finding:** See findings from section 13.12.

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

**Finding:** Please refer to the findings under Chapter 17.52.

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

**Finding:** See findings from section 12.04.175.

*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 applicant is not proposing pedestrian pathways connecting the main entrance of the proposed modular building to the street. The proposal does not comply with this standard; however, the applicant is requesting adjustments to pedestrian circulation requirements. Please refer to the Master Plan adjustment criteria in Section 17.65.070 of this report.

*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 applicant is not proposing pedestrian pathways connecting the main entrance of the proposed modular building to the main entrance of the Shaver Building. The proposal does not comply with this standard; however, the applicant is requesting adjustments to pedestrian circulation requirements. Please refer to the Master Plan adjustment criteria in Section 17.65.070 of this report.

The applicant proposed to access the modular from the Shaver Building through an existing pedestrian accessway in the parking lot which would connect to a new temporary pedestrian accessway along the paved surface connecting to the stairway into the modular. The width of the accessway is in excess of 5 feet. The location proposed for this connection is currently utilized as a parking stall. In order to assure the safety of the pedestrian accessway, the applicant shall install a bollard to delineate the temporary walkway as well as install lighting as required in OCMC 17.62.065 for the temporary extension to the walkway.



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

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 modular building does not walkways providing access to dwelling units.

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

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

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

**Finding:** Please refer to OCMC 17.62.050.A.9.b.

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:** Please refer to OCMC 17.62.050.A.9.b.

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's narrative identifies that Clackamas County will continue to maintain the site.

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

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

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

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

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

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

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

**Finding: Complies as proposed.** The plans submitted by the applicant show that the new structure does not have any new water or sanitary facilities.

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 from section 12.04.175.

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

**Finding: Complies as Proposed.** The application was transmitted to Tri-Met and no comments were received in response to the applicant's proposal.

17. All utility lines shall be placed underground.



**Finding: Complies as Proposed.** Electrical utility lines along site frontage are classified as main distribution feeders. PGE has determined, and staff concurs, that undergrounding of main distribution feeders is not feasible. Further, undergrounding utilities would not be proportional to the impact created by placement of a temporary office trailer.

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

**Finding: Complies as Proposed.** The applicant's narrative identified that the proposed modular building will include an accessible ramp. Compliance with ADA and accessibility standards will be reviewed upon submittal of a building permit.

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

**Finding: Not Applicable.** The applicant has not proposed a residential development.

*20. Screening of Mechanical Equipment:*

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

**Finding: Not Applicable.** The applicant has indicated that no rooftop mechanical units are proposed as part of this Detailed Development Plan application.

*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 with Condition.** The proposed modular building does include wall mounted mechanical equipment on the front façade of the building. Though an adjustment to this standard was not requested, staff has recommended an adjustment. Please refer to Master Plan adjustment criteria in Section 17.65.070 of this report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding: Not Applicable.** The applicant has indicated that no ground-mounted mechanical units are proposed as part of this Detailed Development Plan application.

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

**Finding:** Please refer to the analysis within this report.

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

**Finding: Not Applicable.** The applicant's proposal does not include the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.

## **21. Building Materials.**

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

*i. Brick.*

*ii. Basalt stone or basalt veneer.*

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

*iv. Board and baton siding.*

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

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

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

**Finding: Complies as Proposed.** The applicant's submittal does not include preferred building materials.

*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:** The applicant has proposed plywood siding. Therefore, a modification to this standard is needed. Please refer to the findings in Section 17.62.015 of this report.

*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: Not Applicable.** The applicant's proposal does not include special building materials listed in this section.

17.62.055 - *Institutional and commercial building standards.*

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

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

**Finding: Applicable.** The applicant is proposing an institutional government office building. OCMC Section 17.62.055 is applicable to the proposed development.

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

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

**Finding: Complies with Conditions.** The structures comply with the standards in the Oregon City Municipal Code with the conditions of approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding: Not Applicable.** A standardized prototype or franchise design has not been proposed.

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 with Condition.** The proposed modular building does not include predominant characteristics shared with the Shaver Building. Though an adjustment to this standard was not requested, staff has recommended an adjustment. Please refer to Master Plan adjustment criteria in Section 17.65.070 of this report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding: Not applicable.** A conflict has not been identified.

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 with Condition.** The proposed modular building does not comply with the maximum front yard setback requirement in this section. The applicant is requesting adjustments to front yard setback requirements. Please refer to Master Plan adjustment criteria in Section 17.65.070 of this report. **Staff has**

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

*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 with Condition.** The proposed modular building does not comply with the maximum front yard setback requirement in this section. The applicant is requesting adjustments to front yard setback requirements. Please refer to Master Plan adjustment criteria in Section 17.65.070 of this report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*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 proposed modular building does not comply with the building orientation requirements in this section. The applicant is requesting adjustments to building orientation and entranceway requirements. Please refer to Master Plan adjustment criteria in Section 17.65.070 of this report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions 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.*

*I. 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.** The proposed modular building does not comply with the building orientation requirements in this section. The applicant is requesting adjustments to building orientation and entranceway requirements. Please refer to Master Plan adjustment criteria in Section 17.65.070 of this report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions 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. (Ord. 01-1002 §2, 2001)*

**Finding: Not Applicable.** The applicant has not proposed a large retail establishment.

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

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

#### *E. Corner Lots.*

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

- 1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.*
- 2. Chamfer the corner of the building (i.e. cut the corner at a forty-five-degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.*

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

#### *F. Commercial First Floor Frontage.*

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

**Finding: Complies as Proposed.** The applicant's proposal does not include a commercial development. This standard is not applicable.

#### *G. Variation in Massing.*

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

**Finding: Complies with Condition.** The proposed modular building does not comply with the variation in massing requirements in this section. The applicant is requesting adjustments to variation in massing requirements. Please refer to Master Plan adjustment criteria in Section 17.65.070 of this report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### *H. Minimum Wall Articulation.*



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

*i. Change in plane,*

*ii Change in texture or masonry pattern or color,*

*iii. Windows, treillage with landscaping appropriate for establishment on a trellis.*

*iv. An equivalent element that subdivides the wall into human scale proportions.*

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

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

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

*a. Color change;*

*b. Texture change;*

*c. Material module change.*

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

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

**Finding: Complies with Condition.** The proposed modular building does not comply with the building articulation requirements in this section. The applicant is requesting adjustments to minimum wall articulation requirements. Please refer to Master Plan adjustment criteria in Section 17.65.070 of this report.

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

#### *I. Facade Transparency.*

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

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

**Finding: Complies with Condition.** The proposed modular building does not comply with the building transparency requirements in this section. The applicant is requesting adjustments to transparency requirements. Please refer to Master Plan adjustment criteria in Section 17.65.070 of this report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### *J. Roof Treatments.*

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

- a. Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials; or
  - b. Sloping roof with overhangs and brackets; or
  - c. Stepped parapets;
  - d. Special architectural features, such as bay windows, decorative roofs and entry features may project up to three feet into street rights-of-way, provided that they are not less than nine feet above the sidewalk.
2. Mixed use buildings: For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall). The maximum length of any continuous roofline shall be seventy-five feet.
3. Other roof forms consistent with the design standards herein may satisfy this standard if the individual segments of the roof with no change in slope or discontinuity are less than forty feet in width (measured horizontally).

**Finding: Complies with Condition.** The proposed modular building does not comply with roof treatments requirements in this section. The applicant is requesting adjustments to roof treatments requirements. Please refer to Master Plan adjustment criteria in Section 17.65.070 of this report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*K. Drive-through facilities shall:*

- 1. Be located at the side or rear of the building.
- 2. Be designed to maximize queue storage on site.

**Finding: Not Applicable.** The proposal does not include a drive-through facility.

*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.** The applicant has not proposed a large retail establishment. This section is not applicable.

*17.62.057 - Multi-family standards.*

**Finding: Not Applicable.** The applicant has not proposed a multi-family development. This section is not applicable

*17.62.059 - Cottage housing.*

**Finding: Not Applicable.** The applicant has not proposed a cottage housing development. This section is not applicable.

*17.62.065 - Outdoor lighting.*

*B. Applicability.*

*1. General.*

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

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

**Finding: Applicable.** The proposed development includes an institutional development in the MUE District. This section is applicable.

## *2. Lighting Plan Requirement.*

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

**Finding: Complies with Condition.** The applicant is not proposing new lighting and did not submit a photometric plan. Though no new lighting is proposed, the applicant must demonstrate compliance with minimum lighting requirements for the development proposed including the entranceway of the temporary building and new pedestrian walkways, as identified in Table 17.62.065.B.4. Prior to issuance of a building permit for the proposed development, the applicant shall submit a photometric plan or documentation from a qualified professional demonstrating compliance with minimum and maximum illumination levels for the entrance of the modular building and new pedestrian walkways to access the modular building in accordance with the OCMC 17.62.065.B.4. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the conditions of approval.**

## *3. Excepted Lighting.*

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

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

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

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

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

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

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

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

**Finding: Not Applicable.** The applicant has not proposed any excepted lighting.

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

**Finding:** Please refer to the findings within this report.

## *D. Design and Illumination Standards.*

*General Outdoor Lighting Standard and Glare Prohibition.*

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

**Finding: Complies with Condition.** The applicant is not proposing new lighting and did not submit a photometric plan. Though no new lighting is proposed, the applicant must demonstrate compliance with minimum lighting requirements for the development proposed including the entranceway of the temporary building and new pedestrian walkways, as identified in Table 17.62.065.B.4. Prior to issuance of a building permit for the proposed development, the applicant shall submit a photometric plan or documentation from a qualified professional demonstrating compliance with minimum and maximum illumination levels for the entrance of the modular building and new pedestrian walkways to access the modular building in accordance with the OCMC 17.62.065.B.4. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the conditions of approval.**

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

**Finding: Complies with Condition.** The applicant has not proposed any new lighting, therefore, details of light fixtures were not submitted. If new lighting is required in order to comply with minimum lighting requirements for the modular building entranceway and pedestrian walkways, the applicant shall submit details of proposed light fixtures demonstrating compliance with standards for outdoor lighting in OCMC Section 17.62.065 prior to issuance of a permit associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding: Complies with Condition.** The applicant has not proposed any new lighting, therefore, details of light fixtures were not submitted. If new lighting is required in order to comply with minimum lighting requirements for the modular building entranceway and pedestrian walkways, the applicant shall submit details of proposed light fixtures demonstrating compliance with standards for outdoor lighting in OCMC Section 17.62.065 prior to issuance of a permit associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### 4. Lighting levels:

Table 1-17.62.065. Foot-candle Levels

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

**Finding: Complies with Condition.** The applicant is not proposing new lighting and did not submit a photometric plan. Though no new lighting is proposed, the applicant must demonstrate compliance with minimum lighting requirements for the development proposed including the entranceway of the temporary building and new pedestrian walkways, as identified in Table 17.62.065.B.4. Prior to issuance of a building permit for the proposed development, the applicant shall submit a photometric plan or documentation from a qualified professional demonstrating compliance with minimum and maximum illumination levels for the entrance of the modular building and new pedestrian walkways to access the modular building in accordance with the OCMC 17.62.065.B.4. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the conditions of approval.**

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

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

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

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

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.*

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

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

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

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.*

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

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

**Finding: Complies with Condition.** The applicant has not proposed any new lighting, therefore, details of light fixtures were not submitted. If new lighting is required in order to comply with minimum lighting requirements for the modular building entranceway and pedestrian walkways, the applicant shall submit details of proposed light fixtures demonstrating compliance with standards for outdoor lighting in OCMC Section 17.62.065 prior to issuance of a permit associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding: Not Applicable.** The applicant has not proposed a wireless site. This section is not applicable.

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

i. *Maximum permitted light post height: eighty feet.*

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

**Finding: Not Applicable.** The applicant has not proposed recreational uses. This section is not applicable.

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.** Only that portion of Warner Milne Road west of its intersection with Beavercreek Road is a transit route. The portion of Warner Milne Road abutting the subject site is not a transit route, therefore, standards along transit streets are not applicable to this application. However, the applicant



requested an amendment to the Master Plan for exemption from this standard for temporary buildings. Please refer to Master Plan adjustment criteria in Section 17.65.070 of this report.

*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 Condition.** The existing refuse and recycling area is located near the eastern property line. The temporary modular building would block access to the refuse and recycling area, therefore, the applicant is proposing to move the refuse/recycling area to a parking stall in the southwestern corner of the property. The existing refuse and recycling area consists of two roll carts and is not enclosed. Since the refuse and recycling bins are moving, they must be brought into compliance with these standards. Therefore, the new refuse and recycling area must be fully enclosed and visually screened and constructed of sturdy materials compatible with the Shaver Building. The applicant indicated that the existing bins are sized appropriately to meet the needs of the current and expected tenants, and that the proposed modular building is not expected to increase refuse or recycling onsite. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit documentation demonstrating compliance with refuse and recycling standards in OCMC Section 17.62.085. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### **CHAPTER 17.41 - TREE PROTECTION STANDARDS**

*17.41.020 - Tree protection—Applicability.*

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

**Finding: Applicable.** The proposed development includes a Detailed Development Plan application, therefore, Chapter 17.41 is applicable.

*17.41.030 - Tree protection—Conflicting code provisions.*

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

**Finding: Applicable.** With the exception of trees located within the Natural Resource Overlay District, which are subject to the standards in OCMC Chapter 17.49, the trees within the boundaries of the property or associated with the proposed development onsite are regulated under this section of code and do not fall under any other protections within the City's development codes.

**17.41.040 - Same—Exemptions.**

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

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

**17.41.050 - Same—Compliance options.**

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

*A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections [17.41.060](#) or [17.41.070](#). All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.*

*B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections [17.41.080](#)—[17.41.100](#); or*

*C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections [17.41.110](#)—[17.41.120](#); or*

*D. Option 4—Cash-in-lieu of planting pursuant to [Section 17.41.130](#).*

*A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.*

*The community development director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:*

- 1. Preclude achieving eighty percent of minimum density with reduction of lot size; or*
- 2. Preclude meeting minimum connectivity requirements for subdivisions.*

**Finding: Not Applicable.** The applicant has not proposed any tree removal as part of this Detailed Development Plan and Master Plan Amendment application, therefore, mitigation is not required.

**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: Not Applicable.** Existing trees onsite are not in the vicinity of the proposed modular building, therefore, tree protection measures during construction are not required.

## **CHAPTER 17.65 MASTER PLANS**

### ***17.65.030 - Applicability of the Master Plan Regulations.***

**Finding: Applies.** The subject site was originally approved for a Master Plan in 2005. The applicant proposed the following modifications to the Master Plan:

- *Construct a structure not previously identified in the Master Plan within 100 feet of the Master Plan Boundary*
- *Clarify that temporary structures are structures within the Master Plan that will be onsite for no longer than 5 years.*
- *Adjustments from design standards that exempt all temporary buildings from the following criteria:*
  - *17.62.050(A)(9)- Pedestrian pathways and direct access to the street*
  - *17.62.055 (G and H)- Variation in massing and minimum wall articulation*
  - *17.62.055 (I)- Façade transparency*
  - *17.62.055 (J)- Roof treatment*
  - *17.52.060(A)(2)- Landscaping between temporary building and the property line*
  - *17.52.060(C)- Landscaping between temporary and parking area*
  - *17.62.050(C)(5)- Increase front yard setback*
  - *17.62.055(D)(2 and 3)- Front façade and primary entrance oriented towards street and maximum entry setback*
  - *17.62.080 (C)(1)- Main building entrances and transit streets*

- *Staff proposed additional adjustments to the following:*
  - *17.62.050.A.20.b wall mounted mechanical equipment*
  - *17.62.055.c.3 Each building include characteristics of other buildings*

**17.65.050.A. Existing Conditions Submittal Requirements**

*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.*
- 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 × 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.*
- e. Previous land use approvals within the General Development Plan boundary and related conditions of approval.*
- f. Existing utilization of the site. May also reference submitted maps, diagrams or photographs.*
- 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.*
- 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).*
- i. Infrastructure facilities and capacity, including the following items.*

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

**Finding: Complies as Proposed.** The existing Red Soils Master Plan contains details on existing conditions meeting the requirements of this section. The proposed Master Plan Amendment seeks to define temporary buildings and establish guidelines and adjustments to certain development standards for temporary buildings, but would not otherwise affect existing conditions or any of the requirements of this section.

**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 existing Red Soils Master Plan is a multi-phase plan with full buildout projected for 2030. The current Master Plan Amendment application does not propose to alter the duration of the general development plan.

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

**Finding: Complies as Proposed.** The existing Red Soils Master Plan includes maps identifying the Master Plan development boundary. The development boundary is not proposed to change as part of the current Master Plan Amendment application.

**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 Red Soils Master Plan is a multi-phase plan with full buildout projected for 2030. The current Master Plan Amendment application does not propose additional phasing.

**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 proposed Master Plan Amendment 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 Master Plan Amendment seeks to define temporary buildings and establish guidelines and adjustments to certain development standards for temporary buildings.

**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 existing Red Soils Master Plan provides an overview of the development’s impact on wetlands located within the Master Plan boundary and does not identify any historic structures onsite. Further, the location of the proposed development is paved, and thus the stormwater is unaffected.

**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* – Please refer to the findings in Section 17.65.050.B.1.g of this report.
- 2. Internal parking and circulation impacts* – The existing Master Plan includes an analysis of internal parking and circulation impacts. The currently proposed Master Plan Amendment seeks to define temporary buildings and establish adjustments from certain standards for temporary buildings, but would not impact vehicle circulation within the Master Plan boundaries. Temporary buildings must be placed behind existing buildings and therefore, could impact parking, however, future Detailed Development Plan applications for temporary buildings would include a parking analysis demonstrating compliance with minimum and maximum parking requirements.



3. *Public facilities impacts* – The existing Master Plan includes an analysis of public facilities impacts. The currently proposed Master Plan Amendment seeks to define temporary buildings and establish adjustments from certain standards for temporary buildings, but would not impact public facilities or utilities.

4. *Neighborhood livability impacts* – The Clackamas County Red Soils campus is an institutional development. Clackamas County provides a variety of services to all of Clackamas County, including the neighborhoods near the campus and Oregon City as a whole. The currently proposed Master Plan Amendment to allow temporary buildings would increase neighborhood livability by allowing Clackamas County to accommodate peak-period staffing, isolation of work processes, or other factors, thus improving their service to Oregon City and surrounding communities.

5. *Natural, cultural and historical resource impacts* – There are no historical resources within the Red Soils Master Plan area. The existing Red Soils Master Plan provides an overview of the development's impact on wetlands located within the Master Plan boundary and does not identify any historic structures onsite. Further, the location of the proposed development is paved, and thus the stormwater is unaffected.

**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 as Proposed.** The Master Plan Amendment seeks to define temporary buildings and establish guidelines and adjustments from certain standards for temporary buildings within the Master Plan boundaries. The proposed amendment would not affect site circulation or traffic. A traffic impact study was submitted at the time of adoption of the original Master Plan, and a Transportation Analysis Letter has been submitted for the currently proposed Detailed Development Plan application for the placement of a temporary structure behind the Shaver Building. The City's transportation consultant, Replinger and Associates, reviewed the TAL and determined that it addresses the City's requirements and provides an

adequate basis to evaluate the impacts of the proposed development. Traffic impacts of future temporary buildings will be reviewed with the Detailed Development Plan submittals.

**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 currently proposed Master Plan Amendment identifies that temporary buildings must be placed behind existing buildings within the Master Plan.

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

*The applicant proposed to amend the Master Plan in order to:*

- Place a temporary structure not previously identified in the Master Plan within 100 feet of the Master Plan boundary. Per OCMC 17.65.080.B.1, a Type III amendment to a Master Plan is required for “any proposed development on the site that is within one hundred feet of the master plan boundaries, unless a greater distance is stated in the master plan”.*
- Clarify that temporary structures are structures within the Master Plan that will be onsite for no longer than 5 years.*

**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 Master Plan Amendment 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 amendment seeks to define temporary buildings and allow an unforeseen temporary structure to facilitate social services onsite.

**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 amendment will allow a temporary structure onsite and provide parameters for future temporary structures. There are no historical resources within the Red Soils Master Plan area. The existing Red Soils Master Plan provides an overview of the development’s impact on wetlands located within the Master Plan boundary and does not identify any historic structures onsite. Further, the location of the proposed development is paved, and thus the stormwater is unaffected.

**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 as Proposed.** The applicant has proposed to install a modular structure for 5 years onsite. As identified within this report, the impacts are minimal and are mitigated with conditions of approval. No other modifications to the phasing of the master plan are proposed.

**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** The applicant or staff has proposed the following modifications to the Master Plan:

- *Construct a structure not previously identified in the Master Plan within 100 feet of the Master Plan Boundary*
- *Clarify that temporary structures are structures within the Master Plan that will be onsite for no longer than 5 years.*

**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, 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 Hillendale Neighborhood Association on March 7, 2017. Additionally, as a courtesy, another neighborhood meeting was held on March 8, 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 Master Plan Amendment 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. Notice was posted in the Clackamas Review /Oregon City News, and email notice and transmittals were provided to all affected agencies and neighborhood associations. 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.*

**Finding: Complies as Proposed.** The Master Plan amendment would establish guidelines for temporary structures and allow a temporary structure within 100 feet of the boundary. Temporary buildings allow for flexible land use and would accommodate staffing needs, allowing Clackamas County to function efficiently and continue to provide a variety of services to the community, increasing neighborhood livability.

### **Goal 2.3 Corridors**

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

**Finding: Not Applicable.** The proposed development is located along an identified transit corridor. Allowance of temporary structures would more efficiently utilize the site.

### **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.** The Clackamas County Red Soils campus is an institutional development. Clackamas County provides a variety of necessary services to all of Clackamas County, including the neighborhoods near the Red Soils campus and Oregon City as a whole. The proposed Master Plan Amendment to allow a new structure for A Safe Place and further define temporary buildings in the Master Plan would increase neighborhood livability by allowing Clackamas County to accommodate peak-period staffing, isolation of work processes, or other factors, thus allowing Clackamas County to function efficiently and improving their service to Oregon City and surrounding communities.

### **Section 3: Agricultural Lands**

**Finding: Not Applicable.** Oregon City contains no agricultural lands.

### **Section 4: Forest Lands**

**Finding: Not Applicable.** Oregon City contains no forest lands.

### **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.*

**Finding: Complies as Proposed.** The subject site has not been identified as containing a scenic view or otherwise providing a significant viewshed. Further, the Red Soils Master Plan requires that temporary structures are located behind existing buildings and are screened from non-County properties through the use of site obscuring fencing and/or vegetation, therefore, these temporary structures are unlikely to have an effect on scenic views or viewsheds identified within the Comprehensive Plan. Finally, these structures are temporary in nature, not to be located onsite for more than five years, therefore, in the event that a temporary structure creates an impact to a viewshed, this obstruction would not be permanent. The structure proposed is located on existing impervious surfaces and thus not effected by the Natural Resource Overlay District.

#### *Goal 5.3 Historic Resources*

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

**Finding: Not Applicable.** There are no historic resources within the Red Soils Master Plan area.

#### *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.*

**Finding: Complies with Conditions.** The Master Plan Amendment proposes to define temporary buildings and establish guidelines and adjustments from certain standards for temporary buildings as well as place a building within 100 feet of the Master Plan boundary. All buildings will be reviewed for compliance with the

Natural Resource Overlay District. The proposed Detailed Development Plan analyzes the A Safe Place modular building for compliance with applicable overlay districts.

### **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 6.1.2** *Ensure that development practices comply with or exceed regional, state, and federal standards for air quality.*

**Policy 6.1.3** *Set an example through City operations by using and demonstrating practices and technologies that reduce air pollution and protect air quality*

#### **Policy 6.1.4**

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

**Finding: Complies as Proposed.** There are several transit routes located within or near the boundaries of the Red Soils Master Plan. The currently proposed amendment to the Master Plan would not impact existing transit routes. The additional development would provide for more efficient use of land near transit.

### **Section 7: Natural Hazards**

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

**Finding: Not Applicable.** The Clackamas County campus is not located within a floodplain or geologic hazards overlay and is not at an increased risk of natural hazards.

### **Section 8: Parks and Recreation**

*Maintain and enhance the existing park and recreation system while planning for future expansion to meet residential growth.*

**Finding: Not Applicable.** The proposed Master Plan amendment would not impact Oregon City's parks and recreation system.

### **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.*

**Policy 9.1.1** *Attract high-quality commercial and industrial development that provides stable, high-paying jobs in safe and healthy work environments, that contributes to a broad and sufficient tax base, and that does not compromise the quality of the environment.*

**Policy 9.1.2** *Contribute to the health of the regional and state economy by supporting efforts to attract "traded sector industries" such as high technology and production of metals, machinery, and transportation equipment. (Traded sector industries compete in multi-state, national, and international markets and bolster the state's economy by bringing money in from sales of goods and services outside of the state.)*

**Finding: Complies as Proposed.** The Master Plan Amendment seeks to allow for temporary buildings in order to accommodate peak-period staffing needs of Clackamas County, creating employment opportunities that foster economic growth.

**Goal 9.2** *Cooperative Partnerships Create and maintain cooperative partnerships with other public agencies and business groups interested in promoting economic development.*

**Policy 9.2.1** *Seek input from local businesses when making decisions that will have a significant economic impact on them.*

**Policy 9.2.2** *Carefully consider the economic impacts of proposed programs and regulations in the process of implementing the City's Comprehensive Plan.*



*Policy 9.2.3 Simplify, streamline, and continuously improve the permitting and development review process.*

*Policy 9.2.4 Use financial tools available to the City, including its Urban Renewal Program and Capital Improvement Program, to support its economic development efforts. Policy 9.2.5 Use public-private partnerships as a means to leverage private investment when appropriate..*

*Goal 9.3 Retention of Existing Employers Retain existing employers, both public and private, and encourage them to expand their operations within the City.*

*Policy 9.3.1 Protect existing industries from encroachment by incompatible land uses, and ensure that expansion options are available to them wherever possible.*

*Policy 9.3.2 Support programs of Clackamas County, the Oregon Department of Economic and Community Development, the Small Business Administration and other agencies that provide business-related services such as low-interest loans, job training, and business counseling.*

*Policy 9.3.3 Encourage the retention and expansion of Clackamas County as a major employer inside the city.*

*Policy 9.3.4 Work cooperatively with Clackamas Community College, Clackamas County (for Red Soils Facility), and Willamette Falls Hospital to help facilitate their expansion, and encourage master planning for future expansions.*

*Goal 9.4 Education, Skills And Workforce Training Ensure that the major employers in Oregon City are able to find qualified and skilled workers to meet their needs.*

*Policy 9.4.1 Encourage Clackamas Community College and the Oregon City High School to continue providing job training. Support partnerships between Clackamas Community College and potential employees such as Willamette Falls Hospital and other private businesses and new employers on the City's industrial lands, especially near the college.*

*Policy 9.4.2 Promote the development of ongoing partnerships between Clackamas Community College, the Oregon City School District, the Workforce Investment Council of Clackamas County, local and regional businesses, the Oregon Employment Department, and other agencies to train new workers.*

**Finding: Complies as Proposed.** The Master Plan Amendment seeks to allow for temporary buildings in order to accommodate peak-period staffing needs of Clackamas County, creating employment opportunities that foster economic growth within Oregon City. The proposed amendments will help maintain a cooperative partnership with Clackamas County and help facilitate the growth and expansion of the Clackamas County campus and County services. The clarification of temporary structures will help facilitate future job growth as Clackamas County will be more nimble to accommodate staffing needs and serve the public.

#### **Section 10: Housing**

**Finding: Not Applicable.** The proposed development is institutional and would not impact housing, which is not permitted within the zoning designation.

#### **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.*

**Finding: Complies as Proposed.** Clackamas County provides a variety of public services to all of Clackamas County, including Oregon City. The currently proposed Master Plan Amendment to allow temporary buildings would allow Clackamas County to accommodate peak-period staffing, isolation of work processes, or other factors, thus improving their service to Oregon City and surrounding communities.

#### **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 as Proposed.** The proposed amendment would not affect site circulation or traffic. A traffic impact study was submitted at the time of adoption of the original Master Plan, and a Transportation Analysis Letter has been submitted for the currently proposed temporary structure. The City's transportation consultant, Replinger and Associates, reviewed the TAL and determined that it addresses the City's requirements and provides an adequate basis to evaluate the impacts of the proposed development (Exhibit 5). Traffic impacts of future temporary buildings will be reviewed with the Detailed Development Plan submittals.

**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).*

*Policy 13.2.2 Create commercial nodes in neighborhoods that are underserved to reduce vehicle miles traveled.*

*Policy 13.2.3 Plan for complementary mixed uses when considering annexation of new, under- or undeveloped areas so that new urban residential areas have closer access to jobs and services.*

*Policy 13.2.4 Encourage use of carpools and transit in cooperation with TriMet and other state and regional transportation agencies.*

*Policy 13.2.5 Construct bikeways and sidewalks, and require connectivity of these facilities to reduce the use of petroleum-fueled transportation.*

*Policy 13.2.6 Support the concept of sustainability over the long term by:*

- *encouraging education efforts such as developing and/or distributing educational materials to the public about energy efficiency and sustainability*
- *encouraging designs that achieve a minimum Leadership in Energy and Environmental Design (LEED) certification*
- *implementing sustainable concepts within the Oregon City government facilities that*

*receive a minimum “Platinum” LEED rating*

- implementing design guidelines that address sustainability for private sector development*
- taking advantage of up-to-date technology to reduce energy use*
- developing incentive programs to apply to private sector development, where feasible*

**Finding: Complies as Proposed.** The proposed Master Plan Amendment seeks to establish guidelines for temporary buildings in order to accommodate temporary staffing needs of Clackamas County during peak periods. Temporary buildings would allow for flexible, energy-efficient land use that allows the Clackamas County campus to grow and expand systematically.

#### **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 Master Plan Amendment to allow temporary structures within the existing Clackamas County campus would allow underutilized areas of the campus to be used to accommodate temporary staffing needs of Clackamas County.

#### **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: Not Applicable.** The Master Plan Amendment does not propose to change the duration of the existing Red Soils Master Plan.

#### **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: Complies as Proposed.** The applicant has submitted the required items as part of the detailed development plan application.

#### 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 development is anticipated in less than 24 months.

#### 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: Complies with Condition.** The applicant has requested adjustments to design standards that exempt all temporary buildings from the following criteria:

- 17.62.050(A)(9)- Pedestrian pathways and direct access to the street
- 17.62.055 (G and H)- Variation in massing and minimum wall articulation
- 17.62.055 (I)- Façade transparency
- 17.62.055 (J)- Roof treatment
- 17.52.060(A)(2)- Landscaping between temporary building and the property line
- 17.52.060(C)- Landscaping between temporary and parking area
- 17.62.050(C)(5)- Increase front yard setback
- 17.62.055(D)(2 and 3)- Front façade and primary entrance oriented towards street and

- maximum entry setback*
- 17.62.080 (C)(1)- Main building entrances and transit streets

Staff is recommending additional adjustments to the following:

- 17.62.050.A.20.b wall mounted mechanical equipment for the Detailed Development Plan
- 17.62.055.c.3 Each building include characteristics of other buildings for all temporary structures

Staff has grouped the adjustments into three main categories as demonstrated below:

<i>Adjustment</i>	<i>Code</i>	<i>Description</i>	<i>Requested Adjustment</i>
#1	17.62.055.C.5 17.62.055.D.2 17.62.055.D.3 17.62.080.C.1	Maximum front yard setback Building and primary entranceway orientation Special development along transit streets	Exemption from <b>maximum front yard setbacks, building entranceway and orientation</b> for temporary buildings
#2	17.62.050.A.9 17.52.060.A.2  17.52.060.C	Pedestrian circulation systems All areas in a parking lot not used for parking, maneuvering or circulation must be landscaped Parking area/building buffer landscaping	Exemption from <b>site design</b> for temporary buildings
#3	17.62.055.G 17.62.055.H 17.62.055.I 17.62.055.J 17.62.055.C.3 17.62.050.A.20.b	Variation in massing and minimum wall articulation Façade transparency Roof treatments Multiple building development Mechanical Units	Exemption from <b>building design</b> standards for temporary buildings

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

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.

**Finding: 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: 17.62.055.C.5– On site with 100 feet of frontage, at least 60% of the site frontage must be occupied by buildings placed within five feet of the property line.

17.62.055.D.2 – The front, most architecturally significant façade of a building shall orient towards the street

17.62.055.D.3 – The primary entranceway must be clearly defined, highly visible, recessed or framed by a sheltering element, and face the street.

17.62.080 – Entrance requirements for buildings along transit streets

17.62.080 (C)(1)- Main building entrances and transit streets

Adjustment: Exemption for temporary buildings from site frontage, maximum setback, and building and entrance orientation requirements.

**Finding: Complies as Proposed.** The Red Soils Master Plan requires that temporary buildings are placed behind existing buildings, rendering it impossible to meet standards that require buildings to be located and oriented near the public street while staying compliant with the Master Plan. Therefore, staff recommends that the adjustments to these standards are incorporated into the Red Soils Master Plan and would apply to all future temporary buildings within the Master Plan area.

The purpose of these standards is to create a pedestrian-friendly environment, vibrant streetscape and more aesthetically pleasing streets. However, temporary structures are required to be located behind buildings in the Master Plan and thus staff recommends the Master Plan be amended to include an adjustment that temporary structures do not have to comply with the criteria which require them to be placed adjacent to the street and oriented toward the street. Further the buildings would likely be ancillary, more utilitarian in nature and less aesthetically pleasing and architecturally interesting than other existing buildings within the Red Soils Master Plan area. Placing temporary structures in front of existing buildings as required by these standards would diminish the streetscape and would not contribute towards a vibrant streetscape and aesthetically pleasing, pedestrian friendly streets. Allowing the adjustment to exempt temporary buildings from site frontage, maximum setback, and building and entrance orientation requirements would keep architecturally inferior temporary buildings away from the streets and would better meet the purpose of these standards.

#### Adjustment #2

Code: 17.62.050.A.9 – A well-marked, continuous, and protected circulation system connecting all building entrances to: the street, other main entrances onsite, main entrances on adjacent sites

Code: 17.52.060.A.2 – All areas in a parking lot not used for parking, circulation or maneuvering shall be landscaped.

17.52.060.C – Building buffer landscaping

Adjustment: Exemption for currently proposed temporary building from site layout and configuration

**Finding: Complies with Condition.** The following adjustments are proposed for site design of temporary buildings.

#### Pedestrian Circulation

The Red Soils Master Plan requires that temporary buildings be placed in the behind existing buildings. The applicant has proposed a temporary building behind the Shaver Building located at 256 Warner Milne. The existing pedestrian circulation system would not directly connect the proposed temporary building to the street or to the main entrance of the Shaver Building. The temporary building is located within the parking lot, therefore, a pedestrian connection between the entrance of the temporary building and the parking lot would be provided; however, the pedestrian walkway would cross drive aisles and would not be utilize a change in texture or height to alert drivers of the pedestrian crossing area as required in OCMC Section 17.62.050.A.9.f. Therefore, the applicant is requesting an adjustment to exempt temporary buildings from pedestrian circulation requirements. Though the applicant requested that this adjustment be processed with the Master Plan Amendment, staff is recommending that the adjustment is processed with the Detailed Development Plan application and is only applicable to the currently proposed temporary building.

The applicant has identified that the proposed structure will not be utilized by the general public and will only be used by A Safe Place staff members. In order to ensure the safety of victims, staff members, and volunteers, all members of the public must enter through a main entrance, which leads into a primary waiting area with secure locked doors that enter into the rest of the building. A staff member behind a secure counter with safety glass in the reception area verifies and checks the visitor in. Once a visitor passes an initial screening, they may enter the building along with a staff escort. In order to maintain an obvious single and secure primary building entrance, pedestrian connections from the temporary modular building to the public sidewalk and to the main entrance of the Shaver Building are not being provided.



The purpose of the pedestrian circulation requirements is to provide onsite pedestrian connectivity and a safe pedestrian-pedestrian friendly parking lot and site. In this case, the pedestrian connection is unneeded, because the building is not open to the public and because of the mandatory check-in process that begins at the main entrance of the Shaver Building.

### Landscaping

The placement of the proposed modular building in the parking lot would result in an area that is not landscaped and not used parking, circulation or maneuvering. Further, no building buffer landscaping is being proposed, therefore, the proposed structure would not be compliant with required parking lot landscaping. Though the applicant requested that this adjustment be processed with the Master Plan Amendment, staff is recommending that the adjustment is processed with the Detailed Development Plan application and is only applicable to the currently proposed temporary building.

The stated purpose of parking lot landscaping is provided in OCMC 17.52.060, and is 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.

The proposed modular building could be placed closer to the property line in order to avoid creating a paved area that is not utilized for parking, circulation or maneuvering, however, the fifteen-foot setback would provide screening that is required for mitigation to adjustments. The building is temporary, therefore, it is impracticable to provide permanent landscaping in the building buffer area or in the area behind the modular building since both of these areas will revert back to a parking lot once the temporary modular building is removed. The parking area includes existing parking lot landscaping, and though not all of the existing landscaping is in compliance with parking lot landscaping standards, the existing landscaping contributes towards achieving the stated purpose of the parking lot landscaping standards.

The context of a temporary building is important to determine if an adjustment to site design should be approved. For example, visibility of the structure, use of the structure, and its effect on the existing site design must be considered. For these reasons, staff does not believe it is reasonable to approve the adjustment for all future temporary buildings without an understanding of the site context for those proposals. Adjustment #2 shall apply only to the temporary building proposed at 256 Warner Milne Road, under Planning File DP 17-01. **Staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions of Approval.**

### Adjustment #3

Code: 17.62.055.G – Variation in massing

17.62.055.H – Minimum wall articulation

17.62.055.I – Façade transparency

17.62.055.J – Roof treatments

17.62.055.C.3 – Multiple building development

17.62.050.A.20.b – Mechanical Units

Adjustment: Exemption for temporary buildings from the architectural standards identified.

**Finding: Complies with Condition.** The proposed modular building would not meet various architectural standards of the Oregon City Municipal Code identified above. Therefore, an adjustment to these standards is being requested. Though the applicant requested that these adjustments be processed with the Master Plan Amendment, staff is recommending that the adjustments are processed with the Detailed Development Plan application and are only applicable to the currently proposed temporary building.

The purpose of standards related to variation in massing, minimum wall articulation, façade transparency, roof treatments, and mechanical units are to provide architectural interest and variety and to avoid a dominant building mass with no relation to human size. The purpose of standards for similar characteristics for buildings in a multiple building development are to provide cohesiveness through the site and to enhance architectural interest.

These standards affect only the appearance of the building and are intended to provide for visually appealing building design. As discussed throughout this report, due to Red Soils Master Plan requirements, security reasons, and because the building will not be open to the public, the most feasible location for the proposed temporary building is behind the current building. With the proposed conditions of approval, the building will not be visible from the street or open to the public, standards intended to provide for buildings that are visually interesting and appealing in appearance are not as essential as they would be if the building were located in a more prominent location. Further, the proposed building is temporary and will not be onsite for more than five years, therefore, the less architecturally interesting building design would not have a permanent impact on the site. Therefore, staff's determination is that the purpose of these standards has been met.

The context of a temporary building is important to determine if an adjustment to building design should be approved. For example, visibility of the structure, use of the structure, and its effect on the existing site design must be considered. For these reasons, staff does not believe it is reasonable to approve the adjustment for all future temporary buildings without an understanding of the site context for those proposals. For these reasons, staff does not believe it is reasonable to approve the adjustment for all future temporary buildings without an understanding of the site context for those proposals. Adjustment #3 shall apply only to the temporary building proposed at 256 Warner Milne Road, under Planning File DP 17-01. **Staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions 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 with Condition.** The cumulative effect of the requested adjustments can result in a project consistent with the overall purpose of the Mixed Use Employment zone. However, the context of a temporary building is important to determine if the adjustment to site or architectural design should be approved. For example, visibility of the structure, use of the structure, and its effect on the existing site design must be considered. For these reasons, staff does not believe it is reasonable to approve all of the adjustments for all future temporary buildings without an understanding of the site context for those proposals. Adjustments #2 and #3 shall apply only to the currently proposed temporary building at 256 Warner Milne Road (Planning File DP 17-01), while Adjustment #1 shall be incorporated into the Master Plan and apply to all future temporary buildings.

With this condition, the overall effect is that the applicant can feasibly implement temporary structures within the Master Plan boundaries. As demonstrated within this report, the temporary structures are limited in duration and the adjustments related to the proposed development are mitigated. **Staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding: Complies with Conditions.** Approval of the adjustments will not affect the protection of Goal 5 natural resources. As conditioned, the development will have no effect on wetlands onsite as determined under Section 17.49, no historic resources are located onsite and as the structure is proposed on a paved parking lot, no stormwater impacts are identified. No additional Goal 5 resources have been identified on or near the development site.

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

Adjustment #1

Code: 17.62.055.C.5— On site with 100 feet of frontage, at least 60% of the site frontage must be occupied by buildings placed within five feet of the property line.

17.62.055.D.2 – The front, most architecturally significant façade of a building shall orient towards the street

17.62.055.D.3 – The primary entranceway must be clearly defined, highly visible, recessed or framed by a sheltering element, and face the street.

Code: 17.62.080 – Entrance requirements for buildings along transit streets

Adjustment: Exemption for temporary buildings from site frontage, maximum setback, and building and entrance orientation requirements.

**Finding: Complies as Proposed.**

Mitigation proposed: The applicant has identified that the standard cannot be met due to the Red Soils Master Plan requirement that temporary buildings be placed between existing buildings and the street, and thus, no mitigation should be required.

The purpose of these standards is to create a pedestrian-friendly environment, vibrant streetscape and more aesthetically pleasing streets, however, the existing Red Soils Master Plan requires that temporary buildings are placed behind existing structures and away from the street. This requirement is already within the existing Master Plan therefore, granting this adjustment would not grant any additional privileges or exemptions for temporary buildings. It would only provide clarification and consistency with a requirement that is already in the existing Master Plan. Because this adjustment would serve only to clarify this existing requirement, staff finds that mitigation for the requested adjustment is not required.

Adjustment #2

Code: 17.62.050.A.9 – A well-marked, continuous, and protected circulation system connecting all building entrances to: the street, other main entrances onsite, main entrances on adjacent sites

Code: 17.52.060.A.2 – All areas in a parking lot not used for parking, circulation or maneuvering shall be landscaped.

17.52.060.C – Building buffer landscaping

Adjustment: Exemption for currently proposed temporary building from site layout and configuration

**Finding: Complies with Condition.**

Pedestrian Circulation

Mitigation proposed: The applicant has identified that due to the temporary nature of the building and the fact that it will not be utilized by the public, mitigation for adjustments to the pedestrian circulation standards is not required. Staff finds that the proposed mitigation does not adequately mitigate for the requested adjustment.

Though the building is temporary and will not be utilized by the public, staff believes that mitigation is required to ensure the safety of staff members that will be utilizing the entrance of the modular building. Staff recommends that mitigation is provided in the form of a temporary bollard near the entrance of the building providing a barrier between the parking lot and the modular building and providing a distinction between parking areas and areas used by pedestrians (Figure 8). Prior to issuance of a building permit associated with the proposed development, the applicant shall provide revised plans for the development reflecting the addition of temporary bollards required to mitigate for the adjustment to pedestrian connectivity standards.

WARNER MILNE RD.

32E05C 00812

32E05C

256 WARNER MILNE RD  
T3S R2E SEC. 5C TL 700

EXISTING OFFICE BUILDING

EXISTING PEDESTRIAN DRIVEWAY

EXISTING POWER POLE

EXISTING MANHOLE

NEW LOCATION FOR GARAGE AND RECYCLING CONTAINERS

15' (MIN.)

211.050'

168' 29' 34.82" W.

**Mitigation Proposed.** The applicant has not proposed mitigation associated with this adjustment. The applicant has identified that because of the temporary nature of the building, no permanent changes to the parking area, including additional landscape planters is not proposed. Staff finds that the proposed mitigation does not adequately mitigate for the requested adjustment.

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Figure 9 – Location of Additional Required Landscaping



### Adjustment #3

Code: 17.62.055.G – Variation in massing

17.62.055.H – Minimum wall articulation

17.62.055.I – Façade transparency

17.62.055.J – Roof treatments

17.62.055.C.3 – Multiple building development

Adjustment: Exemption for temporary buildings from the architectural standards identified.

**Finding: Complies with Condition.** Approval of the adjustments from variation in massing, minimum wall articulation, façade transparency, roof treatments, and multiple building developments would result in a less visually appealing building design. The applicant's proposed mitigation is the location of the building and existing screening. Staff finds that the proposed mitigation does not adequately mitigate for the requested adjustment.

The proposed temporary building would be located completely behind the Shaver Building in the southeast corner of the property. A line of tall hedges located between the eastern wall of the Shaver Building and the eastern property line would provide additional screening from Warner Milne Road. The parking area behind the Shaver Building is surrounded by an existing chain link fence with slats that provides screening from Beaver Creek Road. Mature vegetation in the perimeter parking lot landscaping along the western property line also provides screening from Beaver Creek Road. However, there is some opportunity for additional perimeter parking lot landscaping that would further screen the temporary building. Figures 10-14 are photographs of the site taken from various locations in order to help provide context for the existing screening of the site.



Staff recommends that additional landscaping to mitigate the locations where the proposed building is visible from the right-of-way along Beaver Creek Road. The site is currently enclosed with an eight-foot tall chain link fence with slats which act as a visual barrier, but the building will remain visible from above the fence and between the slats. The landscaping will provide visual relief and disguise the proposed temporary buildings. The landscaping shall be planted along the southern property line and along the western property line south of the Shaver Building (Figure 9). The landscaping shall consist of one half-inch caliper tree every thirty-five feet, and one shrub every four feet. Prior to issuance of a building permit associated with the proposed development, the applicant shall provide a landscaping plan prepared by a Registered Landscape Architect for landscaping along the southern property line and the western property line south of the Shaver Building, consisting of one half-inch caliper tree every thirty-five feet, and one shrub every four feet. **Staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Figure 10 – View from parking lot looking west





Figure 11 – View from parking lot looking southeast



Figure 12 – View from parking lot looking southwest



Figure 13 – View from Beaver Creek Road west of 256 Warner Milne



Figure 14 – View from Beaver Creek Road south of 256 Warner Milne



*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:** Please see findings under Chapter 17.49 of this report.

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

**Finding: Complies as Proposed.** The proposed adjustments to site layout and building design are consistent with the Oregon City Comprehensive Plan.

**Policy 2.1.1** – Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.

**Finding: Complies as Proposed.** This Comprehensive Plan policy indicates that having maximum setbacks helps ensure that land is used more efficiently. Though the applicant has requested adjustments from the maximum setbacks, and other site layout requirements, the adjustments requested help ensure the efficient use of land by allowing a temporary building on an underutilized site, therefore, the proposal is consistent with this policy.

**Policy 2.1.3** -- Encourage sub-area master planning for larger developments or parcels, including re-development, where it may be feasible to develop more mixed uses, or campus-style industrial parks, with shared parking and landscaping areas. Allow developments to vary from prescriptive standards if planned and approved under this provision.

**Finding: Complies as Proposed.** This Comprehensive Plan policy allows for Master Plan developments to vary from prescriptive standards if planned and approved under this provision. The applicant has requested adjustments from site layout/configuration, and building design standards through the Master Plan Amendment process. The proposal is consistent with this policy.

**Policy 2.5.5** – Encourage commercial and industrial development that enhances livability of neighborhoods through the design of attractive LEEDTM-certified buildings and environmentally responsible landscaping that uses native vegetation wherever possible, and by ensuring that development is screened and buffered from adjoining residential neighborhoods and access is provided by a variety of transportation modes

**Finding: Complies as Proposed.** The applicant has requested adjustments from site layout/configuration and building design standards. Some of these standards are meant to enhance livability by ensuring aesthetically pleasing buildings and developments. Though adjustments from these standards have been requested, the mitigation required will provide screening and a visual barrier from the development. Further, the building would be temporary in nature, while the required mitigation will remain, contributing to neighborhood livability even after the temporary building is removed.

**Policy 9.3.3** – Encourage the retention and expansion of Clackamas County as a major employer inside the city.

**Policy 9.3.4** – Work cooperatively with Clackamas Community College, Clackamas County (for Red Soils Facility), and Willamette Falls Hospital to help facilitate their expansion, and encourage master planning for future expansions.

**Finding: Complies as Proposed.** Granting the requested adjustments to site layout and building design will contribute to a cooperative partnership with Clackamas County and help facilitate the growth of and expansion of the Clackamas County campus and County services.

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

**Finding: Complies as Proposed.** The requested adjustments will allow for a temporary development of an underdeveloped site, and allow for the A Safe Place services to remain on a single site, providing optimal service to the public.

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

**Complies as Proposed.** The applicant has requested adjustments from parking lot landscaping standards, potentially impacting stormwater. No new impervious surface would be created through

this development, and additional vegetation is required as mitigation, therefore, the adjustments to landscaping are consistent with this Comprehensive Plan policy.

**Policy 11.8.1** – *Work with Clackamas County as needed to ensure that county services are sited appropriately and that citizens of Oregon City continue to have access to County health and human services.*

**Finding: Complies as Proposed.** Granting the requested adjustments to site layout and building design will allow the A Safe Place services to remain on a single site, providing optimal service to the public, and will help facilitate the growth of Clackamas County services.

**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 requested adjustments will allow for a temporary development of an underdeveloped site, and allow for the A Safe Place services to remain on a single site providing optimal service to the public.

#### **17.65.80 Amendments to Approved Plans**

*A. When Required. An amendment to an approved General Development Plan or detailed development plan is required for any use or development that is not in conformance with the applicable plan, as provided below. The approval criteria contained in [Section 17.65.050](#) will apply to general development plan amendments, the approval criteria contained in Section 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.*

**Finding: Applies.** The applicant has proposed to amend the Master Plan in order to allow a structure which is not previously identified in the Master Plan to be placed within 100 feet of the Master Plan boundary as well as clarify and adjust development standards which apply to the temporary structures.

*B. Type III Procedure. Unless the approved general development plan or detailed development plan specifically provides differently, amendments to either plan that require a Type III procedure are:*

- 1. Any proposed development on the site that is within one hundred feet of the master plan boundaries, unless a greater distance is stated in the master plan;*
- 2. A proposed expansion of the approved boundary;*
- 3. A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard;*
- 4. Proposals that increase the amount, frequency, or scale of a use over ten percent of what was approved (examples include the number of students, patients or members; the number of helicopter flights; the number or size of special events);*
- 5. New uses not covered in the plan that will increase vehicle transportation to the site, except for those that are replacing another use so that there is no net increase in vehicles drawn to the site;*
- 6. Increases in overall floor area of development on the site of over ten percent;*
- 7. A increases/decrease greater than ten percent in the amount of approved or required parking; and*
- 8. Proposed uses or development which were reviewed, but were denied because they were found not to be in conformance with an approved plan.*

**Finding: Complies as Proposed.** The application includes development located within 100 feet of the master plan boundary, therefore, a Type III Master Plan Amendment application is required. The applicant is proposing to amend the Master Plan to include a definition of temporary buildings and to identify parameters for the placement of temporary buildings within the Red Soils Master Plan.

*C. Type II Procedure. Unless an approved plan specifically provides otherwise, amendments to a general development plan or detailed development plan not specifically stated in Subsection B or D are processed through a Type II procedure.*

**Finding: Not Applicable.** The application includes development located within 100 feet of the master plan boundary, therefore a Type III Master Plan Amendment application is required pursuant with OCMC Section 17.65.080.B.1.

*D. Type I Procedure. Unless an approved plan specifically provides otherwise, the following amendments to a general development plan or detailed development plan shall be processed through a Type I procedure:*

- 1. Accessory uses and structures that meet applicable development regulations;*
- 2. Reconfiguration of approved parking or landscape designs that do not alter the points of ingress or egress, and do not change the number of parking spaces required, so long as the reconfiguration meets applicable development regulations; and*
- 3. Structures for approved uses that do not exceed one thousand five hundred square feet in size and that meet applicable development regulations.*

**Finding: Not Applicable.** The application includes development located within 100 feet of the master plan boundary, therefore a Type III Master Plan Amendment application is required pursuant with OCMC Section 17.65.080.B.1.

#### **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.** This application includes both a Master Plan Amendment and a Detailed Development Plan, and is being reviewed with the current code.

#### **CONCLUSION AND RECOMMENDATION:**

Based on the analysis and findings as described above, Staff concludes that the proposed Master Plan Amendment and Detailed Development Plan application for the site located at 256 Warner Milne Road, Oregon City; 1710, 1810 Red Soils Court, Oregon City; 2051 Kaen Road, Oregon City, identified as Clackamas County Map 3-2E-05C, Tax Lots 700, 806, 807, and 812, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends the Planning Commission approve files CP 17-03 and DP 17-01 with conditions, based upon the findings and exhibits contained in this staff report.

#### **EXHIBITS:**

1. Vicinity Map
2. Site Plan
3. Applicant's Narratives and Plans
4. Comment from Clackamas River Water
5. Letter from Replinger and Associates