Proposed Changes to the Oregon City Municipal Code

Note language subject to change throughout the review process.

Code additions have underlines, extractions have ~~strike through~~. Changes from the last draft are identified in red.

Draft Dated February 26, 2018

Oregon City Municipal Code Section	Summary of Change	Explanation
16.12.050	See Multiple Options below ~~Amend lot averaging provisions in subdivisions for the following:~~ • ~~Lot sizes allowed to be 10% smaller than zone average rather than 20%~~ • ~~Cap the total number of lots that can be smaller than the zone average to 25%.~~	Concerns that the provision allowed for too many lots to be below the zoning minimum and the sizes could be too small.
17.04.154	Add definition of Building.	Clarify the definition of "building" should be directed to the definition of "structure".
17.04.420	Increase the number of children a family daycare provider may care for from 13 to 16.	Per ORS 329A.440(4), a family daycare provider can have up to 16 children, not 13.
17.04.812	Create definition of "net leasable area".	Net leasable area is used to calculate parking requirements.
17.29.020	Clarify that single and two-family units are permitted when in conjunction with and located in the same building as another permitted use in the zone. This applies to NC, C, MUC-1, MUC-2 and MUD.	Clarifies the intent of the code.
17.49.080	Clarify minimal temporary disturbances.	Clarification of temporary minor disturbance areas.
17.50.030.B 17.50.030.C 17.50.030.D 17.50.030.F	Clarify noticing for Type II-IV processes. Specify that decisions, completeness reviews, appeals, and notices in this Chapter shall be calculated according to OCMC Chapter 1.04.070 and shall be based on calendar days, not business days. Amends Table 17.50.030 to match code language for reconsiderations, Historic Review, Extensions, and Natural Resource Overlay District Review.	Provides clarification and amends Table 17.50.030 to match code language.
17.50.30.B 17.50.120 17.50.190	Clarify who has standing to file an appeal as those who participated orally or in writing in the initial decision.	Clarifies who has standing to appeal, removes reference to state statute, and eliminates inconsistencies in code.
~~17.50.260~~	~~Remove reconsideration of a final decision.~~	~~Decisions may be reconsidered with an appeal.~~
17.52.020.C.4	Allow reduction of minimum parking by 10% if adjacent to a transit route.	A similar reduction was inadvertently removed from the code.

17.58.040 17.58.040.C 17.58.040.C.2	Clarified that nonconforming upgrades are required for increases to the square footage of a building and/or site improvements which include installation of an additional off-street parking stall.	Clarify when nonconforming upgrades are required.
17.62.035.A.2.a 17.62.035.A.2.b 17.62.035.A.2.u	Clarify that any size demolition qualifies as a Type I Minor Site Plan and Design Review.	Corrects an unintended provision of previous code amendments.
17.62.035.A.2.v	Clarify tree removal as a Type I Minor Site Plan and Design Review.	Applicants could not clearly tell that tree removal was included in landscaping which was already a Type I review.
17.62.050.A.1.c	Exempt landscaping tree removal and/or replacement from submitting a plan by a landscape architect if the new species is on an approved tree list. Allow certified landscape designer, arborist, or nurseryman to approve of projects less than 500 sq. ft. rather than a landscape architect.	Streamline tree and landscape review.
17.62.050.A.1.d	Remove requirement for 10% landscaping for major remodeling.	The code and specific zoning designations provide a landscaping minimums more appropriate to zoning designations.
17.62.050.A.20.d	Remove requirement which conflicts with code section requiring all commercial mechanical changes to be a Type I Site Plan and Design Review.	Remove section which was corrected with the adoption of Type I Site Plan and Design Review.
17.62.050.A.23	Clarify connection between development and nonconforming upgrades.	Clarify code requirements.
17.62.065.D	Remove redundant sections and conflicting standards. Remove bulb requirements. Remove standard related to fixture requirements.	Streamline and clarify language, remove blub requirements to allow emerging technologies.
17.80	Update Communication Facilities chapter to allow a quicker review for some projects.	Amend code to comply with 2012 ruling

LOT AVERAGING AMENDMENT OPTIONS

Option #1: Original Amendment

16.12.050 ~~- Calculations of lot area~~ Lot Size Reduction.

Up to 25% of the lots in a~~A~~ subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may ~~include lots that are~~be up to ~~twenty~~ ten percent less than the required minimum lot area of the applicable zoning designation provided the lots within the entire subdivision on average meet~~s~~ the minimum site area requirement of the underlying zone.

The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

Option #2: Allow 20% size reduction for only 25% of total lots

16.12.050 ~~- Calculations of lot area~~ Lot Size Reduction.

Up to 25% of the lots in a~~A~~ subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may ~~include lots that are~~be up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the lots within the entire subdivision on average meet~~s~~ the minimum site area requirement of the underlying zone.

The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

Option #3: Limit reduction to ten percent rather than twenty percent

16.12.050 ~~- Calculations of lot area~~ Lot Size Reduction.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to ~~twenty~~ ten percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meet~~s~~ the minimum site area requirement of the underlying zone.

The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in

order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

Option #4: Exclude Powerline Easement Areas

16.12.050 ~~- Calculations of lot area~~ Lot Size Reduction.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meet~~s~~ the minimum site area requirement of the underlying zone. Any area within a powerline easement on a lot shall not count towards the lot area for that lot.

The average lot area is determined by first calculating the total site area devoted to dwelling units, subtracting the powerline easement areas, and dividing that figure by the proposed number of dwelling lots.

Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

Option #5: Perimeter Lots May Not be Smaller Than 10% Below the Underlying Zone

16.12.050 ~~- Calculations of lot area~~ Lot Size Reduction.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meet~~s~~ the minimum site area requirement of the underlying zone. Lots on the perimeter of the development may not be more than 10% less than the underlying zone.

The average lot area is determined by calculating the total site area devoted to dwelling units, and dividing that figure by the proposed number of dwelling lots.

Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

Option #6: Limiting Size of Large Lots

16.12.050 ~~- Calculations of lot area~~ Lot Size Reduction.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire

subdivision on average meets the minimum site area requirement of the underlying zone. The largest lot size may be no more than three times the underlying zone.

The average lot area is determined by calculating the total site area devoted to dwelling units, and dividing that figure by the proposed number of dwelling lots.

Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

Summary of options #1-6.

Option	New Standard	Impact
1	Limit reduction to 10% AND limit to 25% of total lots	May significantly reduce flexibility and may result in conflicts with minimum density requirements. Will result in less variation of lot sizes.
2	Limit reductions to 25% of total lots (reduction of up to 20% of lot area remains)	Will result in fewer lots that are below the underlying zone minimum. Likely more flexible than options 1 and 3.
3	Limit size reduction to 10% of underlying zone (for any number of lots)	Less likely to result in conflicts with minimum density. Lot sizes will be more uniform.
4	Remove powerline easement from net developable area	Will reduce density in areas with powerline easements, will disallow the use of greatly oversized lots to be averaged with numerous smaller lots. Will not impact subdivisions in areas with no powerline easements.
5	Exclude properties on the perimeter of the subdivision from being less than 10% below the underlying zone.	Likely to allow less lots in smaller developments.
6	Limit the largest lot size to three times the underlying zone minimum.	Reduce the variation in lot size, and impact of the powerline easement.

REMAINING CODE AMENDMENTS

17.04.154 – Building. “Building” means structure.

17.04.420 - Family day care provider. "Family day care provider" means a day care provider who regularly provides day care to fewer than ~~thirteen~~ sixteen children, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters. Provisions of day care to ~~thirteen~~ sixteen or more children in the home of the provider shall constitute the operations of a "day care facility," as defined in this chapter, and shall be subject to the requirements of this title for day care facilities.

A family day care provider ~~to ten or more children~~ shall satisfy the certification requirements of the ~~children's services division~~ Office of Child Care.

17.04.812 Net Leasable Area.

Actual square-footage of a building or outdoor area that may be leased or rented to tenants, which excludes parking lots, common areas, shared hallways, elevator shafts, stairways, and space devoted to cooling, heating, or other equipment.

17.29.020 - Permitted uses—MUC-1 and MUC-2.

A. Banquet, conference facilities and meeting rooms;
B. Bed and breakfast and other lodging facilities for up to ten guests per night;
C. Child care centers and/or nursery schools;
D. Indoor entertainment centers and arcades;
E. Health and fitness clubs;
F. Medical and dental clinics, outpatient; infirmary services;
G. Museums, libraries and cultural facilities;
H. Offices, including finance, insurance, real estate and government;
I. 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;
J. Postal services;
K. Parks, playgrounds, play fields and community or neighborhood centers;
L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
M. Residential units, multi-family;
N. Residential units, single and two-family in the same building as another permitted use in the zone;
O~~N~~. Restaurants, eating and drinking establishments without a drive through;
P~~O~~. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
Q~~P~~. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana pursuant to Section 17.54.110, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;
R~~Q~~. Seasonal sales, subject to OCMC Section 17.54.060;
S~~R~~. Assisted living facilities; nursing homes and group homes for over fifteen patients;
T~~S~~. Studios and galleries, including dance, art, photography, music and other arts;
U~~T~~. 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, pump stations, water tanks, telephone exchanges and cell towers;
V~~U~~. Veterinary clinics or pet hospitals, pet day care;
W~~V~~. Home occupations;
X~~W~~. Research and development activities;
Y~~X~~. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
Z~~Y~~. Residential care facility;
AA~~Z~~. Transportation facilities;
AB~~AA~~. Live/work units, pursuant to Section 17.54.105—Live/work units.

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 one hundred 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 forty-eight inches and trail grade shall not exceed twenty percent;
   3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;
   4. Located no closer than twenty-five feet to a wetland or the top of banks of a perennial stream or ten feet of an intermittent stream;
   5. No impervious surfaces; and
   6. No native trees greater than one-inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least two-inch diameter and planted within ten 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 five 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 three thousand five hundred square feet with minimum dimensions of forty feet wide by forty 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 ten 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.

~~M. Fences in which posts disturb no more than one hundred square feet of ground surface outside of the top of bank of water bodies~~

M~~N~~. Activities in which no more than one hundred square feet of ground surface is disturbed outside of the bankfull stage of water bodies and where the disturbed area is restored to the pre-construction conditions, notwithstanding that disturbed areas that are predominantly covered with invasive species shall be required to remove the invasive species from the disturbance area and plant trees and native plants pursuant to this Chapter.

17.50.030 - Summary of the city's decision-making processes.

The following decision-making processes chart shall control the city's review of the indicated permits:

Table 17.50.030

PERMIT APPROVAL PROCESS

PERMIT TYPE	I	II	III	IV	Expedited Land Division
Annexation With or Without a Zone Change				X	
Compatibility Review	X				
Code Interpretation			X		
General Development Plan			X		
Conditional Use			X		
Detailed Development Plan [1]	X	X	X		
Extension	X	~~X~~			
Final Plat	X				
Geologic Hazards		X			
Historic Review	X		X		
Lot Line Adjustment and Abandonment	X				
Major Modification to a Prior Approval [2]	X	X	X	X	X
Minor Modification to a Prior Approval	X				
Minor Partition		X			
Nonconforming Use, Structure and Lots Review	X	X			
~~Reconsideration~~ Plan or Code Amendment	~~X~~			X	
Revocation				X	
Site Plan and Design Review	X	X			
Subdivision		X			X
Variance		X	X		
Zone Change ~~and Plan Amendment~~				X	
~~Zone Change Upon Annexation with No Discretion~~	~~X~~			~~X~~	
~~Zone Change Upon Annexation with Discretion~~				~~X~~	
Natural Resource Overlay District Exemption	X				
Natural Resource Overlay District Review		X	X		

[1] If any provision or element of the master plan requires a deferred Type III procedure, the detailed development plan shall be processed through a Type III procedure.

[2] A major modification to a prior approval shall be considered using the same process as would be applicable to the initial approval.

A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The community development director's decision is final and not appealable by any party through the normal city land use process.

B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The community development director accepts comments for a minimum of fourteen days and renders a decision. The community development director's decision is appealable to the city commission ~~with notice to the planning commission~~, by any party ~~with standing~~ who submitted comments in writing before the expiration of the comment period. Review by the City Commission shall be on the record pursuant to Section 17.50.190. ~~(i.e., applicant and any party who submitted comments during the comment period)~~under ORS 227.175.10(a)(~~c~~C). ~~Review of the development director's decision will be de novo.~~ The city commission decision is the city's final decision and is ~~appealable~~ subject to review by ~~to~~ the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

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 pursuant to Section 17.50.190. 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~~ subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.

D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and planning commission 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, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing within the comment period) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within ~~ten~~ fourteen days of the issuance of the final decision then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is ~~appealable to~~ subject to review by the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

E. The expedited land division (ELD) process is set forth in ORS 197.360 to 197.380. To qualify for this type of process, the development must meet the basic criteria in ORS 197.360(1)(a) or (b). While the decision-making process is controlled by state law, the approval criteria are found in this code. The community development director has twenty-one days within which to determine whether an application is complete. Once deemed complete, the community development director has sixty-three days within which to issue a decision. Notice of application and opportunity to comment is mailed to the applicant, recognized neighborhood association and property owners within one hundred feet of the subject site. The community development director will accept written comments on the application for fourteen days and then issues a decision. State law prohibits a hearing. Any party who submitted comments may call for an appeal of the community development director's decision before a hearings referee. The referee need not hold a hearing; the only requirement is that the determination be based on the evidentiary record established by the community development director and that the process be "fair." The referee applies the city's approval standards, and has forty-two days within which to issue a decision on the appeal. The referee is charged with the general objective to identify means by which the application can satisfy the applicable requirements without reducing density. The referee's decision is appealable only to the court of appeals pursuant to ORS 197.375(8) and 36.355(1).

F. Decisions, completeness reviews, appeals, and notices in this Chapter shall be calculated according to OCMC Chapter 1.04.070 and shall be based on calendar days, not business days.

17.50.120 - Quasi-judicial hearing process.

All public hearings pertaining to quasi-judicial permits, whether before the planning commission, historic review board, or city commission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

A. Once the community development director determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the planning commission or historic review board, as applicable. Once the community development director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under Section 17.50.190, the planning division shall schedule a hearing pursuant to Section 17.50.190.

B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with Section 17.50.090B.

C. Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.

D. The community development director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met. E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:

1. That the hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;

2. That all testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;
3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue, will preclude appeal on that issue to the state land use board of appeals;
4. Any party wishing a continuance or to keep open the record must make that request while the record is still open; and
5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item.
6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review ~~or who have standing pursuant to ORS 197.175(10)(a)(C)~~ will be allowed to participate either orally or in writing in the appeal.

F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.

17.50.190 - Appeals.

Appeals of any non-final decisions by the city must comply with the requirements of this section.

A. Type I decisions by the planning manager are not appealable to any other decision-maker within the city.
B. A notice of appeal of any Type II, III or IV decision must be received in writing by the planning division within fourteen calendar days from the date notice of the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.
C. The following must be included as part of the notice of appeal:
    1. The city planning file number and date the decision to be appealed was rendered;
    2. The name, mailing address and daytime telephone number for each appellant;
    3. A statement of how each appellant has an interest in the matter and standing to appeal;
    4. A statement of the specific grounds for the appeal;
    5. The appropriate appeal fee. Failure to include the appeal fee within appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed. If a city-recognized neighborhood association with standing to appeal has voted to request a fee waiver pursuant to Section 17.50.290C., no appeal fee shall be required for an appeal filed by that association. In lieu of the appeal fee, the neighborhood association shall provide a duly adopted resolution of the general membership or board approving the request for fee waiver.
D. Standing to Appeal. The following rules prescribe who has standing to appeal:
    1. For Type II decisions, only those persons or recognized neighborhood associations who submitted comments in writing before the expiration of the comment period have standing to appeal a planning manager decision. Review by the city

commission shall be on the record, limited to the issues raised in the comments and no new evidence shall be considered. ~~who submitted comments have standing pursuant to ORS 197.175(10)(a)(C) may appeal a planning manager decision. The city commission shall hold a de novo hearing on the appeal. New evidence and new issues be raised at the hearing before the city commission.~~

2. For Type III and IV decisions, only those persons or recognized neighborhood associations who have participated either orally or in writing have standing to appeal the decision of the planning commission or historic review board, as applicable. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. No new evidence shall be allowed.

E. Notice of the Appeal Hearing. The planning division shall issue notice of the appeal hearing to all parties who participated either orally or in writing before the close of the public record in accordance with Section 17.50.090B. Notice of the appeal hearing shall contain the following information:

1. The file number and date of the decision being appealed;
2. The time, date and location of the public hearing;
3. The name of the applicant, owner and appellant (if different);
4. The street address or other easily understood location of the subject property;
5. A description of the permit requested and the applicant's development proposal;
6. A brief summary of the decision being appealed and the grounds for appeal listed in the notice of appeal;
7. A statement that the appeal hearing is confined to the issues raised in the notice of appeal;
8. A general explanation of the requirements for participation and the city's hearing procedures.

F. Appeal Hearing—Scope of Review. Appeal hearings shall comply with the procedural requirements of Section 17.50.120. Appeal hearings shall be conducted by the city commission, ~~planning commission or historic review board, as applicable~~. The decision shall be on the record and the issues under consideration shall be limited to those listed in the notice of appeal.

17.50.260 - Reconsideration of a final decision.

Under this section, parties with standing may seek reconsideration of a final decision rendered pursuant to a Type II, Type III, or Type IV process. Reconsideration is warranted where the city's decision indicates the decision-maker failed to understand or consider certain relevant facts in the record or misinterpreted the application in some material way. Any request for reconsideration must be received by the planning division within ten days of when the decision in question was rendered and must specifically describe the alleged misunderstanding or misinterpretation. A request for reconsideration shall not stay the effectiveness of the city's final decision, nor shall it affect any applicable appeal deadlines to the land use board of appeals. If the request is granted, the community development director shall notify all affected parties that the decision will be reconsidered. Any request for reconsideration by the applicant shall be deemed a waiver of the one hundred-twenty-day deadline under Section 17.50.070.

17.52.020 - Number of automobile spaces required.

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

Table 17.52.020	
LAND USE	PARKING REQUIREMENTS

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

1. Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed.
3. Where calculation in accordance with the 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.
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.
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.

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.

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.

4. The minimum required number of stalls may be reduced by up to 10% when the subject property is adjacent to an existing or planned fixed public transit route or within 1,000 feet of an existing or planned transit stop.

17.58.040 - Lawful nonconforming structure or site.

A structure or site that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered ~~a~~ lawfully 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 or site 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 or site 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~~ Increases in the square footage of a building and/or site improvements which include installation of any additional off-street parking stalls 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 increase in square footage of a building and/or increase in off-street parking stalls ~~the proposed exterior alterations or additions to the site~~, as determined by the community development director, is more thaen 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 by 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

17.62.035 - Minor site plan and design review.

This section provides for a minor site plan and design review process. Minor Site Plan Review is a Type I or Type II decision, as described in OCMC Section 17.62.035(A), subject to administrative proceedings described in OCMC Section 17.50 and may be utilized as the appropriate review process only when authorized by the community development director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

A. Type I Minor Site Plan and Design Review.

1. Applicability. Type I applications involve no discretion. The Type I process is not applicable for:
   a. Any activity which is included with or initiates actions that require Type II-IV review.
   b. Any use which is not permitted outright, unless otherwise noted.
   c. Any proposal in which nonconforming upgrades are required under Chapter 17.58.
   d. Any proposal in which modifications are proposed under Section 17.62.015.
2. The following projects may be processed as a Type I application.
   a. Addition ~~or removal~~ of up to two hundred square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding

new drive thru). Increases of more than two hundred square feet in a twelve-month period shall be processed as Type II.

b. Addition ~~or removal~~ of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than one thousand square feet in a twelve-month period shall be processed as Type II.

c. Replacement of exterior building materials.

d. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.

e. Addition or alteration of parapets or rooflines.

f. Removal, replacement or addition of awnings, or architectural projections to existing structures.

g. Modification of building entrances.

h. Addition to or alteration of a legal nonconforming single or two-family dwelling.

i. Repaving of previously approved parking lots with no change to striping.

j. Change to parking lot circulation or layout, excluding driveway modifications.

k. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.

l. Adoption of shared parking agreements.

m. Changes to amount, location, or design of bicycle parking.

n. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC Chapter 13.12.

o. New or changes to existing pedestrian accessways, walkways or plazas.

p. Installation of mechanical equipment.

q. Installation of or alterations to ADA accessibility site elements.

r. Modification of a fence, hedge, or wall, or addition of a fence, hedge or wall at least twenty feet away from a public right-of-way.

s. Addition of or alterations to outdoor lighting.

t. Addition, modification, or relocation of refuse enclosure.

u. Demolition of any structure or portion of a structure

v. Tree removal

3. Submittal requirements. A Type I application shall include:

a. A narrative describing the project.

b. Site plan drawings showing existing conditions/uses and proposed conditions/uses.

c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.

d. A completed application form.

e. Any other information determined necessary by the Community Development Director.

B. Type II Minor Site Plan and Design Review.

1. Type II Minor site plan and design review applies to the following uses and activities unless those uses and activities qualify for Type I review per Section 17.62.035(A):

a. Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).

b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.

c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.

d. Other land uses and activities may be added if the community development director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.

2. Application. The application for the Type II minor site plan and design review shall contain the following elements:

a. The submittal requirements of Chapter 17.50.

b. A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in Section 17.62.035(C) below.

c. Site plan drawings showing existing conditions/uses and proposed conditions/uses.

d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.

e. Additional submittal material may be required by the community development director on a case-by-case basis.

3. Development Standards for Type II Minor Site Plan and Design Review.

a. All development shall comply with Section 17.62.050(1—7 and 8—15 and 20—22) when deemed applicable by the community development director. Other sections may apply, as directed by the community development director when applicable, in order to show compliance with this chapter, such as the commercial and institutional standards of Section 17.62.055.

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.

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

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

c. ~~The~~ A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than 500 square feet of landscaping. All landscape plans shall ~~and~~ include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the Landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.

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

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

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

2. Vehicular Access and Connectivity.
   a. Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.
   b. Ingress and egress locations on thoroughfares shall be located in the interest of public safety. Access for emergency services (fire and police) shall be provided.
   c. Alleys or vehicular access easements shall be provided in the following Districts: R-2, MUC-1, MUC-2, MUD and NC zones unless other permanent provisions for access to off-street parking and loading facilities are approved by the decision-maker. The corners of alley intersections shall have a radius of not less than ten feet.
   d. Sites abutting an alley shall be required to gain vehicular access from the alley unless deemed impracticable by the community development director.
   e. Where no alley access is available, the development shall be configured to allow only one driveway per frontage. On corner lots, the driveway(s) shall be located off of the side street (unless the side street is an arterial) and away from the street intersection. Shared driveways shall be required as needed to accomplish the requirements of this section. The location and design of pedestrian access from the sidewalk shall be emphasized so as to be clearly visible and distinguishable from the vehicular access to the site. Special landscaping, paving, lighting, and architectural treatments may be required to accomplish this requirement.
   f. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.
   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.
   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.
   i. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.
   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.
   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.
   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.
   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.

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 Constriction (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.

4. Grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.
5. Development subject to the requirements of the Geologic Hazard overlay district shall comply with the requirements of that 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.
7. Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, 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.
9. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:
    a. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct. Exceptions may be allowed by the director where steep slopes or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.
    b. The pedestrian circulation system shall connect all main entrances on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard. Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.
    c. Elevated external stairways or walkways, that provide pedestrian access to multiple dwelling units located above the ground floor of any building are prohibited. The community development director may allow exceptions for external stairways or walkways located in, or facing interior courtyard areas provided they do not compromise visual access from dwelling units into the courtyard.
    d. The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.
    e. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent commercial and residential sites where practicable. Walkway linkages to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially-zoned land.

f. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.

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

17. All utility lines shall be placed underground.
18. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.
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.
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.
    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.
    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.
    ~~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.~~
    d~~e~~. This section shall not apply to 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~~ batten siding.
v. Other materials subject to approval by the community development director.
vi. Plywood with battens or fiber/composite panels with concealed fasteners and ~~contagious~~ contiguous aluminum sections at each joint that are either horizontally or vertically aligned.
vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

b. Prohibited materials. The following materials shall be prohibited in visible locations unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.
i. Vinyl or plywood siding (including T-111 or similar plywood).
ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.
iii. Corrugated fiberglass.
iv. Chain link fencing (except for temporary purposes such as a construction site, ~~or as a~~ gates for a refuse enclosure, or associated with stormwater facilities).
[v.] Crushed colored rock/crushed tumbled glass.
[vi.] Non-corrugated and highly reflective sheet metal.

c. Special material standards: The following materials are allowed if they comply with the requirements found below:
1. Concrete block. When used for the front facade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.
2. Metal siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level).
3. Exterior Insulation and Finish System (EIFS) and similar ~~toweled~~ 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.

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

23. Development shall conform to the requirements of OCMC Chapter 17.58 Nonconforming Uses, Structures, and Lots.

17.62.065 - Outdoor lighting.

A. Purpose. The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:

1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;
2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;
3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;
4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and
5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.

B. Applicability.

1. General.

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

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

2. Lighting Plan Requirement.

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

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.

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.

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:~~

1~~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.~~

2~~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.

3~~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/Walkways	0.5	7:1 max/min ratio	1.5
Building Entrances	3		
Bicycle Parking Areas	3		
Abutting property	N/A	~~.05~~ 0.5	

~~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.~~

4~~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.~~

5~~8~~. Floodlights shall not be utilized to light all or any portion of a building facade between ten p.m. and six a.m.

6~~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.~~

7~~12~~. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.

8~~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.

9~~14~~. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.

10~~15~~. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.

11~~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.

12~~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.~~

17.80.035 Modifications to Existing Facilities.

All modifications and expansions to existing wireless communication facilities are permitted in every zone, subject to the requirements of this Section. Certain modifications are deemed minor in nature and are deemed "eligible modifications" These modifications include the addition, removal, and/or replacement of transmission equipment that do not make a substantial change to the physical dimensions (height, mass, width) of the existing tower, support structure, or base station. Replacement of an existing tower may also be considered an eligible modification if such replacement meets the standards in paragraph 4 below.

1. For the purpose of this Section, "substantial change" means the following:
   a. The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of 1 additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection by up to an additional 5% if necessary to avoid interference with existing antennas; or
   b. The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved (not to exceed 4) or more than 1 new equipment shelter; or
   c. The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection to the extent necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
   d. The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

2. Increases to height allowed by this subsection above the existing tower shall be based on the existing height of the tower, excluding any tower lighting required in the original land use approval or in the proposed modification request.
3. To the extent feasible, additional equipment shall maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, mounting configuration, or architectural treatment.
4. To be considered an eligible modification, a replacement tower shall not exceed the height of the original tower by more than 10%, or the diameter of the original tower by more than 25% at any given point.

17.80.040 - Collocation of additional antenna(s) on existing support towers.

Except for "eligible modifications" authorized in Section 17.80.035, the following standards shall apply for the placement of antenna(s) and auxiliary support equipment on an existing wireless communication facility support tower.

A. Compatibility Review. Required for property zoned GI, CI, I, C, HC, MUC-1, MUC-2, MUE, MUD or NC.
B. Site Plan and Design Review. Required for all cases other than those identified in Section 17.80.040.A.

17.80.050 - Collocation of additional antenna(s) on support structures.

Except for "eligible modifications" authorized in Section 17.80.035, the following standards shall apply for the placement of antenna(s) and auxiliary support equipment on a support structure.

A. Compatibility Review. Required if the following exist:
   1. Property is zoned GI, CI, I, C, HC, MUC-1, MUC-2, MUE, MUD or NC; and
   2. Property is not located in the McLoughlin or Canemah Historical Conservation Districts; and
   3. Antenna(s) and auxiliary support equipment are setback a minimum of ten feet from each edge of the support structure and do not exceed a total height of twelve feet or a total width of eight feet, unless the antenna(s) is less than four inches in diameter and does not exceed a total height of twenty feet.
B. Site Plan and Design Review. Required if the property is zoned GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC and does not meet all the criteria of Section 17.80.050.A.
C. Conditional Use Review. Required for all cases other than those identified in Sections 17.08.050.A and 17.08.050.B.

17.80.070 - Construction or modification of a support tower.

Except for "eligible modifications" authorized in OCMC 17.80.035:

A. Site Plan and Design Review. Required if the following exists:
   1. Property is zoned GI, CI, I, C, MUC-2 or MUE; and
   2. No adjacent parcel is zoned for residential use.
B. Conditional Use Review. Required for all cases other than those identified in Section 17.80.070.A.
C. Prohibited Zoning Districts and Locations. No new support towers shall be permitted within the Canemah Historic Neighborhood, McLoughlin Conservation District, The Oregon Trail-Barlow Road Historic Corridor, five hundred feet of the Willamette Greenway Corridor, or any new Historic Districts unless the applicant can demonstrate that failure to allow the support tower would effectively prevent the provision of communication services in that area. If the applicant makes such a demonstration, the minimum height required to allow that service shall be the maximum height allowed for the tower.

17.80.080 - Site review process.

No wireless communications facilities, as defined in Section 17.80.020, may be constructed, collocated, modified to increase height, installed, or otherwise located within the city except as provided in this section or unless otherwise authorized by Section 17.80.035. Depending on the type and location of the wireless communication facility, the facility shall be subject to the following review unless collocation or an increase in height was granted through a prior land use process. A Conditional Use Review shall require Site Plan and Design Review to occur concurrently with the Conditional Use Review process.

A. Compatibility Review. A wireless communication facility that, pursuant to Sections 17.80.030—17.80.050, is subject to a compatibility review shall be processed in accordance with Standards of Section 17.80.110. The criteria contained in Section 17.80.110 shall govern approval or denial of the compatibility review application. No building permit shall be issued prior to completion of the compatibility review process.

B. Site Plan and Design Review. A wireless communication facility that, pursuant to Sections 17.80.040—17.80.070, is subject to site plan and design review shall be processed in accordance with the standards of Section 17.80.110 and Chapter 17.62, as applicable. The criteria contained in Section 17.80.110 and Chapter 17.62 shall govern approval or denial of the site plan and design review application. In the event of a conflict in criteria, the criteria contained in this chapter shall govern. No building permit shall be issued prior to completion of the site plan and design review process, including any local appeal.

C. Conditional Use Review. A wireless communication facility that, pursuant to Sections 17.80.050—17.80.070, is subject to conditional use review, shall be processed in accordance with the Standards of Section 17.80.110 and Chapter 17.56, as applicable. The criteria contained in Section 17.80.110 and Chapter 17.56 shall govern approval or denial of the conditional use review application. In the event of a conflict in criteria, the criteria contained in this chapter shall govern. No building permit shall be issued prior to completion of the Conditional Use Review process, including any local appeal.

17.80.090 - Permit application requirements.

A. Eligible Modification Requirements – For an application under Section 17.80.035, the following information is required:
   1. Application fee;
   2. Planning Division land use application form;
   3. Description of the project design and dimensions;
   4. A written response demonstrating compliance with each criterion listed in OCMC Chapter 17.80.035;
   5. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use process; and
   6. Elevations showing all improvements and connections to utilities.

B. Compatibility Review Requirements — For an application under Sections 17.80.030.B.7, 17.80.040.A or 17.80.050.A, the following information is required:
   1. Application fee(s).
   2. Planning Division land use application form;
   3. A narrative of the proposed project that includes a description of the following:
      i. Need for the project;
      ii. Rationale and supporting evidence for the location; and
      iii. Description of the project design and dimensions.
      iv. A written response demonstrating compliance with each criterion listed in OCMC Chapter 17.80.110

4. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC) particularly with respect to any habitable areas within the structure on which the antenna(s) are collocated on or in structures directly across from or adjacent to the antenna(s);
5. Documentation that the auxiliary support equipment shall not produce sound levels in excess of standards contained in Section 17.80.110G., or designs showing how the sound is to be effectively muffled to meet those standards;
6. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use process;
7. Documentation of the integrity of the support tower, support structure, utility pole, light standard, or light pole to safely handle the load created by the collocation;
8. Elevations showing all improvements and connections to utilities; and
9. Color simulations of the site after construction demonstrating compatibility.

CB. Site Plan and Design Review. For an application under Sections 17.80.040.B, 17.80.050B., 17.80.060A., or 17.80.070A. the following information is required:
1. The information required in OCMC Chapter 17.80.90.AB;
2. Pre-application notes;
3. A written response demonstrating compliance with each criterion listed in the Site Plan and Design Review Standards of Chapter 17.62.050 and all other applicable criterion as defined by the community development director; and
4. Supplemental requirements listed in OCMC Chapter 17.80.90DE. as needed.

DC. Conditional Use Review. For an application under Sections 17.80.050C., 17.80.060B., or 17.80.070B. the following information is required:

The information required in OCMC Chapter 17.80.90.AB;
1. Pre-application notes;
2. A written response demonstrating compliance with each criterion listed in the Site Plan and Design Review Standards of Chapter 17.62.050, 17.56, and all other applicable criterion as defined by the community development director as applicable
3. For an application under Section 17.80.070. Construction of Modification of a Support Tower, the requirements listed under Section 17.80.090.ED. Supplemental Information are required;
4. Responses to conditional use review criteria under Chapter 17.56.010;
5. For an application under Section 17.80.050C. Collocation of Additional Antenna(s) on Support Structures, rationale for being unable to collocate in areas identified in Sections 17.80.050A. and 17.80.050B. shall be provided;
6. For an application under Section 17.80.060B. Collocation of Additional Antenna(s) on Utility Poles, Light Standards, and Light Poles, rationale for being unable to collocate in areas identified in Section 17.80.060A. shall be provided; and
7. For an application under Section 17.80.070B. Construction or Modification of a Support Tower, rationale for being unable to collocate in areas identified in Section 17.80.070A. shall be provided.
8. Supplemental information listed in OCMC Chapter 17.80.90ED.

ED. Supplemental Information. The applicant shall submit the following information for all applications subject to conditional use and site plan and design review:
1. The capacity of the support tower in terms of the number and type of antennas it is designed to accommodate;
2. A signed agreement, as supplied by the city, stating that the applicant shall allow collocation with other users, provided all safety, structural, technological, and monetary requirements are met.

This agreement shall also state that any future owners or operators will allow collocation on the tower.

3. Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed the proposal. Alternatively, a statement documenting that notice of the proposal has been submitted to the Federal Aviation Administration and Oregon Aeronautics Division may be submitted. The review process may proceed and approval may be granted for the proposal as submitted, subject to Federal Aviation Administration approval. If Federal Aviation Administration approval requires any changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed, and approved through an additional site plan and design review or conditional use review process. No building permit application shall be submitted without documentation demonstrating Federal Aviation Administration review and approval and Oregon Aeronautics Division review.
4. A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and auxiliary support equipment from at least five points within a one-mile radius. Such points shall be chosen by the provider with a review and approval by the community development director to ensure that various potential views are represented.
5. Documentation that one or more wireless communications service providers will be using the support tower within sixty days of construction completion.
6. A site plan, drawn to scale, that includes:
   a. Existing and proposed improvements;
   b. Adjacent roads;
   c. Parking, circulation, and access;
   d. Connections to utilities, right-of-way cuts required, and easements required;
   e. A landscape plan describing the maintenance plan and showing areas of existing and proposed vegetation to be added, retained, replaced, or removed; and
   f. Setbacks from property lines or support structure edges of all existing and proposed structures. Plans that have been reduced, but have not had their scale adjusted, will not be accepted as satisfying this requirement.
7. An alternatives analysis for new support towers demonstrating compliance with the Support Tower Location Requirements of Chapter 17.80.100.

17.80.110 - Design standards.

Installation, collocation, construction, or modification of all support towers, structures, and antennas shall comply with the following standards, unless it qualifies as an "eligible modification" under Section 17.80.035 or an adjustment is obtained pursuant to the provisions of Section 17.80.120.

A. Support Tower. The support tower shall be self-supporting.
B. Height Limitation. Support tower and antenna heights shall not exceed the maximum heights provided below.
   1. If the property is zoned GI, CI or I; and no adjacent parcel is zoned residential the maximum height of a support tower, including antennas, is one hundred twenty feet.
   2. If the property is zoned: a. GI, CI or I, and an adjacent parcel is zoned residential; or b. C, MUC-2 or MUE; the maximum height of a support tower, including antennas, is one hundred feet.
   3. If the property is zoned MUC-1, MUD or NC; the maximum height of a support tower, including antennas, is seventy-five feet.
   4. For all cases other than those identified in Section 17.80.110.B.1-3 above, the maximum height of a support tower, including antennas, is seventy-five feet.

C. Collocation. New support towers shall be designed to accommodate collocation of additional providers.
   1. New support towers of a height greater than seventy-five feet shall be designed to accommodate collocation of a minimum of two additional providers either outright or through future modification of the tower.
   2. New support towers of a height between sixty feet and seventy-five feet shall be designed to accommodate collocation of a minimum of one additional provider either outright or through future modification of the tower.

D. Setbacks. The following setbacks shall be required from property lines, not the lease area, for support towers, auxiliary support equipment, and perimeter fencing.
   1. Support towers not designed to collapse within themselves shall be setback from all property lines a distance equal to the proposed height of the support tower.
   2. Support towers designed to collapse within themselves shall be setback from the property line a distance equal to the following:
      a. If the property is zoned GI, CI, I, C, MUC-2 or MUE; and no adjacent parcel is zoned for a residential use the underlying zone setback shall apply;
      b. If the property is zoned:
         i. GI, CI, I, C, MUC-2 or MUE and an adjacent parcel is zoned residential; or
         ii. MUC-1, MUD or NC; the setback shall be a minimum of twenty-five feet from all adjacent residentially zoned property lines and the underlying zoning setback for all other adjacent property lines; or
      c. For all cases other than those identified in Section 17.80.110.D.2.a. and b. above, the setback shall be a minimum of twenty-five feet from all adjacent property lines.

E. Auxiliary Support Equipment. The following standards shall be required.
   1. If the property is zoned:
      a. For GI, CI, I, MUC-1, MUC-2, C, MUD, MUE or NC, the auxiliary support equipment footprint shall not exceed an area of three hundred forty square feet and fifteen feet in height at the peak;
      b. For all cases other than those identified in Section 17.80.110.E.1.a. above, the auxiliary support equipment shall be:
         i. Located underground or completely screened by landscaping or an architecturally significant masonry wall. The wall shall be finished with brick, stone, or stucco. The community development director may approve an alternate screening material if it is compatible with adjacent development and is architecturally significant. No exposed CMU is allowed on the exterior of the wall.
   2. Only one auxiliary accessory cabinet shall be allowed per service provider located on a support structure.

F. Landscaping. In all zoning districts, existing vegetation shall be preserved to the maximum extent practicable. Screening of a site is mandatory.
   1. If the property is zoned:
      a. GI or CI, and no adjacent parcel is zoned residential, landscaping may not be required if water quality issues are addressed and appropriate screening around the facility is proposed;
      b. For all cases other than those identified in Section 17.80.110.F.1.a. above, landscaping shall be placed completely around the perimeter of the wireless communication facility, except as required to gain access. The minimum planting height shall be a minimum of six feet at the time of planting, densely placed so as to screen the facility. The landscaping shall be compatible with vegetation in the surrounding area, and shall be kept healthy and well

maintained as long as the facility is in operation. Failure to maintain the site will be grounds to revoke the ability to operate the facility.

c. The community development director may approve an alternative landscaping plan that visually screens the facility and is consistent with the intent of this standard.

G. Noise Reduction. Noise generating equipment shall be baffled to reduce sound level measured at the property line to the following levels except during short durations for testing and operation of generators in emergency situations:

1. For any property where no adjacent parcel is zoned residential, the sound level at the property line shall not be greater than fifty dB;
2. For all other cases, the sound level shall not be greater than forty dB when measured at the nearest residential parcel's property line.

H. Lighting.

1. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited.
2. Strobe lighting is prohibited unless required by the Federal Aviation Administration.
3. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment shall be initiated by motion detecting lighting. The lighting shall be the minimal necessary to secure the site, shall not cause illumination on adjacent properties in excess of a measurement of 0.5 footcandles at the property line, and shall be shielded to keep direct light within the site boundaries.

I. Color.

Unless otherwise required by the Federal Aviation Administration, all support towers and antennas shall have a non-glare finish and blend with the natural background.

J. Signage.

Support towers and antenna(s) shall not be used for signage, symbols, flags, banners, or other devices or objects attached to or painted on any portion of a wireless communication facility.

K. Access Drives.

1. On a site with an existing use, access shall be achieved through use of the existing drives to the greatest extent practicable. If adequate intersection sight distance is unavailable at the existing access intersection with a city street, an analysis of alternate access sites shall be required.
2. Site shall be serviced by an access adequate to ensure fire protection of the site.
3. New access drives shall be paved a minimum of twenty feet deep from the edge of the right-of-way (though the use of pervious paving materials such as F-mix asphalt, pavers, or geotech webbing is encouraged) and designed with material to be as pervious as practicable to minimize stormwater runoff.
4. New access drives shall be reviewed for adequate intersection sight distances.

L. Informing the city. All service providers with facilities within the city of Oregon City shall be required to report in writing to the community development director any changes in the status of their operation.

1. An annual written statement shall be filed with the Planning Manager verifying continued use of each of their facilities in the city's jurisdiction as well as continued compliance with all state and federal agency regulations.
2. The report shall include any of the following changes:
   a. Changes in or loss of Federal Communication Commission license from the Federal Communication Commission to operate;
   b. Receipt of notice of failure to comply with the regulations of any other authority over the business or facility;

c. Change in ownership of the company that owns wireless communication facility or provides telecommunications services; or
d. Loss or termination of lease with the telecommunications facility for a period of six months or longer.