

# THE COVE

## Oregon City, Oregon

An Application for:  
Amended Concept Development Plan (CDP)  
Detailed Development Plan (Grading)  
Natural Resource Overlay District Review  
Geologic Hazards Overlay District Review  
Flood Management Overlay District Review  
Subdivision



**December 11, 2018**

Applicant:

**The Cove, LLC**

1961 Collingwood St, # 212  
Vancouver, British Columbia V6R3K6  
(604) 730-0191

Prepared by:

**DOWL**

720 SW Washington Street, Suite 750  
Portland, Oregon 97205  
(971) 280-8641



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Exhibit H	Floodplain Balance Memo
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**ATTACHMENTS**

Attachment A	Land Use Approval History Summary
Attachment B	Previously Approved Adjustments
Attachment C	Findings for Specific Architectural Standards <sup>1</sup>
Attachment D	Comparison of 2015 Phasing and Proposed Phasing

**FIGURES**

Figure 1	Aerial Map
Figure 2	Vicinity Map

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<sup>1</sup> The applicant is not seeking DDP approval for building designs at this time. Narrative findings provided in Attachment C are offered to demonstrate that adjustments from the referenced design standards (as permitted through the CDP process) are not necessary.

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## I. INTRODUCTION

### General Information

<b>Applicant:</b>	The Cove, LLC 1961 Collingwood Street, #212 Vancouver, BC V6R3K6 (604) 730-0191 Contact: Ryan Schera, <a href="mailto:ryan.schera@deacon.com">ryan.schera@deacon.com</a> Armand Milazzo, <a href="mailto:Armand.Milazzo@deacon.com">Armand.Milazzo@deacon.com</a>
<b>Property Owner— Lots 1, 3-7 Tracts A-D</b>	Urban Renewal Agency of Oregon City P.O. Box 3040 Oregon City, OR 97045-0304 Contact: Eric Underwood <a href="mailto:eunderwood@orcify.org">eunderwood@orcify.org</a>
<b>Garden Apartments Site - Lot 2</b>	The Cove Apartments, LLC 4582 S Ulster St, Suite 1200 Denver, CO 80237
<b>Tri-City Services District Site</b>	Water Environment Services 150 Beaver Creek Road Oregon City, OR 97045-4302
<b>Applicant's Representative</b>	DOWL 720 SW Washington St, Suite 750 Portland, Oregon 97205 (971) 280-8641 Contact: Read Stapleton, AICP <a href="mailto:rstapleton@dowl.com">rstapleton@dowl.com</a>
<b>Tax Lot Information:</b>	Tax Lot 1100 on Map 22E20 Tax Lots 1509, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700 on Map 22E29

## **PROJECT TEAM**

### **Planning & Civil Engineering**

#### **DOWL**

720 SW Washington St, Suite 750  
Portland, OR 97205  
(971) 280-8641  
Contacts: Read Stapleton, AICP  
Mike Towle, P.E.

### **Landscape Architect**

#### **Shapiro Didway**

1204 SE Water Ave, Suite 11  
Portland, OR 97214  
(503) 232-0520  
Contact: Carl Liebhardt

### **Project Architect**

#### **LRS Architects**

720 NW Davis St., Suite 300  
Portland, Oregon 97209  
(503) 221-1121  
Contact: Paul Boundy

### **Traffic Engineer**

#### **Kittelson and Associates, Inc.**

610 SW Alder Ave., Suite 700  
Portland, OR 97205  
(503) 535-7447  
Contact: Diego Arguea

### **Geotechnical Engineer**

#### **Apex**

3015 SW First Avenue  
Portland, Oregon 97201  
(503) 924-4704  
Contact: Stu Albright, PE

### **Natural Resources**

#### **Pacific Habitat Services**

9450 SW Commerce Circle, Ste 180  
Wilsonville, OR 97070  
(503) 570-0800  
Contact: John van Staveren

## **SUMMARY OF PROPOSAL**

### **PROJECT SUMMARY**

On behalf of The Cove, LLC, DOWL is submitting a land use application package that will amend the existing Concept Development Plan approval (CP 08-05/CP 09-02/CP15-01) for The Cove master plan. These amendments involve a change to the anticipated phasing of improvements identified in the most recent Concept Development Plan approval (CP 15-01) and other minor adjustments from the approved land uses and design detailed in the previous concept plan submittals. In addition, a Detailed Development Plan request is included for site grading, a Subdivision application is included, and a Natural Resource Overlay District, Geologic Hazards and Floodplain Overlay District reviews are all requested in conjunction with these requests.

In preparation for the second phase of development at The Cove, the applicant is providing updated infrastructure plans for elements that would be constructed with Phase 2 of the master plan. These improvements include road, trail and utility improvements. In addition to amending the CDP to address project and phasing refinements, the applicant is requesting permit approvals and authorizations under the Geologic Hazards (Chapter 17.44), Flood Management Overlay District (Chapter 17.42) and Natural Resource Overlay District (Chapter 17.49) provisions in the Oregon City Municipal Code (OCMC) for Phase 2 site and infrastructure improvements. It is anticipated that a Detailed Development Plan (DDP) application will be submitted separately in the future for the approval of detailed site and building designs.

### **PROJECT MISSION**

Consistent with the original master plan vision for the Cove, the project mission for The Cove is to create an exciting new master-planned, mixed-use waterfront village that will connect developed areas with open spaces through a network of multi-modal pathways, trails and a waterfront esplanade.

### **PREVIOUS LAND USE APPROVALS**

A history of all previous land use approvals is included in Attachment A. Details of the most recent master plan amendments, which occurred in 2015, are provided below.

#### **2015 Concept (Master) Plan Amendment (CP 15-01)**

On December 14, 2015, the City of Oregon City Planning Commission unanimously approved an amendment to the previously approved Concept (Master) Plan to construct Phase 1, which includes the construction of 244 multifamily units on Lot 2. Amendments to the plan included:

1. Increase the number of dwelling units to 244 on Lot 2 and increase the number of dwelling units on Lots 3-7 to 195.
2. Construct a temporary trailhead parking lot during Phase 1.
3. Allow a permanent trailhead parking lot.
4. Amend the Main Street design to include a roundabout.

5. Amend the Agnes Avenue design and extension.
6. See allowance for project modifications from specific design standards in the code.
7. Update phasing plan for street improvements.

### **2015 Detailed Development Plan (DP 15-01)**

The DDP was amended to reflect the following for Phase 1 construction:

1. Construct 244 multi-family units on Lot 2 within 11 buildings, a clubhouse, garages and other accessory structures, approximately 5,500 square feet (SF) of office space and approximately 1,000 SF of ground floor commercial space.
2. Excavate approximately 87,710 cubic yards of soil from Tract D and approximately 3,819 cubic yards from Lot 1. The excavation required temporary displacement of the Clackamas River Trail. An 8-foot temporary asphalt trail and a 20-foot replacement was approved on each side of the center of Lot 5 for 200 feet.
3. Construct a temporary Clackamas River Trail trailhead parking lot north of the roundabout. A gravel surface will be used except for ADA accessible pathways.
4. Roadway improvements including the construction of Main Street, mostly along Lot 2, a roundabout at the intersection of Main Street and Agnes Avenue, and a temporary connection to the temporary trailhead.

### **2015 National Resources Overlay District Review (NR 15-05)**

An NROD permit was required because activities were proposed within both the 50-foot NROD setback from the Cove and within a wetland setback at the northwest corner of the Phase 1 site. A report was completed by Pacific Habitat Services and deemed compliant with OCMC 17.49 by the City.

### **2015 Geologic Hazards Overlay District Review (US 15-06)**

Included in the 2015 application package was a request for review under OCMC 17.44, US – Geologic Hazards. Site conditions that triggered this review included steep slopes adjacent to the south and southeast bank of Clackamette Cove. The applicant provided a geotechnical report prepared by Apex Engineering and the city's review concluded that the project could be constructed in a manner consistent with OCMC 17.44.

## **PROJECT DESCRIPTION**

The proposed CDP Amendment includes changes to the master plan's building program, phasing of development, the cross section of Agnes Avenue, a detailed development plan of mass grading, and a preliminary plat. While a DDP for building architecture and site plan review will be submitted later, the applicant is requesting NROD permit, Floodplain Ordinance and Geologic Hazards Overlay reviews at this time. A more detailed summary of the requested changes is provided below:

### **1. Phasing and Buildout Program Changes (CDP Amendment Request)**

**Cove waterfront residences:** Multifamily residences will be constructed on Lots 3, 4, 5, 6, 7, 8, 9 and 10. Eight structures with commercial and/or community center uses on the ground floor will be developed. Development includes approximately 404 apartment units, approximately 20 live-

work units, and approximately 11,000 SF of retail, restaurant, or office space. The five lots will be re-platted into eight lots as shown on Sheet C2.3 of the CDP plan set in Exhibit B.1.

**Tract D:** Expansion of the existing Low Impact Development Approach (LIDA) stormwater facility. North Park improvements are no longer proposed for Phase 2.

**Lot 1:** The previously approved office building for Lot 1 has been removed. Minor changes to the grading of Lot 1 are proposed. Additionally, the parking lot located on Lot 1 from Phase 1 will remain in its current location.

**Esplanade:** The esplanade will remain as previously approved, providing pedestrian access from Main Street to Tract D along a 20-foot paved path. Accent paving will enhance pedestrian access to the buildings, and a “festival plaza” will enhance pedestrian access for the public. Between the esplanade and the waterfront, the existing bank will be regraded to a maximum slope of 3:1 to minimize encroachment into the vegetated corridor as much as possible as described in the NROD Report included in Exhibit F. Existing non-native trees will be removed and replaced with new native trees and landscaping.

## **2. Agnes Avenue Cross-Section Change (CDP Amendment Request)**

The updated cross-sections are shown on the Typical Section sheet, Sheet C3.3 of the CDP Plan Set included in Exhibit B.1. The proposed sections with the CDP Amendment request are described below:

**Agnes Avenue – South – Sidewalk both sides:** The proposed right-of-way varies along this section. The section includes two (2) 6-10-foot sidewalks, two (2) curb and planter strips, a 5-8.5-foot curb and planter strip on the west side of the street, and a 5-9-foot curb and planter strip on the east side of the street, two (2) travel lanes, a 11-32-foot travel lane on the west side of the street and a 11-28-foot travel lane on the east side of the street, and one (1) 6-foot bike lane on the east side.

Locations for storm sewer, sanitary sewer, water, phone, power, cable, and gas utilities are identified. The landscape areas shall not exceed a 5:1 slope in the public utility easement, and a 3:1 slope everywhere else. The public utility easement will be 5-feet wide, with extensions in limited areas for utility vaults. The bike lane will not be present where a 10-foot east side sidewalk is provided.

**Agnes Avenue – North – No east sidewalk:** The proposed right-of-way varies along this section. The section includes one (1) 6.5-foot curb and sidewalk on the west side, one (1) 8-foot parallel parking area on the west side, two (2) 11-foot travel lanes, one (1) 6-foot bike lane on the east side, and one (1) 12.5-foot curb and planter swale on the east side with an adjacent landscaping strip of varied widths.

Locations for storm sewer, sanitary sewer, water, phone, power, cable, and gas utilities are identified. The landscape areas shall not exceed a 5:1 slope in the public utility easement, and a 3:1 slope everywhere else. The public utility easement will be 5-feet wide, with limited extensions for utility vaults.

**Agnes Avenue – Central – Double parking:** The proposed right-of-way for this section is 80.5-feet. The section includes two (2) sidewalks – a 9.5-foot curb and sidewalk with tree wells on the west side and a 6.50-foot sidewalk on the east side, one (1) 19.5-foot area of 60-degree angled parking one the west side, one (1) 8-foot area of parallel parking on the east side, two (2) travel lanes – a 14-foot travel lane on the west side and a 11-foot travel lane on the east side, one (1) 6-foot travel bike lane on the east side, and one (1) 6-foot landscaping strip on the east side.

The location of storm sewer, sanitary sewer, and water utilities are identified. One (1) 5-foot franchise utility zone is located on the west side of the street. Angled parking allows for 1.7-feet of overhang depth. Landscaped areas will not exceed 3:1 slopes.

**Agnes Avenue – Central – Rain Garden:** This section is identical to the Central – Double parking section above, except that the 8-foot parallel parking area and 6.5-foot sidewalk on the east side are replaced by an 8.5-foot curb and rain garden and a 6-foot sidewalk.

### **3. Shoreline Enhancement Activities (NROD Permit)**

As noted above and in the floodplain memo included under Exhibit H, The Cove waterfront residences project is required to balance the impacts created on the floodplain storage. In order to offset the large fill volume that is placed in the area of Lots 3-7, excavation will occur on the Lot 1, Tract D, and Esplanade sites. These three sites together will be able to provide enough floodplain capacity to offset the amount of floodplain impact caused by the Waterfront Residences and Agnes Ave construction, and provide an additional floodplain surplus capacity of approximately 6,750 CY.

### **5. Temporary Parking Lot**

The temporary parking lot constructed in Phase I just north of the roundabout will be removed. The primary purpose of the parking lot is to temporarily accommodate Clackamas River Trail users before a permanent parking area is provided. Permanent trailhead parking lot will be constructed along Main Street, south of Lot 1, as part of Phase 4, unless provided on Lot 11 (Tract A). Temporary parking will remain as currently constructed on Lot 1.

### **6. Clackamas River Trail**

The Phase 2 scope of work will include the construction of a 20-foot wide trail on each side of the center of Lot 5 for 200-feet. The path transitions to an asphalt surface at the end of the Tract D, as it connects to the regional trail system.

## **PHASING**

It is anticipated that the proposed project will be phased according to the schedule noted below. It should be noted that this schedule is an estimate and actual initiation and completion of improvements may vary, but all improvements are anticipated within the 10-year approval window of the CDP. See the CDP plan set included in Exhibit B.1 for further details. A comparison of phasing proposed with this CDP amendment and the previously approved 2015 CDP amendment is included in Attachment D.

Updated project phasing associated with this CDP amendment request is outlined below:

#### **Phase 1: Cove Garden Apartments - (currently under construction)**

Main Street ROW: Construction of a portion of Main Street including the roundabout.

Lot 1: Excavation and Grading

- Excavation to balance Phase 1 cut and fill in floodplain.
- Temporary Trailhead parking

Lot 2: 244 Garden Apartments

Lot 3: Temporary trail head parking

Lot 11 (Tract A): Grading and sidewalk extension to Firestone Alley

Tract B: Excavation and Habitat Improvements.

- North Beach excavation
- Enlarged Storm Sewer outfall

Tract D: Excavation, Grading and NROD mitigation.

## **Phase 2A: Cove Waterfront**

Agnes Avenue ROW: Construct Agnes Avenue

- From Main Street Roundabout to Cul-De-Sac at the Tri-Cities property located at the northeast corner of the master plan area.
- Complete prior to first Phase 2 Certificate of Occupancy

Emergency Egress: Construct temporary access across Tri-Cities property

- Construct a temporary emergency vehicular and pedestrian connection from the cul-de-sac at north end of Agnes Avenue through Tract E to connect to the existing internal roadway at the sewer plant, and other revisions to the security gate connection to the end of Agnes Avenue east of the sewer plant.
- 20-foot wide paved temporary road over compacted landfill site; address storm water treatment and capacity.
- Loop waterline connection through WES property not affected by landfill.
- Complete prior to first Phase 2 Certificate of Occupancy

Lot 1: Excavation, grading, and habitat improvements

- Improvements to the temporary trailhead parking lot that meet city standards, unless deferred to Phase 2B.
- Complete prior to first Phase 2 Certificate of Occupancy, unless deferred.
- Excavation to balance cut and fill in floodplain. (If Required)
- NROD habitat enhancement (If required)

Lots 3, 4, 5, 6, 7: Five buildings

- Approximately 240 apartment units and live-work units.
- Commercial and retail space with possible restaurants.
- The five lots will be re-platted into eight lots.

Tract A: Excavation, grading, and trailhead improvements

- Improvements to the temporary trailhead parking lot that meet city standards, unless provided on Lot 1 or deferred to Phase 2B.
- Grading for floodplain balance (if required)

Tract B: Excavation and habitat Improvements<sup>2</sup>

- All work is limited to the area above the Ordinary High Water line.
- Excavation at the future North Beach.
- Reduce slope at over-steepened bank between the Cove and the esplanade.
- Landscaping and habitat enhancement between the cove and esplanade consistent with NROD requirements.
- Excavation at the future South Beach
- NROD habitat improvements at peninsula.
- Complete prior to first Phase 2 Certificate of Occupancy.

Tract C: Esplanade construction

- Complete prior to first Phase 2 Certificate of Occupancy.

Tract D: Excavation, grading and NROD enhancement and/or mitigation, and Public Parking

- Expand LIDA treatment facility.
- Possible NROD habitat enhancement and/or mitigation.
- North Park parking lot drive aisles for emergency access connectivity
- Complete prior to final Phase 2 certificate of occupancy.
- Easement to the Cove, LLC property.
- Trash enclosure with easement for use by Lots 3-10

**Phase 2B: Cove Waterfront**

Lots 3, 4, 5, 6, and 7: Three buildings

- Approximately 164 apartment units and live-work units.

Tract D: Construct North Park parking stalls with approximately 39-48 spaces

**Phase 3: Water Quality and Habitat Improvement Project**

The City and the Cove, LLC are working together to explore a water quality and habitat improvement plan for the Cove evidenced by the technical memo prepared by Cascade Environmental Group included in Exhibit K. This CDP anticipates these improvements in concept and for development phasing purposes only. These elements are not a part of this permit request, and development-specific permit requests will be filed for these elements by others after the specific improvement plan is determined. The Water Quality and Habitat Improvement project may include some combination of the following elements.

Lot 1: Possible Excavation and Grading, and Habitat Improvements

Tract B: Excavation and Water Quality and Habitat Improvements

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<sup>2</sup> It is anticipated that Phase 2 may include dredging under the city's current dredging permit on an as-needed basis, but that any necessary permitting for these activities will be conducted through a separate permitting process. No dredging-related permits are requested in conjunction with this CDP amendment, NROD or geologic hazards review application.

- Dredging and/or other water quality improvements.
- Create NRDA habitat for mitigation bank.
- Possible NROD enhancement or mitigation.
- North Beach sand and recreation improvements.
- South Beach sand and recreation improvements.
- South Beach natural play area.

Clackamas River:

- Construct facilities to enhance water flow into the cove.
- Possible additional dredging and other work in the Clackamas River.

#### **Phase 4: Lot 1 and Lot 11 (Tract A) Development**

Development of Phase 4 is expected to include a combination of the following uses:

Lot 1: New building(s), parking, and/or habitat improvements

- Possible residential structures on top of the parking structure.
- Possible commercial structures on top of the parking structure.
- Possible 2 story Parking Garage
- Possible NRDA Habitat for mitigation bank
- Possible NROD Habitat Enhancement or Mitigation
- Possible surface parking lot - public and private Parking.
- Trailhead parking (unless trailhead parking is provided on Lot 11 (Tract A))
- Coordinate with Phase 3 development
- Completion of approximately 450-lineal feet of Main Street along the Lot 1 frontage

Lot 11 (Tract A): New building(s), parking, and/or habitat Improvements

- Possible residential structures on top of the parking structure.
- Possible commercial structures on top of the parking structure.
- Possible 2 story parking garage - public and private parking.
- Possible NRDA habitat for mitigation bank
- Possible NROD habitat enhancement or mitigation
- Possible surface parking lot - public and private parking.

#### **Phase 5: Swimming Docks and Water Sports Center (99-year submerge ground lease)**

It is anticipated that Phase 5 could include some combination of the following uses:

Tract B: Water Sport Center and Docks, including:

- Additional excavation and placement of sand at North Beach.
- Access walkways and stairs at North Beach
- Additional excavation and placement of sand at South Beach.
- Access walkways and stairs at North Beach
- Swimming Dock

- Boating Dock
- Water Sports Center

## **PERMITS REQUESTED**

### **CDP AMENDMENT**

The proposed CDP amendment requests to maintain the approvals obtained from the City with CP 08-05, CP 09-02, CP 15-01 with the following updates/amendments:

- Increase in the number of multi-family units at Lots 3-7 site from 195 units to approximately 404 units with approximately 11,000 SF of commercial space. Establish separate tax lots for each building so that Lots 3-7 become Lots 3-10.
- Elimination of a formerly planned 50,400 SF office building from Lot 1
- Changes in the infrastructure phasing as shown on Sheets C1.0 – C1.2 of the CDP plan set, Exhibit B.1.
  - Construction of Agnes Avenue (with changes to the shed sections specified in response to OCMC 12.04 herein) to include street parking, a planter swale, and a rain garden.
- The Agnes Avenue extension through the Tri-City Services property has been removed and replaced by a temporary emergency access easement from the cul-de-sac at the north end of Agnes Avenue through Tract E to connect to the existing internal roadway at the sewer plant.
- Parking on the Tri-City property, previously proposed with 322 spaces during Phase 3, has been removed. On-street parking along Agnes Avenue is now proposed.
- Change in the timing of development, which affects the expected timing of traffic impacts.
- An extension of the C DP approval for another 10 years.
- Amended conditions of approval as discussed in this narrative
- North Park improvements are no longer proposed for Phase 2

### **DDP (Grading)**

The Cove Waterfront mass grading effort will consist of cut and fill of material from within the project boundary necessary to bring the project up to a final subgrade elevation. This effort will include softening of the banks along the future esplanade trail and placement of that cut material up onto the road and apartment sites. The mass grading effort will be completed such that the flood plain capacity will not be negatively impacted. Mass grading is proposed as shown in the DDP Mass Grading Plan Set included in Exhibit B.2. A drainage report for early grading is included in Exhibit S.

### **NROD**

Grading activities within the NROD and proposed mitigation plantings presented as referenced in Exhibit F, NROD Report. Project elements within the NROD include habitat enhancement to areas that have been degraded by human activity, construction of the esplanade, stormwater facility expansion on Tract D, and grading along the Cove shoreline. An updated NROD Report is included with this submittal under Exhibit F.

## **GEOHAZARD OVERLAY**

Grading activities will occur within the steep slopes overlay located within the promenade portion of the site. Steep slopes are located along the eastern bank of Clackamette Cove. A geotechnical report and letter that address the geohazard overlay and approval criteria of OCMC 17.44 are provided in Exhibit G.

## **SUBDIVISION**

As shown on the Preliminary Subdivision on Sheet C2.3 of the CDP Plan Set, three additional lots will be created to correspond to respective buildings. Previously platted Lots 3-7 will be further divided into Lots 3-10 to accommodate the 8 waterfront residence buildings. In addition, Tract A will be converted to a lot of record, Lot 11 (Tract A), and internal lot lines will be adjusted to accommodate proposed changes to the Agnes Avenue section, the esplanade pathway, and the consolidation of Lot 3800 with Tract D. An exhibit of existing and proposed property lines is included in Exhibit P, with proposed easements in Exhibit R.

## **VESTING AND APPLICABLE CODE CRITERIA**

OCMC 17.65.090 states that:

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

The following table outlines the permits obtained with the original 2008 approval and the 2009 amendment and the associated authorizations:

**Table 1: Prior Permits and Authorizations**

Permit	Associated Authorization	Permit Status
Concept Development Plan (CP 08-05)	OCMC Chapter 17.65 – Master Plans OCMC Section 17.42.170 - Floodplain Management Overlay District OCMC Standard 17.62.050.A(11) – Tree Protection OCMC Chapter 17.62 – Site Plan and Design Review OCMC Chapter 16.12 – Minimum Improvement and Design Standards for Land Divisions	Valid
Detailed Development Plan for Phases 1 and 2 (DP 08-13)	OCMC Chapter 17.65 – Master Plans OCMC Chapter 17.34 OCMC Chapter 17.52 – Off Street Parking and Loading OCMC Chapter 17.62 – Site Plan and Design Review	Expired
Water Quality Resource Area Overlay District Permit (WR 08-21)	OCMC Chapter 17.49 – Water Quality Resource Overlay District	Expired
Subdivision Plat (TP 08-11)	OCMC 16.08 – Subdivisions – Process and Standards	Expired
Geologic Hazards Permit (US 08-03)	OCMC Chapter 17.44 – US Geologic Hazards	Expired
Concept Development Plan Amendment (CP 09- 02)	Chapter 17.34 – Mixed Use Downtown Chapter 17.42 - Flood Management Overlay District Chapter 17.62 Section 17.65.050 – Concept Development Plan	Valid
Detailed Development Plan Amendment (DP 09- 01)	Section 17.65.060 – Detailed Development Plan Chapter 17.52 – Off Street Parking and Loading Chapter 17.62 – Site Plan and Design Review	Expired
Concept Development Plan Amendment (CP 15-01)	Chapter 17.34 – Mixed Use Downtown Chapter 17.42 - Flood Management Overlay District Chapter 17.62 Section 17.65.050 – Concept Development Plan	Valid
Detailed Development Plan (DP 15-01)	Section 17.65.060 – Detailed Development Plan Chapter 17.52 – Off Street Parking and Loading Chapter 17.62 – Site Plan and Design Review	Under Construction
Natural Resource Overlay District Review (15-05)	Chapter 17.49 – Natural Resource Overlay District	Under Construction
Geological Hazards Overlay District Review (US 15-06)	OCMC Chapter 17.44 – US Geologic Hazards	Under Construction

Per OCMC Standard 17.65.090, tree protection and mitigation is vested under the code standard in effect at the time the application was initially submitted. Exhibit J includes the Tree

Preservation Plans from the 2009 CDP Amendment. The tree removal reflected in the plans are still accurate for the proposed project. The previously approved tree removal plans have been provided in Exhibit J.

## THE COVE CONCEPTUAL DEVELOPMENT PLAN

### MASTER PLAN BOUNDARY

The entire site is located within the Urban Growth Boundary and city limits of Oregon City and is included in the tax lots noted below.

**Figure 1. Aerial Map**

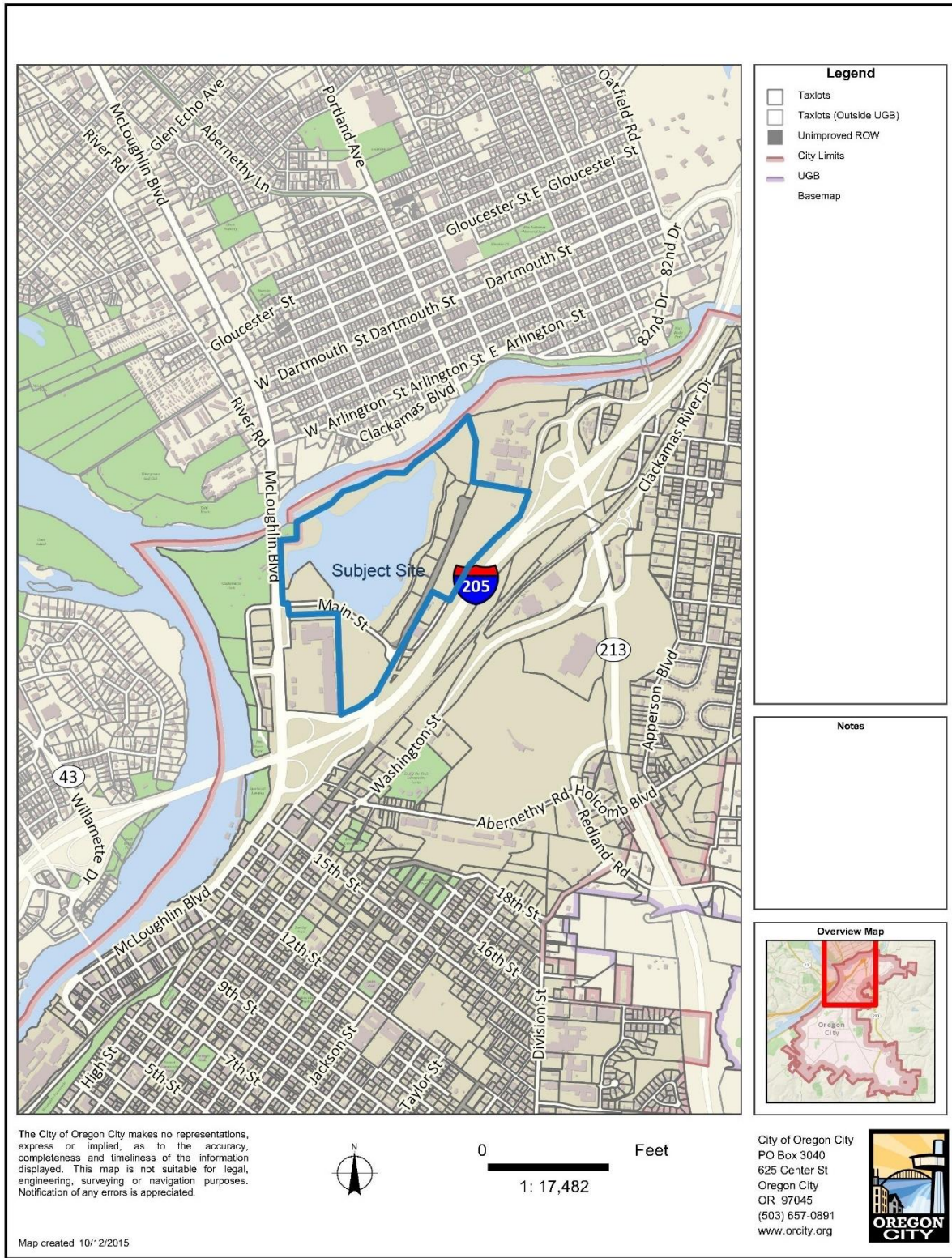


The subject property includes twelve (12) tax lots including the Clackamette Cove and Tri-City Services District parcels. The site is zoned for mixed use development and was established as an urban renewal area in 1991. The subject property is accessed via Agnes Avenue and Main Street. More detailed information regarding the zoning, size and ownership of each property is provided in Table 2 below.

**Table 2: Property Details**

Size Taxlot ID	(Acres)	Ownership	Zoning Designation	Comprehensive Plan
22E29 01509	14.46	Tri-City Services District	General Industrial	General Industrial (GI)
22E29 02800	4.45	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E29 02900	11.46	The Cove, LLC	Mixed Use Downtown	Mixed Use District (MUD)
22E29 03000	2.82	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E29 03100	0.92	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E29 03200	1.0	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E29 03300	0.90	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E29 03400	3.16	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E29 03500	1.33	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E29 03600	52.85	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E29 03700	2.59	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E20 01100	5.27	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)

**Figure 2. Vicinity Map**



## EXISTING CONDITIONS

Construction of Phase 1 is predominantly complete. On Lot 2, 244 garden apartments are being built. A temporary trailhead parking lot is located on Lot 3, which can be accessed by the newly constructed portion of Main Street including the roundabout. On Lot 11 (Tract A), a grading and a sidewalk extension to Firestone Alley has been provided with Phase 1 construction. Tract B has been excavated with some habitat improvements. This includes the excavation of the North Beach and an enlarged storm sewer outfall. Phase 1 improvements to Tract D includes excavation, grading, and NROD mitigation. Existing conditions are shown on Sheet C0.1 of the CDP plan set included in Exhibit B.1.

## SURROUNDING USES

**Table 3: Surrounding Land Use**

<b>Location</b>	<b>Zoning Designation</b>	<b>Land Use</b>
North	MUD	Clackamette Cove/Clackamas River
South	MUD	Vacant/I-205 On-Ramp
East	MUD	I-205 On-Ramp/ Tri City Wastewater Treatment Plant
West	MUD	Oregon City Shopping Center

## CONDITIONS OF PREVIOUS APPROVALS

### 2008 CDP APPROVAL # CP 08-05

1. The applicant shall provide an easement or right-of-way for a vehicular and pedestrian connection between the Oregon City Shopping Center and Main Street extension. The location and design of the connection shall be identified as part of the review during the Detailed Development Plan for the phase 3 development of the project.

**Response:** This condition has already been addressed with the Phase 1 DDP. Phase 1 of the CDP included a 40-foot public access easement from the western limits of the proposed apartment project to the Oregon City Shopping Center to allow for a future connection when and if the Oregon City Shopping Center is redeveloped and a connection can be made.

2. The applicant shall increase the parking associated with the North Park from 10 spaces to 28 spaces.

**Response:** The current application addresses this condition. As shown on the Master Plan, Sheet A1.1, Exhibit B.1, approximately 39 to 48 parking spaces will be provided for the North Park. The applicant requests a modification to remove the cap of the number of parking spaces with the North Park.

- 3. The applicant shall construct Main Street, a collector street designated in the TSP, through and adjacent to the site.**

**Response:** These improvements are currently under construction. It is anticipated that Phase 4 will complete the remainder of Main Street as identified on the updated phasing plan described in this application.

- 4. The applicant shall construct Agnes Avenue, a collector street designated in the TSP, through and adjacent to the site. As part of the phase 1 development of the site, the applicant shall construct a partial Agnes Avenue, which will include two (2) 5-foot bike lanes, one (1) 11-foot paved section for southbound one-way traffic, one (1) 6.5-foot planter strip and one (1) 6-foot sidewalk from North Park to Washington Street. The other half of Agnes Avenue shall be constructed as proposed by the applicant in phase 6.**

**Response:** Phase 1 improvements to Agnes Avenue were removed in the previously approved CP 15-01. Construction of Agnes Avenue is now planned for completion in Phase 2. See the Typical Sections sheet, Sheet C3.3 of the CDP plan set included in Exhibit B.1, which detail the Agnes Avenue sections.

- 5. The applicant shall submit design details of the internal street system including the specifics of intersection spacing, sight distance, bicycle lanes, sidewalks, and pedestrian circulation during the review of the subsequent detailed development plans.**

**Response:** Design details specified above will be submitted during the subsequent DDP and construction plan requests. The Agnes Avenue shed section is detailed in Sheet C3.3 of the CDP plan set, and includes the proposed paved lane widths, bike lanes and sidewalks as previously conditioned from approvals CP 08-05, CP 09-02, and CP 15-01. A Circulation Plan is found in Exhibit B.1, Sheets C3.0 – 3.2.

- 6. The applicant has volunteered to provide the Oregon Department of Transportation \$100,000 prior to the issuance of an occupancy permit for the medical office building or residential development, whichever occurs first. These funds may be used for the design and/or construction of phase two of the McLoughlin Enhancement project and/or improvements to Firestone Alley. If ODOT decides to make these improvements prior to receiving the payment from the applicant, the applicant will reimburse ODOT an equal amount, up to \$100,000, prior to the issuance of an occupancy permit for the medical office building or (residential development, whichever occurs first.**

**Response:** Condition of approval #7 of the 2009 CDP amendment (CP 09-02) amended this condition to require an additional \$20,000 contribution with Phase 1. See the response to that condition with applicant findings regarding off-site traffic conditions and operations.

- 7. The requested adjustment to the perimeter and interior landscaping requirements shall not apply to the above grade parking lots for the medical office building, North Park**

and the mixed-use building. There will be substantial above grade parking at the medical office-building site (266 spaces), the North Park Parking Lot (28 spaces) and the mixed-use building site (19 spaces), which shall meet the parking lot landscaping requirements of the OCMC.

**Response:** Compliance of the perimeter and interior landscaping requirements found in OCMC Title 17 for the parking lots will be addressed with submittal of the subsequent detailed development plans. A medical office building is no longer proposed on Lot 1. No change to this condition of approval related to the North Park and mixed-use buildings are anticipated or requested.

**8. Water quality treatment shall be provided for the development to mitigate impacts to down-stream receiving waters as set forth in the Oregon City Stormwater Manual and Design Standards.**

**Response:** A 10-foot wide swale was constructed onsite at the garden apartments between Buildings 2, 4, 6, 7, 8, 9, 10 and 11. Additionally, a 12.5-foot wide roadside swale was constructed along Main Street. For Phase 2, a 10.5-foot roadside swale is proposed along the Agnes Avenue shed section. A mix of mechanical and LIDA facilities will be developed with the Phase 2 waterfront residences. A utility plan detailing stormwater facilities will be provided with the subsequent DDP request. Runoff from impervious surfaces on Tract D will be treated with a water quality pond as shown on the Sheet C4.3, Grading Plan – North. A preliminary stormwater drainage report is submitted with this DDP grading application under Exhibit S. A preliminary stormwater drainage report will be submitted with the subsequent DDP application for site buildings.

**9. The applicant shall submit a detailed design of the band shelter and meet the construction requirements for a structure within the flood plain per the standards identified in Chapter 17.42: Flood Management Overlay District of the Oregon City Municipal Code. The design shall be approved by the city prior to the issuance of a building permit for the construction of the structure.**

**Response:** The band shelter will be addressed with a subsequent Detailed Development Plan submittal application and will meet the construction requirements for a structure within the floodplain identified in Chapter 17.42: Flood Management Overlay District.

**10. A fill permit will be required either separately or in conjunction with construction plan approvals for these improvements to meet City grading standards and flood plain equal cut and fill requirements.**

**Response:** The applicant will apply for a fill permit in conjunction with construction plan approval requests.

**11. The Applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval pursuant to Oregon City Municipal Code Section 15.48.**

**Response:** A grading and erosion plan is provided for the Phase 2 CDP on Sheets C4.0-4.4. As shown on the plans, inlet protections are proposed at the lowest grade and in the path of the natural directional flow of run-off across the site. A sediment fence is proposed along the Phase 2 site boundaries. At areas with steep slopes, such as the Tract D area (Sheet C4.3), slope stabilization and a temporary sediment pond is proposed during construction. Additionally, stabilized construction entrances are proposed for the anticipated grading activities on Tract D and Lot 1.

**12. The applicant is proposing to provide sidewalks and curbs consistent with the City's Engineering Policies and Standards. The applicant has proposed some alternatives using swales thereby perhaps eliminating some curbs, as permitted by the City's Engineering Policy, and will be reviewed and approved during construction plan review.**

**Response:** All the proposed road improvements along the apartment frontage on Main Street and Agnes Avenue are detailed on the CDP Plan Set, Sheets 1.0 - 1.2. These cross sections are consistent with CP 08-05 condition of approval #20 and CP 09-02 condition of approval #4, as well as the City's Engineering Policies and Standards.

**13. The applicant shall prepare a revised tree removal plan identifying trees that are to be removed that are not located within the vegetated corridor or proposed right-of-ways, easements, building pads, public walkways and parking lots. The trees that are not located within one of the identified locations above shall be mitigated for per the replacement schedule identified above or as approved by the Community Development Director.**

**Response:** As provided in response to OCMC 17.41.020, the applicant has prepared a revised tree removal plan that identifies tree removal proposed with Phase 2, and whether mitigation is required, the trees are located within the NROD, or exempt from mitigation per site development as described by this condition.

**14. The applicant shall submit a revised lighting plan demonstrating compliance with this requirement for the esplanade 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.**

**Response:** A lighting plan will be addressed with the DDP submittal for Phase 2.

**15. An adequately sized water service and meter assembly shall be installed and appropriate system development charges shall be paid for each building when it develops as part of the building permit process.**

**Response:** The location of the water facilities will be detailed in the utility plan to be provided with the subsequent DDP request. System Development Charges (SDC) will be paid prior to building permit issuance.

**16. New fire hydrants shall be located and installed per Clackamas County Fire District No. 1's requirements.**

**Response:** This condition is superseded by CP 15-01 condition of approval #47, which requires fire hydrants to be located along public street frontages, which will be detailed in utility plans to be provided with the subsequent DDP application for site buildings.

**17. Sanitary sewer laterals shall be installed for the new buildings and appropriate system development charges shall be paid for each building when it develops as part of the building permit process.**

**Response:** The location of sanitary sewer laterals will be detailed in utility plans to be provided with the subsequent DDP application for site buildings. The SDC charges will be paid prior to building permit issuance.

**18. The applicant is responsible for this project's compliance with Engineering Policy 00-01: Guidelines for Development. The policy pertains to any land use decision requiring the applicant to provide any public improvements.**

**Response:** The applicant plans to follow this CDP amendment request with a submittal of a DDP amendment and construction plans for Phase 2 public works improvements that meet the City standards listed in the document entitled Engineering Policy 00-01: Guidelines for Development.

**19. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement.**

**Response:** No changes to this condition are proposed or requested with this CDP amendment.

**20. The Applicant shall construct the following transportation improvements in order to facilitate connectivity and service for vehicles, bicyclists and pedestrians using the development. The first major improvement necessary to serve the condominiums will be the realignment of Agnes Avenue and Main Street. The Applicant is proposing to**

incorporate two (2) roundabouts into this new alignment in order to add an aesthetic quality to the roadways and to calm and direct traffic. While the City agrees on the concept of the two roundabouts, further design details and increased ROW in the area surrounding the two roundabouts will be required during construction plan review to accommodate a collector function. Main Street and Agnes Avenue are both designated as "collectors" and as such, the Applicant shall realign Main Street and Agnes Avenue with modified collector sections which includes four different sections, as detailed below:

- The first is the Agnes Avenue -- Shed Section which includes two (2) eleven-foot wide travel lanes, one (1) six-foot wide bike lane, a ten (10) and-a-half foot swale, one (1) six (6) foot sidewalk (proposed on the east side but should be moved over to the west side) and a fifteen (15) foot frontage zone.
- The second section is the Agnes Avenue and Main Street Crown Section. This section includes two (2) eleven (11) foot wide travel lanes, two (2) six (6) foot bike lanes, two (2) six-and-a-half (6 .5) foot wide planter strips and two (2) six (6) foot sidewalks.
- The third section is the Main Street Shed Section. This section includes two (2) eleven (11) foot wide travel lanes, two (2) six (6) foot bike lanes, a four-and-a-half (4.5) foot planter strip and a twelve-and-a-half (12.5) foot swale.
- The fourth and final section is Main Street with on-street parking section. This section includes two (2) eleven (11) foot wide travel lanes, two (2) six (6) foot bike lanes, eight (8) feet of parking, a twelve-and-a-half (12.5) foot swale and an eight (8) foot sidewalk.

**Response:** This condition was amended with the 2009 and 2015 CDP amendment (CP 09-02 and CP 15-01) conditions of approval. The proposed Agnes Avenue shed sections are shown on Sheet C3.3 of the CDP plan set included in Exhibit B.1. As amended by CP 09-02 condition of approval # 4, no on-street parking is required. A crown section for Agnes Avenue is no longer proposed. Main Street is currently under construction, and adheres to the applicable conditions of approval and provisions in the OCMC.

**21. The applicant shall dedicate a 60-foot wide right-of-way for both Agnes Avenue and Main Street. For that portion of Main Street that is adjacent to the proposed recreation facility, where on-street parking is allowed, the applicant shall dedicate a 64-foot wide right-of-way.**

**Response:** This condition was amended with the 2009 CDP amendment (CP 09-02) conditions of approval. As amended by CP 09-02 condition of approval # 4, on-street parking is not required and is not included within the Main Street roadway cross section. Therefore, the required dedication of Main Street and Agnes is 60 feet. This section has been dedicated as stipulated with prior approvals.

**22. Where Agnes Avenue fronts the proposed condominiums, the proposed section will be further modified to include two (2) "decoupled" 11-foot travel lanes. Bicycle traffic that would normally have utilized the western portion of the street will be encouraged to use the waterfront esplanade. A six-foot bike lane on the (east side of Agnes Avenue**

will still be incorporated. The Applicant is proposing the removal of the westernmost sidewalk for this portion of the roadway and the removal of the sidewalk in select sections. The design has been proposed in order to reduce redundancy in impervious surfaces. This section of the roadway will also incorporate seven-foot planted swales and a one-foot utility strip on both sides. Access to Tax Lots 1506 and 1507 shall be maintained and shall be determined during plan review.

**Response:** The proposed CDP Amendment requests a change to the design of Agnes Avenue, which will be constructed in Phase 2 of the project. Four sections of Agnes Avenue are proposed, which are detailed on Sheet C3.3 of the CDP plan set included in Exhibit B.1.

**23. The applicant shall provide a non-vehicular access strip (NVAS) on the final plat as directed along Agnes Avenue and the intersections and curves around the roundabouts to provide safe locations for driveways.**

**Response:** The final plat of the Cove Master Plan was recorded after the first CDP approval. Therefore, this condition of approval is not applicable to the proposed CDP amendment request.

**24. The applicant shall provide ten-foot wide public utility easements (PUE's) along all street frontages. All easements required for the final engineering plans shall be dedicated to the public on the final plat. All existing and proposed utilities and easements shall be indicated on the construction plans. Any off-site utility easements required for this project shall be obtained and submitted to the City prior to approval of the construction plans.**

**Response:** Per discussions with City public works and engineering groups and the private utilities, the applicant is requesting 5-foot public utility easements (PUE's) along Agnes Avenue. Where buildings are tight to the proposed right-of-way, no PUE will be provided and the utilities will be located under the public sidewalk.

**25. The requested adjustment to increase the medical office building parking from 3.33 to 5.0 parking spaces per 1,000 square feet shall be allowed. The applicant of the phase 3 development of the site shall provide the City with a shared parking agreement prior to the approval of the phase 3 Detailed Development Plan. The agreement will allow public use of at least the difference in the number of spaces allowed between the office standard of 3.33 and the maximum of 5.0 per 1,000 square feet. The time of the shared parking shall be determined by the applicant and City during the phase 3 Detailed Development Plan approval.**

**Response:** As part of the requested amendment, the CDP no longer proposes the medical office building on Lot 1. Therefore, this condition does not apply to this request.

26. To ensure that the public open spaces and pathways are protected, the applicant shall record public access easements over all pathways and open spaces described as open to the public in the application.

**Response:** No changes to this condition of approval are requested and it is anticipated that public access easements will be recorded over public pathways and open spaces that are outside of the public right of way.

27. The applicant shall submit a revised parking lot landscaping plan for the North Park parking area(s) demonstrating compliance with the parking lot landscaping requirements of the Oregon City Municipal Code.

**Response:** This condition is superseded by CP 15-01 condition #6(f). Parking lot landscaping will be addressed in the subsequent DDP and construction plan submittal associated with the waterfront residences.

#### **2009 CDP AMENDMENT # CP 09-02**

1. The reduction of the mixed-use building footprint will remove the proposed building from the 50-foot vegetated corridor that was approved through the original application (WR 08-21). The applicant shall revise the landscaping plan and increase the planting within the vegetated buffer to ensure that the areas that were approved from the location of the mixed-use building footprint are replanted as required by the Oregon City Municipal Code.

**Response:** This condition applies to Phase 1 and is not applicable to the proposed CDP amendment.

2. The applicant has proposed to amend the application to include up to 220 apartment units. The apartment units were not part of the original application and staff recommends that the detailed development plan for the apartments should be required to comply with the Oregon City Municipal Code that when into effect on July 31, 2009.

**Response:** This condition applies to Phase 1 and is not applicable to the proposed CDP amendment.

3. The applicant and owners of the Tri-City property shall amend the approved Tri-City concept master plan and receive conditional use and detailed development plan approval for the proposed shared parking lot located on the property. Prior to the issuance of a building permit for the medical office/general office building proposed in phase III, the applicant shall have received the approvals identified in this condition of approval.

**Response:** The applicant is no longer proposing a medical office building with the CDP. Therefore, this condition no longer applies.

4. This condition amends conditions of approval 20 and 21 from the decision for Planning File CP 08-05. Condition of approval number 20 shall be amended as follows to remove the on-street parking street design:
- a. The reference to “The fourth and final section is Main Street” shall be deleted;
  - b. “The third section is the Main Street Shed Section. This section includes two (2) eleven (11) foot wide travel lanes, two (2) six (6) foot wide bike lanes, a four-and-a-half (4.5) foot planter strip, a twelve-and-a-half (12.5) foot wide swale and an eight (8) foot wide sidewalk on the north side of the street.”

**Response:** The CDP Plan Set submitted with the approved CP 15-01 application complied with amended conditions of approval 20 and 21 from CP 08-05.

**Main Street on-street parking from the right-of-way dedication requirements:**

- a. “The applicant shall dedicate a minimum 60-foot wide right-of-way for both Agnes Avenue and Main Street.”

**Response:** Previously approved CDP and DDP applications did not include on-street parking on Main Street. Phase 1 construction of Main Street has been completed and does not include on-street parking. The applicant will dedicate a minimum 60-foot wide right-of-way for Agnes Avenue.

5. The applicant shall submit detailed plans of the restrooms that include the design and exterior materials of the building, landscaping around the facility and how the facility meets the construction requirements for a structure within a flood plain per the standards identified in Chapter 17.42: Flood Management Overlay District of the Oregon City Municipal Code. The design shall be approved by the city prior to the issuance of a building permit for the construction of the structure. The restrooms shall comply with the detailed development plan code requirements that went into effect on July 31, 2009.

**Response:** Plans of the restroom structure at the North Park detailing the design and exterior materials of the building will be submitted with future DDP and construction plan applications.

6. The applicant shall provide a half street improvement for Agnes Avenue between Main Street and the North Park as part of the phase 1 development of the site. The  $\frac{1}{2}$  street section shall include a minimum of 20 feet of pavement, a 10.5-foot swale and a 6-foot sidewalk.

The applicant shall comply with the condition of approval 4 from Planning File CP 08-05, which requires that as part of the phase 1 development, the applicant shall construct a partial Agnes Avenue that will include two (2) five-foot bike lanes, one (1) eleven-foot paved section for southbound one-way traffic, one (1) six and a half-foot planter strip and one (1) six-foot sidewalk from the North Park to Washington

**Street. The other half of Agnes Avenue shall be constructed as proposed by the applicant in phase 6.**

**Response:** The applicant amended this condition in CP 15-01 to construct Agnes Avenue to its fully improved width in Phase 2 of the project.

- 7. Per condition of approval 6 from Planning File CP 08-05, the applicant volunteered to provide the Oregon Department of Transportation \$100,000 prior to the issuance of an occupancy permit for the medical office building or residential development, whichever occurs first. Condition of approval 6 shall be amended to require an additional payment from the applicant to the Oregon Department of Transportation in the amount of \$20,000 to mitigate for the additional trips created by the inclusion of the 220 apartment units.**

**Response:** This condition of approval amended condition of approval #6 from the original Concept Development Plan approval and relates to Phase 1 residential occupancy. The developer of the residential development in Phase 1 will provide the fee as conditioned prior to occupancy. This fee does not apply to the proposed CDP amendment.

- 8. During the detailed development plan for the property south of Main Street, the applicant shall incorporate a pedestrian circulation plan through the site that provides access to safe Main Street pedestrian crossing sites, specifically the round-about at the intersection of Main Street and Agnes Avenue and the two proposed driveways intersections from the site with Main Street. Pedestrian crossing improvements may be necessary, such as a marked crosswalk and sidewalk ramps.**

**Response:** This condition of approval relates to Phase 1 which has been constructed to include the required pedestrian connections as described in this condition.

- 9. The applicant shall comply with Planning File CP 08-05 as proposed by the applicant and as conditioned by the Planning Commission with the exception of those parts of the previous conditions of approval that have been amended as part of this approval.**

**Response:** This narrative and attached materials are provided as evidence of project compliance with the provisions of CP 08-05, or as subsequently amended.

- 10. The applicant shall provide a clearly marked pedestrian crossing between the walkway to the North Park and the sidewalk to the future condominiums on the east side of the permanent parking lot.**

**Response:** As shown on the Site Plan, Sheet L1.1 of the CDP Plan Set included in Exhibit B.1, a pedestrian connection is proposed via a waterfront esplanade from the waterfront residences site to the roundabout south of Tract D.

- 11. The applicant shall revise the parking lot lay out so that there are no more than eight contiguous parking spaces without an interior landscaping strip between them and demonstrate that a minimum of 10% of the interior parking lot is devoted to landscaping.**

**Response:** This condition is superseded by condition of approval #6(f)(iii) from DP 15-01, the compliance of which will result in over 10% of the required interior parking lot landscaped area. A landscaping plan will be submitted with the subsequent DDP and construction plan request.

- 12. The applicant shall incorporate interpretive signage throughout the development identifying the location of bicycle and pedestrian public access within and through the site.**

**Response:** Permanent signage improvements throughout the project for public wayfinding will be installed in conjunction with esplanade improvements. Details of interpretive signage will be identified in the subsequent DDP application.

- 13. The applicant shall provide a temporary bicycle and pedestrian trail connection during the phase 1 and 2 development of the site to ensure that access to, and connectivity along, the Clackamas Trail is maintained during construction.**

**Response:** Connection to the Clackamas Trail has been maintained during construction of Phase 1. A temporary 8-foot wide asphalt trail was built with Phase 1 south of the North Park that connects to the Clackamas Trail and the cove peninsula. At the completion of Phase 2, the trail will be slightly realigned and integrated into the overall Circulation Plan for the northern area of the Cove, as depicted on the Site Circulation Plan, Sheets C3.0 – C3.2, Exhibit B.1.

- 14. The applicant shall provide signage for the 20 permanent parking stalls adjacent to the North Park to ensure that the stalls are available for the public and will not be utilized by the condominiums for parking.**

**Response:** The proposed CDP Amendment request will not amend this condition of approval. Plans including the signage of the parking stalls adjacent to the North Park will be submitted with the subsequent DDP application.

## 2015 CDP AMENDMENT # CP 15-01, DP 15-01, NR 15-05, US 15-06

1. Prior to issuance of a permit associated with the proposed development the applicant shall submit a revised pedestrian circulation plan which complies with all applicable standards within the Oregon City Municipal Code and includes a pedestrian connection that extends the sidewalk adjacent to the rear (parking lot side) of Building 1 (B) to a pedestrian connection along the front (Main Street side) of Building 1 (B) and to the abutting portion of Main Street. (P)

**Response:** The proposed CDP Amendment does not pertain to Building 1 of the garden apartments, and therefore this condition does not apply.

2. Prior to issuance of a permit associated with the proposed development the applicant shall submit the following revisions to the proposed building designs:
  - a. Revised architectural plans for Buildings 3(D) and 5(F) which include double doors within each of the commercial spaces on the Main Street frontage. (P)
  - b. Revised architectural plans in which the Main Street facade of Buildings A, D and F comply with OCMC 17.62.055.1.1 (60% transparency). (P)
  - c. Revised architectural plans in which the right facade of Building A complies with OCMC 17.62.055.1.1 (30% transparency). (P)
  - d. Revised plans for the following facades which comply with OCMC 17.62.057.G.1 (building articulation and modulation). (P)
    - i. Front, rear, left and right facades of buildings C and J
    - ii. Front and rear façades of building D
    - iii. Front, rear, left and right façades of buildings E, G and L
    - iv. Front and rear façades of building F
    - v. Left and right facades of building H
    - vi. Front, rear, left and right facades of buildings K and M
  - e. Documentation demonstrating that all windows recess or project at least two inches from the facade and incorporate window trim at least four inches in width that features color that contrasts with the base building color. Exceptions will be considered by the community development director where buildings employ other distinctive window or facade treatment that adds visual interest to the building. (P)

**Response:** This condition applied to the Phase 1 DDP, and does not apply to the proposed CDP amendment.

3. Prior to issuance of a permit associated with the proposed development the applicant shall submit documentation identifying compliance with the lighting standards in Chapter 17.62.065 of the Oregon City Municipal Code. (P)

**Response:** A lighting plan will be submitted with a subsequent DDP submittal.

4. Prior to issuance of any permit associated with the proposed development the applicant shall submit revised plans for the retaining wall between Lot 2 and the Oregon City Shopping Center. The redesigned wall and all associated alterations to the adjacent parking lot, landscaping, etc. shall comply with the Oregon City Municipal Code. (DS & P)

**Response:** The proposed CDP Amendment does not pertain to the Lot 2 garden apartments, which are currently in construction. Therefore, this condition does not apply.

5. Prior to issuance of a permit associated with the proposed development the applicant shall submit documentation demonstrating that the temporary Trailhead parking lot complies with bicycle parking standards in Chapter 17.52.040 of the Oregon City Municipal Code. (P)

**Response:** The temporary trailhead parking lot has already been constructed as part of Phase 1 and therefore does not apply to this CDP amendment submittal.

6. The following items relate to landscaping. The applicant shall submit the following:
  - a. A revised landscaping plan identifying landscaping between the parking lot and the adjoining property.
  - b. Documentation identifying that no mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.
  - c. Documentation identifying that all landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper). The planting of taller trees is encouraged and the planting of Juniper trees is discouraged.
  - d. A revised landscaping plan in which the perimeter parking lot landscaping includes:
    - i. The perimeter parking lot landscaping provided in all of the required locations.
    - ii. Trees spaced a maximum of 35 feet apart.
    - iii. Includes an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average with visual breaks, no more than five feet in width, every thirty feet within evergreen hedges abutting public right-of-ways.
  - e. A revised landscaping plan in which the parking area/building buffer landscaping includes trees spaced a maximum of 35 feet apart.
  - f. A revised landscaping plan in which the interior parking lot landscaping includes:

- i. **Trees within the interior parking lot landscaping in accordance with OCMC 17.52.060.D.a.**
- ii. **Shrubs spaced no more than an average of 4 feet on center.**
- iii. **No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.**
- g. **A revised tree removal plan identifying all easements as well as a calculation for the number of mitigation trees required per OCMC 16.12.310 of the 2008 Master Plan and the location, species and size of the mitigation trees. The mitigation trees shall be identified on a landscaping plan, if applicable, and may not be counted toward required landscaping. If the applicant can demonstrate that there is insufficient room to place the trees onsite, an alternative location, an increase in the size of required trees onsite by the caliper being mitigated or a fee in lieu may be considered. (P)**

**Response:** The NROD Report included in Exhibit F provides a calculation for the number of trees required per this condition. Details of the mitigation trees will be included on the landscaping plans to be provided with the subsequent DDP submittal.

- 7. **Prior to issuance of any permit associated with the proposed development the applicant shall submit revised plans which identify all fencing throughout the site. The fencing shall comply with Chapter 17.54.100 and any other applicable standard of the Oregon City Municipal Code such as 17.62.050.A.21 and 17.54.010.D. (P)**

**Response:** Plans that identify fencing will be submitted with the subsequent DDP application, and are not applicable to this CDP submittal.

- 8. **Prior to issuance of a permit associated with the proposed development the applicant shall submit a revised Phasing Plan reflecting the uses and square footages identified in the 2009 Master Plan approval and any approved amendments within this report. (P)**

**Response:** This condition pertained to the Phase 1 DDP submittal. An updated phasing plan associated with the proposed CDP amendment is provided in Exhibit B.1.

- 9. **Prior to issuance of permits associated with the proposed development the applicant shall submit a supplement to the Transportation Impact Analysis related to the first phase of development that includes but is not limited to addressing the need for turn lanes at the site entrances, pedestrian and bicycle facilities along**

**the frontages, site circulation and site access, intersection spacing for new intersections created as part of the development, sight distance at new intersections and major site access points and consistency of new streets with the Transportation System Plan. The plan shall demonstrate how the proposal complies with all applicable criteria. (P)**

**Response:** This condition applies to Phase 1 development and therefore is not applicable to the proposed CDP amendment.

**10. Prior to issuance of a permit associated with the proposed development the applicant shall submit the following items related to the Natural Resource Overlay District:**

- a. A revised mitigation planting list which complies with the standards in OCMC 17.49.**

**Response:** The NROD Report included in Exhibit F provides information on mitigation plantings. Detailed planting schedules, including mitigation trees, will be included on the landscaping plans to be provided with the subsequent DDP submittal.

- b. Documentation identifying that the exterior lights adjacent to the NROD would be shielded so that they do not shine directly into resource areas per Section 17.49.100 H.**

**Response:** Exterior lights adjacent to the NROD will be shielded to prevent direct glare into the resource area in compliance with Section 17.49.100.H. A detailed lighting plan will be submitted with the subsequent DDP submittal.

- c. Documentation identifying compliance with the standards for utility lines in OCMC 17.49.140.**

**Response:** This condition relates to the stormwater outfall pipe associated with the Phase 1 garden apartments. Utilities are not proposed within the NROD for the Phase 2 waterfront residences.

- d. Updated concurrence letters from USACE and DSL regarding wetlands per 17.49.060 B or documentation identifying that a concurrence letter is not required to satisfy state and/or federal permitting requirements.**

**Response:** Documentation identifying that a concurrence letter was not required to satisfy state and/or federal permitting requirements was provided with previously approved applications.

- e. Documentation identifying compliance with 17.49.150.E.**

**Response:** A construction management plan associated with the NROD identifying compliance with 17.49.150.E was submitted with prior approvals, and it is expected that a construction management plan for Phase 2 work within the NROD will be provided prior to construction of Phase 2.

- f. Revised plant notes so that all plantings are to be watered by hose or water truck during establishment and removal of the statement that planting between October 15 and April 15 is prohibited.**

**Response:** This condition applies to the DDP associated with the Phase 1 garden apartments. A detailed planting plan will be submitted with the subsequent DDP for the Phase 2 waterfront residences.

- g. A revised planting plan to include a broader variety of native seeds such as wildflowers, as well as nonnative sterile wheat and/or barley grass that are not hydrophilic and that will establish quickly and thrive during the monitoring period.**

**Response:** This condition applies to the DDP associated with the Phase 1 garden apartments. A detailed planting plan will be submitted with the subsequent DDP for the Phase 2 waterfront residences.

- h. A financial guarantee for establishment of the mitigation area, in a form approved by the City, before development within the NROD disturbance area commences. The City will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that the mitigation plan has been satisfactorily implemented pursuant to Chapter 17.49. (P)**

**Response:** This condition applies to the DDP associated with the Phase 1 garden apartments. A mitigation plan for the Phase 2 waterfront residences is included in the NROD report, Exhibit F.

**11. Prior to issuance of a permit associated with this development the applicant shall submit documentation identifying compliance with the Flood Management Overlay District in Chapter 17.42 of the Oregon City Municipal Code. (B)**

**Response:** The response to OCMC 17.42 in this application narrative provides a description of how the project complies with the Flood Management Overlay District.

**12. The development shall comply with Engineering Policy 00-01 and all applicable design standards. Applicant shall schedule a pre-design meeting with City's Development Services staff prior to submittal of public facilities construction plans. (DS)**

**Response:** The proposed Phase 2 waterfront residences will comply with Engineering Policy 00-01 and all applicable design standards.

**13. Applicant shall obtain EPSC permit from City prior to commencement of any tree removal or ground disturbance. (DS)**

**Response:** The applicant obtained an Erosion Prevention and Sediment Control permit from the City prior to commencement of any tree removal or ground disturbance associated with the Phase 1 garden apartments.

**14. Applicant shall obtain 1200-C permit approval from Oregon Department of Environmental Quality (DEQ) prior to construction plan approval by City and prior to commencement of any ground disturbance. (DS)**

**Response:** Consistent with this requirement, a 1200-C permit approval was obtained from DEQ prior to construction of the Phase 1 Garden apartments.

**15. Construction plan submittal shall address emergency access to the adjacent shopping center in adequate detail in particular, striping and signage within the shopping center easement and an emergency plan focusing on flood events. Final design is subject to approval of City Engineer. (DS)**

**Response:** Emergency access to the adjacent shopping was addressed with Phase 1, which is currently under construction.

**16. Private stormwater management facilities will require an operation and maintenance plan and recorded covenant in accordance with the Stormwater and Grading Design Standards, prior to City acceptance of public facilities. (DS)**

**Response:** An operation and maintenance plan and recorded covenant in accordance with the Stormwater and Grading Design Standards, will be recorded within the CDP area where applicable. Details regarding stormwater management facilities will be provided with the subsequent DDP application.

**17. Permanent energy dissipation and erosion control measures shall be installed at both existing storm outfalls if warranted per Stormwater and Grading Design Standards. (DS)**

**Response:** Permanent energy dissipation was installed as part of Phase 1 at the two stormwater outfalls located on Main Street. No new or modified stormwater outfalls are anticipated with remaining phases of the CDP.

**18. Amend the plat if necessary to accommodate the proposed changes including but not limited to the Trailhead parking lot on Lot 11 (Tract A). (DS)**

**Response:** A plat amendment is requested in conjunction with the Type III CDP Amendment.

**19. Prior to submittal of construction plans for Phase 1 or submittal of Detailed Development Plan for any subsequent phase, a final Concept Development Plan set shall be submitted for review and approval addressing the following items:**

- a. Show NROD and Floodplain delineations on the plan.**

**Response:** The NROD and floodplain boundaries are shown on the CDP Plan Set included in Exhibit B.1.

- b. A sidewalk shall be constructed with Phase 1 along south side of Main Street from the northernmost entrance of garden apartments to Firestone Alley.**

**Response:** Phase 1 construction of the garden apartments is underway. Therefore, this condition does not apply to the proposed CDP amendment.

- c. Waterline to be relocated along Agnes Avenue R/W in Phase 2.**

**Response:** The waterline to be relocated along Agnes Avenue will be shown on the utility plans to be provided with the subsequent DDP application.

- d. Incorporate into the CDP plan set any relevant changes based on City review comments for the DDP.**

**Response:** Relevant comments from City review of the DDP were incorporated in the final CDP plan set associated with CP 15-01.

- e. Remove details of pavement sections from the CDP set. The sections on CDP should only indicate R/W, functional class, other items that are not standard. Remove references to plan sheets that are not a part of this application (for instance, "see C110").**

**Response:** Details of pavement sections were removed from the previously approved CDP plan set associated with the 2015 CDP amendment approval. Details of pavement sections are not included on the proposed CDP plan set included in Exhibit B.1.

- f. Show functional class on typical sections.**

**Response:** The proposed ROW for Agnes Avenue varies. Therefore, the sections submitted as shown on Sheet C3.3 of the CDP plan set included in Exhibit B.1 are unique to the project.

- g. Clarify limits of the shed and crown sections for both Agnes Avenue and Main Street.**

**Response:** Crown sections are not proposed for Agnes Avenue. Shed sections are proposed for Agnes Avenue, as provided on Sheet C3.3 included in Exhibit B.1.

- h. Clarify the shaded area shown overlapping the building on Lot 1.**

**Response:** This item applies to the Phase 1 garden apartments, which are currently under construction and does not apply to the proposed CDP amendment.

- i. Extension of Agnes Avenue (emergency and multi-use path portion) from North Park entrance to Washington Street shall include the full section. Phase 2 shall include installation of the first half of the street with a minimum 20-foot pavement width. The second half should be designated for "future."**

**Response:** The Agnes Avenue Extension is no longer proposed as part this CDP amendment. Therefore, this item does not apply.

- 20. Prior to issuance of a permit associated with the proposed development the applicant shall submit a plan for street trees in compliance with OCMC 12.08. (P)**

**Response:** A plan for street trees in compliance with OCMC 12.08 will be submitted in the subsequent DDP submittal.

- 21. Street trees along Phase 1 portion of Main Street west of the roundabout shall be installed with Phase 1 public improvements unless otherwise approved by City Engineer with construction plan approval. (DS)**

**Response:** Phase 1 is currently under construction and therefore this condition does not apply to this CDP amendment proposal.

- 22. With Phase-1; existing 10-inch public waterline shall be replaced with new 10-inch waterline within Main Street improvements from north end of property to southerly connection to existing waterline located outside grading and street improvement limits. The waterline shall be placed in City standard utility location to maximum extent practicable. (DS)**

**Response:** Phase 1 is currently under construction and therefore this condition does not apply to this CDP amendment proposal.

**23. Existing public sewer and storm pipes shall be replaced where impacted by cutting of Main Street, as determined by City Engineer. Construction plans shall provide adequate detailed survey data regarding pipe locations and elevations to make this determination. (DS)**

**Response:** Cutting of Main Street is associated with Phase 1 and does not apply to this CDP amendment proposal.

**24. Concurrent with Phase 2, the 10-inch waterline is to be replaced with new 10-inch waterline along Agnes Avenue right-of-way with the relocation of Agnes Avenue. (DS)**

**Response:** The new 10-inch waterline along the relocated Agnes Avenue will be shown on the utility plans to be provided with the subsequent DDP request.

**25. The proposed bypass around the water meter will not be permitted. The approved options are to provide separate fire and domestic taps, or to provide one combined tap. (DS)**

**Response:** Separate taps will be provided for domestic and fire for the Phase 2 design. The layout of the water meter bypass will be shown in the subsequent DDP application.

**26. Existing utility lines along the subject frontages shall be placed underground unless determined by the City Engineer and the franchise utility owner to be infeasible. (DS)**

**Response:** All existing and future utility lines on site will be placed underground along the subject frontages. Existing overhead transmission mains east of Agnes Avenue are to remain, as they are not along the subject property frontages. Therefore, this condition is met.

**27. Southward from the roundabout, Main Street crown cross-section shall consist of (as measured beginning from right-of-way line) 0.5-foot public access strip, 6-foot sidewalk, 6.5-foot planter, 0.5-foot curb, 34-foot pavement, 0.5-foot curb, 6.5-foot planter, 6-foot sidewalk, 0.5-foot public access strip; to be constructed with Phase 1. Width of the planter strip and sidewalk may be reduced to accommodate topographic constraints, if approved by City Engineer at construction plan review. (DS)**

**Response:** Main Street has been constructed and therefore this condition does not apply to the current CDP amendment proposal.

**28. Westward from the roundabout, Main Street shed cross-section shall consist of (as measured beginning from right-of-way line) 0.5-foot public access strip, 8-foot sidewalk, 4.5-foot planter, 0.5-foot curb, 34-foot pavement, 0.5-foot curb, variable width water quality planter or swale, 6-foot sidewalk, 0.5-foot public access strip. Sidewalk shall not be required on the south side of between the esplanade and the northern entrance of Garden Apartments. Phase 1 shall construct southside sidewalk from northern entrance to Firestone Alley (McLoughlin Boulevard) Planter strip, swale and sidewalk may be reduced or eliminated along portions of the street where necessary to accommodate topographic constraints, if approved by City Engineer at construction plan review. (DS)**

**Response:** Main Street has been constructed and therefore this condition does not apply to the current CDP amendment proposal.

**29. From the roundabout to the North Park entry, Agnes Avenue shed cross-section shall consist of (as measured beginning from right-of-way line) 14.5-foot landscape strip, 0.5-foot curb, 28-foot pavement, 0.5-foot curb, 10.5-foot water quality planter or swale, 6-foot sidewalk, 0.5-foot public access strip, to be constructed with Phase 2. (DS)**

**Response:** The CDP amendment proposes changes to the Agnes Avenue shed cross-section as described in this condition. This narrative further describes the proposed section as shown on the Typical Sections sheet, Sheet C3.3 of the CDP plan set included in Exhibit B.1.

**30. From North Park entry eastward to Washington Street, Agnes Avenue Extension shall consist of (as measured beginning from right-of-way line) 0.5-foot public access strip, 6-foot sidewalk, 8.5-foot water quality planter or swale, 0.5-foot curb, 34-foot pavement, 0.5-foot curb, 8.5-foot water quality planter or swale, 6-foot sidewalk, 0.5-foot public access strip. Phase 2 shall complete the first half of the street, with a minimum 20-foot pavement width. The need for construction of the second half shall be determined at time of Detailed Development Plan submittal for each phase. At this time, the segment shall be limited to use by emergency vehicles, pedestrians, and non-motorized vehicles. Bollards shall be placed at each terminus, in accordance with Clackamas Fire District #1 requirements. Sidewalk, swales, street trees and street lights on one side of the street will be required with the Phase 2 improvements. (DS)**

**Response:** The Agnes Avenue extension is no longer proposed as part of the CDP. Therefore, the applicant is proposing to eliminate this condition with this CDP amendment request.

**31. Pedestrian crossing locations shall be determined at time of construction plan review in accordance with recommendations by a Traffic Engineer. (DS)**

**Response:** Pedestrian crossing locations will be detailed in future DDP and construction plan requests, to be submitted concurrently.

**32. The construction plan/grading plan/stormwater report for Phase 1 shall address drainage outfall from the amphitheater area of the North Park site, and shall demonstrate compliance with 17.49.155 for facilities within the NROD where applicable. (DS)**

**Response:** This condition is associated with Phase 1 and does not apply to the current CDP amendment.

**33. Right-of-way, public utility easements, and public access easements shall be dedicated as needed where inadequate, prior to commencement of public improvements or issuance of building permits for each phase. (DS)**

**Response:** Right-of-way, public utility easements, and public access easements were dedicated as necessary prior to issuance of building permits for Phase 1, and will be dedicated as needed for each subsequent phase.

**34. The applicant shall provide supplemental design data with the public facilities construction plan submittal to address protection of the public infrastructure from flooding in accordance with 17.42.160.E.2 and 3. This applies to pavement and subgrade design and pipe systems in Main Street (Phase 1) and Agnes Avenue (Phase 2). (DS)**

**Response:** Supplemental design data for Agnes Avenue (Phase 2) will be provided at the time of construction in accordance with 17.42.160.E.2 and 3.

**35. Solid waste collection area shall be equipped with additional source control measures per Section 6.5 of the Stormwater and Grading Design Standards. (DS)**

**Response:** Solid waste collection areas will be equipped with additional source control measures per Section 6.5 of the Stormwater and Grading Design Standards.

**36. Prior to grading plan approval, the applicant's geotechnical engineer shall perform additional geotechnical exploration as recommended in the Preliminary Geotechnical Engineering Report dated May 12, 2015. The geotechnical engineer shall prepare detailed recommendations for treatment of the undocumented fill and recommendations shall be incorporated into final grading plans. (DS)**

**Response:** Additional geotechnical exploration specified above was performed prior to the final grading plan approval for the Phase 1 garden apartments.

**37. Recommendations stated in the geotechnical report(s) shall be performed during the design or construction phases as applicable, and written certification by the geotechnical engineer-of-record shall be provided. (DS)**

**Response:** Recommendations stated in the geotechnical report will be performed during design or construction phases as applicable. Written certification by the geotechnical engineer is currently being provided in Phase 1 construction and will continue in future phases of construction.

**38. Site grading and earthwork shall be performed between May 1 and October 31 unless otherwise authorized per OCMC 17.44.060(B). (DS)**

**Response:** Site grading and earthwork will be performed between May 1 and October 31 unless otherwise authorized per OCMC 17.44.060(B).

**39. Grading and construction plans shall minimize cuts and fills in compliance with 17.44.060.C. Measures at a minimum shall include minimizing cuts to Main Street, terracing retaining walls, relocating retaining walls to reduce height, and altering of grade between the Cove and Clackamas River on the north side of North Park Amphitheater adjacent to City bank remediation project, to the maximum extent practicable. Applicant shall provide written justification when measures are deemed infeasible at time of construction plan submittal, and modifications to this condition shall be approved by City Engineer. (DS)**

**Response:** This condition relates to Phase 1 and is not applicable to this proposed CDP amendment.

**40. Grading plan shall include an engineer's design for all structural fill. Prior to issuance of each building permit, the geotechnical engineer-of-record shall provide written certification that structural fill for the affected area was placed as designed and in accordance with provisions of OCMC Chapter 17.44. (DS)**

**Response:** Written certifications for structural fill will be provided with construction permit requests.

**41. Prior to construction plan approval or issuance of building permits, provide engineered plans and structural design calculations in accordance with Oregon Structural Specialty code for all free-standing retaining walls that retain soil. (DS)**

**Response:** Engineered plans and structural design calculations for all free-standing retaining walls that retain soil will be provided in subsequent DDP and construction requests.

**42. Prior to issuance of building permits the geotechnical engineer-of-record shall provide written documentation that the foundation plans are in conformance with their recommendations. (DS)**

**Response:** Written documentation that the foundation plans are in conformance with geotechnical engineer recommendations will be provided in subsequent DDP and construction submittals.

**43. Applicant shall comply with conditions required as part of the City's geotechnical review and pay for the City's geotechnical engineer's consultation costs related to this review. (DS)**

**Response:** The applicant complied with conditions required as part of the City's geotechnical review for Phase 1, and paid fees associated with the City's geotechnical review for Phase 1.

**44. Full-time monitoring and inspection and written daily reports by geotechnical engineer-of-record are required for all earthwork performed on North Park Area, Lot 1, Lot 2 Garden Apartments, Main Street right-of-way, and other areas where public improvements are proposed. (DS)**

**Response:** This condition applies to Phase 1 and does not apply to the proposed CDP amendment.

**45. Prior to commencement of any work, applicant shall execute a waiver of damages and an indemnity and hold harmless agreement releasing the City from all liability for damages resulting from the development approved by the City's decision. (DS)**

**Response:** This condition relates to City indemnification and is assumed to be generally applicable prior to all development phases.

**46. Steep grades on the northernmost main entrance shall be approved by Clackamas Fire District #1. (DS)**

**Response:** Steep grades on the northernmost main entrance were approved by Clackamas Fire District #1 as part of Phase 1 construction permitting.

**47. Fire hydrants shall be installed along public street frontages in accordance with City design standards and Clackamas Fire District #1 requirements. (DS)**

**Response:** Fire hydrants will be installed throughout the project for consistency with City design standards and Clackamas Fire District #1 design requirements.

## II. OREGON CITY MUNICIPAL CODE

### CHAPTER 12.04 STREETS, SIDEWALKS AND PUBLIC PLACES

#### 12.04.007 Modifications

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

- A. The modification meets the intent of the standard;

**Response:** Although the phasing of public road improvements has changed from previous approvals, Main Street and Agnes Avenue will remain predominantly the same as approved by the City, and these facilities will meet the intent of the street design standard per OCMC 12.04.180, with a few minor changes to Agnes Avenue shed section as noted below:

- On-street Parking: One (1) 8-foot parallel parking area on the east side of the north segment; one (1) 19.5-foot 60-degree angled parking area on the west side of the central segments as well as one (1) 8-foot parallel parking area on the east side a central segment.
- Rain Garden: One (1) 8.5-foot curb and rain garden on the east side of a central segment and one (1) 12.5-foot curb and planter/swale on the east side of the north segment.
- Sidewalks: Two (2) 6-10-foot sidewalks on both sides of the street of the south segment.
- Sidewalks: One (1) 9.5-foot curb and sidewalk with tree wells on the west side of a central segment.
- Landscaping: Landscaping varies in width but remains along the east side of Agnes Avenue.
- Utilities: Identified locations of storm sewer, sanitary sewer, water, phone, power, cable, and gas utilities within the cross sections.
- Utilities: Identification of 5-foot PUE and Franchise Utility Zones on the west side of Agnes Avenue.

The table below identifies the proposed changes to Agnes Avenue compared to the road design included in the 2015 CDP approval.

**Table 4: Proposed Changes to the Agnes Avenue Shed Section**

<b>Road Section</b>	<b>2018 Proposed</b>	<b>2015 CDP Approval</b>
Agnes Avenue (Shed Section)	60' ROW (varies): (2) 11' travel lanes (1) 6' bike lane (2) 5-9' planter with curb or (1) 12.5' planter/swale with curb & (1) 8' parallel parking (2) 6-10' sidewalks	60' ROW (varies) (2) 11' travel lane (1) 6' bike lane (1) 6.5' planter with 0.5' curbs (1) 6' sidewalks 10.5' swale with 0.5' curb
Agnes Avenue (Shed Section with Angled Parking)	80.5' ROW: (1) 14' travel lane (1) 11' travel lane (1) 6' bike lane (1) 19.5' 60-degree parking (1) 9.5' sidewalk with tree wells and curb (2) 6' sidewalks (2) 6' landscaping (1) 8' parallel parking or (1) 8.5' rain garden with curb	<i>Not proposed</i>
Agnes Avenue Extension	<i>Not proposed</i>	<i>Proposed</i>

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

**Response:** The updated cross-sections are shown on the Typical Section sheet, Sheet C3.3 of the CDP Plan Set included in Exhibit B.1. The road cross section modifications noted above are warranted and meet the approval criteria of this section as they will continue to provide for safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight. This will be accomplished by:

- Ensuring that sidewalks and bicycle lanes are provided with all sections; and,
- Providing adequate lane widths for standard vehicular traffic and any freight traffic that might travel through the site.

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

**Response:** The modification is fundamentally consistent with the plan as it will provide collector levels of service within collector corridors identified by the City. As Agnes Avenue is not a through-road, there is capacity to serve the proposed development and Tri-Cities facility.

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

**Response:** The modification is complimentary with Main Street, constructed in Phase 1, and will extend a similar street design into Phase 2.

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

**Response:** The modification is not proposed for constitutionality reasons. Therefore, this criterion does not apply.

#### **12.04.010 Construction specification—Improved streets.**

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

**Response:** As shown on the Site Plan, Sheets C2.0 – C2.3, all proposed sidewalks are at least 6-feet in width, with standard curbs to meet the plans and specifications provided by the City Engineer.

#### **12.04.025 Street design—Driveway curb cuts.**

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

**Response:** As shown on the Site Plan, Sheet L1.1 of the CDP Plan Set, there is no more than one driveway proposed per property frontage for the waterfront residences along Agnes Avenue.

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

**Response:** Phase 2 contains five (5) curb cuts to access Lots 3-7 as well as North Park. Each curb cut is 26-feet wide, which meets the minimum and maximum driveway width standards specified by the dimensional table.

#### **12.04.050 - Retaining walls—required.**

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

**Response:** As shown on the Grading Plan – South on CDP Plan Sheet C4.1, there is a double-stepped retaining wall associated with Phase 2, located at the southern side of Building D (south) northwest of the Main-Agnes roundabout. These walls will retain the grades adjacent to the waterfront residences above the finished grades for Main Street. Installation and placement of retaining walls will be done consistent with the final recommendations of the project's geotechnical engineering consultant.

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

**Response:** Both Main Street and Agnes Avenue are classified as “Collectors” in the Oregon City Transportation System Plan (TSP). With the past CDP approvals of the site, amendments to the collector street design section requirements have been approved by the City (See the response to OCMC 12.04.007 above). The applicant is proposing minor changes to the cross section of the Agnes Avenue shed section to add on-street parking, a planter swale, and a rain garden. The updated cross-sections are shown on the Typical Section sheet, Sheet C3.3 of the CDP Plan Set included in Exhibit B.1.

Proposed roadway design and construction for Phase 2 will include the improvement of approximately 2,000 lineal feet of Agnes Avenue along the east side of Lots 3-7, consisting of a varied shed section (See the response to OCMC 12.04.007 above). The Agnes Avenue Extension is no longer proposed.

#### **12.04.195 Spacing standards.**

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

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

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

**Response:** Main Street and Agnes Avenue are both classified as Collectors as set forth by the Transportation System Plan. Local roads are not proposed. As shown the Site Plan, Sheet L1.1 of the plan set included in Exhibit B.1, the driveway spacing for the project is approximately 150-feet, which meets the minimum spacing standard for a Collector identified in OCMC Table 12.04.195.B.

**12.04.199 Pedestrian and bicycle accessways.**

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

**Response:** As shown on the CDP Site Circulation Plan on Sheets C3.0 and C3.2, pedestrian circulation within the Master Plan Boundary is provided via a series of sidewalks, pathways, and trails. The layout of the proposed pathways has been designed to connect with existing and planned pedestrian facilities along the natural areas that exist within and adjacent to the master plan area. The proposed design enables pedestrians to move throughout the site and access all of the amenities of the development safely. The proposed CDP amendment will not significantly impact the approved pedestrian circulation system. 6-foot wide sidewalks will be constructed along all internal and adjacent frontages of both Main Street and Agnes Avenue. The esplanade that runs the length of the eastern shore of the Clackamette Cove will remain unchanged. The applicant has provided connections between the proposed uses, buildings, parking areas and open space through a series of separated pathways. These pathways are approved to be eight (8)-feet wide and are designed to be ADA accessible to the greatest extent possible. Due to topography constraints, some pathways may have grades that exceed the requirements of ADA.

**12.04.205 Mobility standards.**

**Response:** As demonstrated in the previously submitted July 2015 TIA, Exhibit E.2, the mobility standards are met. The more recent March 28, 2018 Trip Generation

Letter, Exhibit E.1, finds there is a net decrease in traffic on the site compared to previously approved CDP.

#### **12.04.210 Intersection Angles.**

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

**Response:** The proposed CDP amendment will maintain the location and orientation of intersections within the development as previously approved.

#### **12.04.235 Street Design – Grades and Curves**

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

**Response:** As shown on the details provided for Agnes Avenue on Sheet C3.3 of the CDP Plan Set, the grades and the center line radii conform to the collector classified street design standard.

#### **12.04.245 Street Design - Pedestrian and Bicycle Safety**

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

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

**Response:** As shown on the Site Plan, Sheets C2.0 – C2.2, Exhibit B.1, six pedestrian crossings are proposed across Agnes Avenue. The pedestrian crosswalk will be constructed of contrasting materials with the concrete street section. The prominent features of this sidewalk and crossing will alert vehicles of the presence of pedestrians and facilitate safe crossings.

#### **12.04.265 Street Design – Planter Strips.**

All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within ten feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major Arterial Street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

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

**Response:** As noted in the response to OCMC 12.04.007 above, a modification to this standard uses a wider sidewalk with tree wells on the west side of Agnes Avenue adjacent to the property. The modification accommodates on-street parking in the central segments of Agnes Avenue.

### **Chapter 12.08 - PUBLIC AND STREET TREES**

**Response:** Street tree requirements will be addressed through landscape planting plans as part of the subsequent DDP submittal.

## **TITLE 13 PUBLIC SERVICES**

### **CHAPTER 13.04 WATER SERVICE SYSTEM**

**Response:** Each building of the waterfront residences will have its own fire and domestic taps and vaults. Detailed utility plans, including a water service system in compliance with this chapter, will be provided with the subsequent DDP application request.

## **CHAPTER 13.08 SEWER REGULATIONS**

### **13.08.010 Sewer connections—required.**

**Response:** Detailed utility plans in compliance with this chapter will be provided with the subsequent DDP application request. Sanitary service will connect to a new 10-inch sanitary main that connects to the 42-inch sanitary line currently located in Main Street.

## **CHAPTER 13.12 STORMWATER MANAGEMENT**

### **13.12.050 Applicability and exemptions**

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

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

**Response:** Following the City of Oregon City Stormwater and Grading Design Standards, a Storm Plan and a Preliminary Stormwater Report will be provided with subsequent DDP and construction permit applications demonstrating compliance with the provisions of this section. Stormwater run-off will be collected and treated onsite through a mix of proposed mechanical and LIDA facilities prior to being released into the Clackamette Cove before entering the Clackamas River, a tributary to the Willamette River.

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

**Response:** Stormwater runoff will be discharged to an existing public storm sewer system that has been found to adequately convey site flows from pervious conveyance studies as determined in the Drain Report – Phase 1 Infrastructure, included as a technical appendix in the 2015 Preliminary Drainage Report included with prior submittals. Details of drainage for the waterfront residences will be provided during the subsequent DDP submittal. Site drainage conveys to the Clackamas River and then Willamette River, which have adequate downstream conveyance capacity. Therefore, detention is not required for this project.

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

**Response:** A Storm Plan and Preliminary Stormwater Report will be provided with subsequent DDP and construction permit submittals demonstrating compliance

with the quality provisions of this section. Stormwater runoff will be treated onsite through a mix of mechanical and LIDA facilities.

### **13.12.090 Approval criteria for engineered drainage plans and drainage report**

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

- A. The plan and report demonstrate how the proposed development and stormwater management facilities will accomplish the purpose statements of this chapter;**

**Response:** The new development will not have adverse impacts on the existing downstream systems and stormwater infrastructure and it will not increase nonpoint source pollution typically associated with increased impervious materials and stormwater run-off. A Storm Plan and Preliminary Stormwater Report will be provided with the subsequent DDP submittal.

- B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020;**

**Response:** A Storm Plan and Preliminary Stormwater Report will be provided with the subsequent DDP submittal.

- C. Unless otherwise exempted by Section 13.12.050(B), the plan and report includes adequate stormwater quantity control facilities, so that when the proposed land development activity takes place, peak rates and volumes of runoff:**

- 1. Do not exceed the capacity of receiving drainage conveyance facilities;**
- 2. Do not increase the potential for streambank erosion; and**
- 3. Do not add volume to an off-site closed depression without providing for mitigation.**

**Response:** As detailed in prior submittals, the existing stormwater sewer system is adequate to serve the proposed Cove waterfront residences. The proposed storm drain lines, catch basins and inlets collect run-off and connect to the existing public storm sewer system, where run-off will be discharged into the Clackamette Cove. Water discharged to the cove flows into the Clackamas River, upstream of the Willamette River. Both rivers have drainage basins larger than 100 square miles and adequate downstream conveyance capacity as documented in the Drain Report – Phase 1 Infrastructure included as a technical appendix in the Preliminary Drainage Report submitted with previously approved DDP applications.

- D. Unless otherwise exempted by Section 13.12.050(C), the proposed development includes:**

1. **Adequate stormwater quality control facilities, so that when the proposed land development activity takes place, the temperature and overall pollution level of stormwater runoff is no greater than the water entering. When no water enters a project, then stormwater runoff shall be compared to rain samples; and**
2. **Stormwater quality control facilities which:**
  - a. **Are in compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements;**
  - b. **Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures; and**
  - c. **Minimize any increase in nonpoint source pollution.**

**Response:** A Storm Plan and a Preliminary Stormwater Report will be provided with subsequent DDP and construction permit submittals demonstrating compliance with the quality control provisions of this section. Stormwater runoff will be treated onsite with a mix of mechanical and LIDA facilities.

- E. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.**

**Response:** A Storm Plan and a Preliminary Stormwater Report will be provided with subsequent DDP and construction permit submittals demonstrating compliance with the quality control provisions of this section. Stormwater runoff will be treated onsite with a mix of mechanical and LIDA facilities.

- F. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams. The post-development peak stormwater discharge rate from a development site for the two year, twenty-four hour duration storm event shall not exceed fifty percent of the two year, twenty-four hour predevelopment peak runoff rate.**

**Response:** Stormwater is not anticipated to discharge into open channels or streams. Stormwater will drain into the Clackamette Cove and dump into the Clackamas River and Willamette River. Both rivers have 100 square miles of basin area and, are therefore not subject to the streambank erosion protection standard. The Preliminary Drainage Report, included with previously approved DDP applications uses the King County rainfall distribution, which is required by Clackamas County standards and is more conservative than the Type 1A, 2-year 24-hours duration rainfall distribution.

- G. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.**

**Response:** Both the Clackamas River and the Willamette River, which the Clackamette Cove discharges into, have adequate downstream conveyance capacity. Therefore, stormwater detention is not required for this proposal.

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

### **15.48.090 Submittal requirements**

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

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

**Response:** Proposed grading activity is in excess of ten cubic yards of earth. A Grading Plan is included under Sheets C4.0 - C4.4 with this submittal under Exhibit B.1.

- C. Geotechnical Engineering Report.** The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:
- 1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;**

**Response:** A geotechnical report and letter are included with this submittal under Exhibit G to address geohazards and soil stability for both the waterfront residences proposed roadway locations.

## **Chapter 16.04 - GENERAL PROVISIONS AND ADMINISTRATION OF LAND DIVISIONS**

### **16.08.015 - Preapplication conference required.**

Before the city will accept a subdivision application, the applicant must schedule and attend a preapplication conference in accordance with Section 17.50.050. At a minimum, an applicant should bring to the preapplication conference a tax map of the subject tax lot(s) and surrounding tax lots, scale drawings of the proposed subdivision lotting pattern, streets, utilities and important site features and improvements, and a topographic map of the property.

**Response:** A preapplication conference was held on December 13, 2017 as evidenced by the pre-application conference notes included in Exhibit D.

### **16.08.020 - Preliminary subdivision plat application.**

Within six months of the preapplication conference, an applicant may apply for preliminary subdivision plat approval. The applicant's submittal must provide a complete description of existing conditions, the proposed subdivision and an explanation of how the application meets all applicable approval standards. The following sections describe the specific submittal requirements for a preliminary subdivision plat, which include plan drawings, a narrative statement and certain tabular information. Once the application is deemed to be complete, the community development director shall provide notice of the application and an invitation to comment for a minimum of fourteen days to surrounding property owners in accordance with Section 17.50.090(A). At the conclusion of the comment period, the community development director will evaluate the application, taking into consideration all relevant, timely filed comments, and render a written decision in accordance with Chapter 17.50. The community development director's decision may be appealed to the city commission with notification to the planning commission.

**Response:** The preliminary subdivision plat application is provided concurrent with this CDP amendment request. Plans illustrating the preliminary subdivision are provided on Sheets C2.3 – C2.5 and this narrative addresses the applicable approval standards.

### **16.08.025 - Preliminary subdivision plat—Required plans.**

**Response:** The preliminary subdivision plat application is provided concurrent with this CDP amendment request. The Preliminary Subdivision Plan is provided on Sheets C2.3 – C2.5. The CDP and Preliminary Subdivision Plan set include in Exhibit B.1 as well as the supporting documents provided with this application conform to the required plans of this section.

### 16.08.030 - Preliminary subdivision plat—Narrative statement.

In addition to the plans required in the previous section, the applicant shall also prepare and submit a narrative statement that addresses the following issues:

- A. **Subdivision Description.** A detailed description of the proposed development, including a description of proposed uses, number and type of residential units, allocation and ownership of all lots, tracts, streets, and public improvements, the structure of any homeowner's association, and each instance where the proposed subdivision will vary from some dimensional or other requirement of the underlying zoning district. For each such variance, a separate application will be required pursuant to Chapter 17.60, Variances;

**Response:** A detailed description of the proposed development is included in this narrative. Variances of the underlying zoning district are not proposed.

- B. **Timely Provision of Public Services and Facilities.** The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:

**Response:** It should be noted that the proposed subdivision is requested primarily to create fee simple lots for individual multi-family buildings. The site's MUD zoning does not provide for minimum or maximum residential density. Therefore, the subdivision request does not have a corollary impact on public services in the manner that a single family residential subdivision would. Regardless, a response is provided below for each of the public facilities indicated in this section with a statement regarding how these facilities be adequate concurrent with development impacts.

#### 1. Water,

**Response:** Water service will be extended from the 10-inch water line located in Main Street immediately south of the site. This line is available for extension to the Phase 2 site without any additional off-site improvements. Utility plans will be submitted with the subsequent DDP request.

#### 2. Sanitary sewer,

**Response:** Sanitary sewer to the site will be extended from the 12-inch line located in Main Street. This line is sufficiently sized to accommodate the proposed project and no additional off-site sanitary sewer improvements are anticipated. Utility plans will be submitted with the subsequent DDP request.

#### 3. Storm sewer and stormwater drainage,

**Response:** As provided in response to OCMC 13.12, a Storm Plan and a Preliminary Stormwater Report will be provided with subsequent DDP and construction

permit applications demonstrating compliance with this code. Stormwater run-off will be collected and treated onsite through a mix of proposed mechanical and LIDA facilities prior to being released into the Clackamette Cove before entering the Clackamas River, a tributary to the Willamette River.

#### **4. Parks and recreation,**

**Response:** The waterfront esplanade is proposed consistent with the Oregon City Trails Master Plan. This trail will connect to regional amenities and to the north park, when that improvement is completed. Additionally, the project will pay park impact fees which will further contribute to park system improvements commensurate with the impacts of the proposed project.

#### **5. Traffic and transportation,**

**Response:** As evidenced in the October 15, 2018 Trip Generation Letter prepared by Kittelson & Associates included in Exhibit E.1, and as detailed on the Typical Sections, Sheet C3.3, adequate levels of service on the local and regional transportation network will continue to occur after the proposed development.

#### **6. Schools,**

**Response:** Property taxes generated from the proposed project will contribute towards the school operations as these properties are completed and brought onto county tax rolls. Additionally, multi-family residential projects typically generate significantly fewer school-age residents than a standard residential subdivision.

#### **7. Fire and police services;**

**Response:** Property taxes generated from the proposed project will contribute towards city services commensurate and concurrent with potential impacts to those services.

**Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before recording of the plat;**

**Response:** Per the responses above, adequate public facilities are anticipated for the proposed project.

**C. Approval Criteria and Justification for Variances. The applicant shall explain how the proposed subdivision is consistent with the standards set forth in Chapter 16.12, 12.04 and any other applicable approval standards identified in the municipal code. For each instance where the applicant proposes a variance from some applicable dimensional or other numeric requirement, the applicant shall address the approval criteria from Chapter 17.60.**

**Response:** The proposed subdivision action is in compliance with all applicable criteria. The subdivision action is proposed to modify the original plat TP 08-01, and will not affect design standards.

**D. A description of any proposed phasing, including for each phase the time, acreage, number of residential units, amount of area for nonresidential use, open space, development of utilities and public facilities;**

**Response:** Proposed phasing is described in this narrative.

**E. Overall density of the subdivision and the density by dwelling type for each.**

**Response:** There are no minimum or maximum densities established for the MUD zone. However, the following table identifies the number of units and density within the proposed lots where apartments will be located.

**Table 5: Density by Proposed Lot**

Proposed Lot	Proposed Units	Acres	Density (Units / Acre)
Lot 3	39 units	.98 AC	40 du / ac
Lot 4	65 units	1.49 AC	44 du / ac
Lot 5	65 units	1.36 AC	48 du / ac
Lot 6	33 units	.92 AC	36 du / ac
Lot 7	33 units	.86 AC	38 du / ac
Lot 8	65 units	1.42 AC	46 du / ac
Lot 9	65 units	1.52 AC	43 du / ac
Lot 10	39 units	.89 AC	44 du / ac

**16.08.045 - Building site—Frontage width requirement.**

**Each lot in a subdivision shall abut upon a cul-de-sac or street other than an alley for a width of at least twenty feet.**

**Response:** As shown on the Preliminary Subdivision, Sheets C2.3 – C2.5 included in Exhibit B.1, proposed Lots 3 – 10 exceed the 25-foot minimum frontage width requirement along Agnes Avenue and the roundabout.

**16.08.050 - Flag lots in subdivisions.**

**Flag lots shall not be permitted within subdivisions except as approved by the community development director and in compliance with the following standards.**

**Response:** As shown on the Preliminary Subdivision, Sheets C2.3 – C2.5 included in Exhibit B.1, flag lots are not proposed. Minimum lot dimensions are met per OCMC 17.34. Therefore, this section does not apply.

## **Chapter 16.12 - MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS**

### **16.12.030 - Blocks—Width.**

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed.

**Response:** As shown on the Preliminary Subdivision, Sheets C2.3 – C2.5 included in Exhibit B.1, flag lots are not proposed. Minimum lot dimensions are met per OCMC 17.34.060. Therefore, this section does not apply.

### **16.12.040 - Building sites.**

The size, width, shape and orientation of building sites shall be appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

- A. Where property is zoned and planned for commercial or industrial use, the community development director may approve other widths in order to carry out the city's comprehensive plan. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- B. Minimum lot sizes contained in Title 17 are not affected by those provided herein.

**Response:** As shown on the Preliminary Subdivision, Sheets C2.3 – C2.5 included in Exhibit B.1, and as provided in response to OCMC 17.34.060, the mixed use downtown dimensional standards are met.

### **16.12.045 - Building sites—Minimum density.**

All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in Chapter 17.04.

**Response:** Per OCMC 17.34, there is no maximum density in the base zone. Therefore, this standard does not apply.

### **16.12.050 - Lot size reduction.**

**Response:** The proposed subdivision is not in a residential zone. Therefore, these standards do not apply.

#### **16.12.055 - Building site—Through lots.**

**Response:** Through lots are not proposed. Therefore, these standards do not apply.

#### **16.12.060 - Building site—Lot and parcel side lines.**

**The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.**

**Response:** As shown on the Preliminary Subdivision, Sheets C2.3 – C2.5, the lines of lots run at right angles, as far as practicable, except on the roundabout. Therefore, this standard is met.

#### **16.12.065 - Building site—Grading.**

**Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Chapter 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47.**

**Response:** As provided in response to OCMC 15.48, 16.12, and 17.47, the proposed Grading Plan, Sheets C4.1 – C4.4 included in Exhibit B.1—as well as the DDP Grading Plans included in Exhibit B.2—comply with this standard.

#### **16.12.070 - Building site—Setbacks and building location.**

**This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. The objective is for lots located on a neighborhood collector, collector or minor arterial street locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street.**

- A. The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.**

**Response:** The front setback of Lots 3-10 orient toward Agnes Avenue, a neighborhood collector, as shown on the Preliminary Subdivision, Sheets C2.3 – C2.5 included in Exhibit B.1. The original CDP approval (CP 08-05) authorized an adjustment that eliminated the maximum setback requirement for development within the CDP boundary.

- B. The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.**

**Response:** As shown on the Building Elevations included in Exhibit A, the most architecturally significant elevation faces Agnes Avenue, a neighborhood collector.

**C. On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.**

**Response:** As shown on the Building Elevations included in Exhibit A, the most architecturally significant elevation faces Main Street. Therefore, this standard is met.

**D. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:**

- 1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or**
- 2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.**

**Response:** As shown on the Master Plan, Sheet L101 included in Exhibit B.1, five joint access drives are proposed for Lots 3-10 and Tract D. Lot 10 shares a common driveway access with Lot 9 and Tract D so as not to cause a significant traffic safety hazard.

**E. The community development director may approve an alternative design, consistent with the intent of this section, where the applicant can show that existing development patterns preclude the ability to practically meet this standard.**

**Response:** The original CDP approval (CP 08-05) authorized an adjustment that eliminated the maximum setback requirement for development within the CDP boundary.

**16.12.075 - Building site—Division of lots.**

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the community development director shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.

**Response:** The proposed Agnes Avenue right-of-way improvements will bring the facility into its full city planned build-out as shown on the Typical Sections sheet, Sheet C3.3 of the CDP plan set included in Exhibit B.1.

**16.12.080 - Protection of trees.**

**Protection of trees shall comply with the provisions of Chapter 17.41—Tree Protection.**

**Response:** As demonstrated in response to OCMC 17.41, tree protection standards are met.

#### **16.12.085 - Easements.**

**The following shall govern the location, improvement and layout of easements:**

- A. Utilities.** Utility easements shall be required where necessary as determined by the city engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the land division and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.

**Response:** Utility easements will be provided as required by the city engineer. A utility plan will be provided with the subsequent DDP request for site buildings. Easements for utilities are shown on the Preliminary Subdivision plans, Sheets C2.3 - C2.5 included in Exhibit B.1. A reciprocal parking and utility access agreement will be signed by the property owners as shown in Exhibit R, Proposed Easements Exhibit.

- B. Unusual Facilities.** Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.

**Response:** As shown on the Preliminary Subdivision – Northeast plan, Sheet C2.5, a storm easement is proposed for the enlarged storm pond near North Park. A utility plan will be provided with the subsequent DDP request for site buildings. Easements for utilities, including stormwater ponds are shown on the Preliminary Subdivision plan, Sheets C2.3 – C2.5.

- C. Watercourses.** Where a land division is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.

**Response:** As shown on the Existing Conditions plan, Sheet C0.1, watercourses are not located on site. Therefore, drainage rights-of-way are not required.

- D. Access.** When easements are used to provide vehicular access to lots within a land division, the construction standards, but not necessarily width standards, for the easement shall meet city specifications. The minimum width of the easement shall be twenty feet. The easements shall be improved and recorded by the

**applicant and inspected by the city engineer. Access easements may also provide for utility placement.**

**Response:** Joint driveways are proposed to provide access across future Lots 3 – 10. A reciprocal parking and utility access agreement will be signed by the property owners, as shown in Exhibit R, Proposed Easements Exhibit.

**E. Resource Protection. Easements or other protective measures may also be required as the community development director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.**

**Response:** Section 5 of the Oregon City Comprehensive Plan is consistent with Goal 5, and protects inventoried resources. The OCMC provides overlay districts that implement this plan. The proposed development site not within a Historic District Overlay. The proposed development site is within the Natural Resource Overlay District, and a review is requested concurrent with this application. As evidenced by the NROD Report, Exhibit F, and the Geotechnical Report and Letter, Exhibit G, conducted by Apex dated December 19, 2017, the proposed Phase 2 development project has been designed in compliance with the standards defined in the applicable overlay districts.

#### **16.12.090 - Minimum improvements—Procedures.**

**In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to city specifications and standards as set out in the city's facility master plan and Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:**

**A. Improvement work shall not commence until construction plans have been reviewed and approved by the city engineer and to the extent that improvements are in county or state right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.**

**Response:** Improvement work will not begin until construction plans have been reviewed and approved by the city engineer.

**B. Improvements shall be constructed under the inspection and approval of the city engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the city engineer or other city decision-maker, the applicant's project engineer also shall inspect construction.**

**Response:** Improvements will be constructed under the inspection and approval of the city engineer.

- C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of Chapter 17.49 and the Public Works Erosion and Sediment Control Standards. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed beyond the public utility easement behind to the lot lines.

**Response:** As provided in response to OCMC 17.49, erosion control or resource protection facilities will be installed in accordance to this standard. Utility plans will be provided with the subsequent DDP application. Underground utilities will be constructed prior to the surfacing of the streets.

- D. As-built construction plans and digital copies of as-built drawings shall be filed with the city engineer upon completion of the improvements.

**Response:** As-built construction plans and digital copies of as-built drawings will be filed with the city engineer upon completion of the improvements.

- E. The city engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

**Response:** The city engineer may regulate the hours of construction and access routes for construction to minimize impacts on adjoining residences or neighborhoods.

#### **16.12.095 - Minimum improvements—Public facilities and services.**

The following minimum improvements shall be required of all applicants for a land division under Title 16, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the city's public systems and facilities:

- A. **Transportation System.** Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the land division and those portions of public streets adjacent to but only partially within the land division. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street improvements that benefit the applicant's property. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the city engineer.

**Response:** As evidenced in the October 15, 2018 Trip Generation Letter by Kittelson & Associates included in Exhibit E.1, and as detailed on the Typical Sections, Sheet C3.3, Agnes Avenue will provide the city's planned level of service. As shown

on Sheet C3.0, adequate vehicular, bicycle, and pedestrian access is proposed to access the development. Storm drainage facilities will be installed and connected to off-site drainageways. The applicant will establish monuments per ORS 92.060.

- B. Stormwater Drainage System.** Applicants shall design and install drainage facilities within land divisions and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for stormwater drainage improvements that benefit the applicant's property. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with city drainage master plan requirements, Chapter 13.12 and the Public Works Stormwater and Grading Design Standards.

**Response:** Utility plans, including a stormwater drainage system, will be submitted with the subsequent DDP application for site buildings. The drainage facilities will be designed in accordance with this provision.

- C. Sanitary Sewer System.** The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division in accordance with the city's sanitary sewer design standards, and shall connect those lots or parcels to the city's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property. Applicants are responsible for extending the city's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the city engineer before construction begins.

**Response:** Utility plans, including a sanitary sewer system, will be submitted with the subsequent DDP application for site buildings. The sanitary sewer facilities will be designed in accordance with this provision.

- D. Water System.** The applicant shall design and install a water system to serve all lots or parcels within a land division in accordance with the city public works water system design standards, and shall connect those lots or parcels to the city's water system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for water improvements that benefit the applicant's property. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

**Response:** Utility plans, including a water system, will be submitted with the subsequent DDP application for site buildings. The water facilities will be designed in accordance with this provision.

- E. Sidewalks.** The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the land division. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a land division without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the land division application. Applicants for partitions may be allowed to meet this requirement by executing a binding agreement to not remonstrate against the formation of a local improvement district for sidewalk improvements that benefit the applicant's property.

**Response:** As shown on the Typical Sections, Sheet C3.3 included Exhibit B.1, sidewalks are provided on both sides of Agnes Avenue and Main Street.

- F. Bicycle Routes.** If appropriate to the extension of a system of bicycle routes, existing or planned, the decision-maker may require the installation of separate bicycle lanes within streets and separate bicycle paths.

**Response:** As shown on the Typical Sections, Sheet C3.3 included Exhibit B.1, bike lanes are provided within Agnes Avenue and Main Street.

- G. Street Name Signs and Traffic Control Devices.** The applicant shall install street signs and traffic control devices as directed by the city engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.

**Response:** The applicant will install street signs and traffic control devices as directed by the city engineer in conformance with all applicable city regulations and standards.

- H. Street Lights.** The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.

**Response:** Street light requirements will be addressed through utility plans as part of the subsequent DDP submittal.

- I. Street Trees.** Refer to Chapter 12.08, Street Trees.

**Response:** Street tree requirements will be addressed through landscape planting plans as part of the subsequent DDP submittal.

- J. Bench Marks.** At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.

**Response:** At least one bench mark will be located within the subdivision boundaries using datum plane specified by the city engineer.

- K. Other. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.**

**Response:** The applicant will make all necessary arrangements with utility companies for the installation of underground facilities. All proposed utilities for the Phase 2 development project will be installed underground in compliance with this standard. Existing overhead transmission mains east of Agnes Avenue will remain, as they are not subject to frontage improvements.

- L. Oversizing of Facilities. All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. The city may require oversizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.**

**Response:** All facilities and improvements will be appropriately sized. Utility plans will be provided with the subsequent DDP application for site buildings.

- M. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of Chapter 17.47 with regard to erosion control.**

**Response:** As demonstrated by responses to Chapter 17.47, erosion control measures are met.

**16.12.100 - Same—Road standards and requirements.**

- A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of Chapter 12.04. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:
1. The establishment of the public street is initiated by the city commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
  2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
- B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the community development director and city engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.

**Response:** Public streets are proposed in conformance with requirements of Chapter 12.04 as demonstrated by the responses to that chapter and the Typical Sections shown on Sheet C3.3 included in Exhibit B.1.

**16.12.105 - Same—Timing requirements.**

- A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with this section.

**Response:** A phasing plan, including public improvements, is provided on Sheets C1.0 – C1.2 included in Exhibit B.1. Improvements will be provided or guaranteed prior to final plat approval.

- B. **Construction.** The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the city engineer. Under this option, the improvement must be complete and accepted by the city engineer prior to final plat approval.

**Response:** The applicant will construct public improvements according to the final approved plans and all applicable requirements of the OCMC, under the supervision of the city engineer.

- C. **Financial Guarantee.** The applicant shall provide the city with a financial guarantee in a form acceptable to the city attorney and equal to one hundred ten percent of the cost of constructing the public improvements in accordance with Oregon City Municipal Code Chapter 17.50. Possible forms of guarantee include an irrevocable or standby letter of credit, guaranteed construction loan set-aside, reserve account, or performance

guarantee, but the form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city, must be reviewed and approved by the city attorney. The amount of the guarantee shall be based upon approved final engineering plans, equal to at least one hundred ten percent of the estimated cost of construction, and shall be supported by a verified engineering estimate and approved by the city engineer.

**Response:** The applicant will provide the city with a financial guarantee equal to one hundred ten percent of the cost of constructing the public improvements in accordance with OCMC 17.50.

#### **16.12.110 - Minimum improvements—Financial guarantee.**

When conditions of permit approval require a permittee to construct certain improvements, the city may, in its discretion, allow the permittee to submit a performance guarantee in lieu of actual construction of the improvement...

**Response:** The applicant will file the necessary guarantees for public improvements consistent with City procedures. At this point, the applicant does not anticipate filing guarantees in lieu of completing public improvements.

## **TITLE 17 ZONING**

### **CHAPTER 17.34 "MUD"—MIXED-USE DOWNTOWN DISTRICT**

#### **17.34.010 Designated.**

**Response:** The project is located within the MUD district and the standards of this district apply. Findings of compliance with the applicable standards are included in this narrative.

#### **17.34.020 Permitted uses.**

Permitted uses in the MUD district are defined as:

- A. Any use permitted in the mixed-use corridor without a size limitation, unless otherwise restricted in Sections 17.34.020, 17.34.030 or 17.34.040
- B. Hotel and motel, commercial lodging;
- C. Marinas;
- D. Religious institutions;
- E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);
- F. Live/work units.

**Response:** The proposed CDP amendment includes approximately 404 residential units on Lots 3-7. Multi-family residential uses are permitted outright. The proposal also includes two mixed use residential buildings that include apartments above approximately 11,000 SF of retail or office space. The proposed commercial retail areas will be significantly below the maximum floorplate permitted as noted above.

**17.34.030 - Conditional uses.**

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

- A. Ancillary drive-in or drive-through facilities;**
- B. Emergency services;**
- C. Hospitals;**
- D. Outdoor markets that do not meet the criteria of Section 17.34.020;**
- E. Parks, playgrounds, play fields and community or neighborhood centers;**
- F. Parking structures and lots not in conjunction with a primary use;**
- G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;**
- H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;**
- I. Public utilities and services such as pump stations and sub-stations;**
- J. Distributing, wholesaling and warehousing;**
- K. Gas stations;**
- L. Public and or private educational or training facilities;**
- M. Stadiums and arenas;**
- N. Passenger terminals (water, auto, bus, train);**
- O. Recycling center and/or solid waste facility.**

**Response:** New conditional uses are not proposed as part of the CDP amendment. Therefore, this standard does not apply.

**17.34.040 - Prohibited uses.**

The following uses are prohibited in the MUD district:

- A. Kennels;**
- B. Outdoor storage and sales, not including outdoor markets allowed in Section 17.34.030;**
- C. Self-service storage;**
- D. Single-Family and two-family residential units;**
- E. Motor vehicle and recreational vehicle repair/service;**
- F. Motor vehicle and recreational vehicle sales and incidental service;**

**G. Heavy equipment service, repair, sales, storage or rental<sup>2</sup> (including but not limited to construction equipment and machinery and farming equipment)**

**Response:** The development proposal does not include implementation of a new prohibited use onsite.

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

- A. Minimum lot area: None.**
- B. Minimum floor area ratio: 0.30.**

**Response:** The buildings are being designed to meet the minimum floor area ratio (FAR). Specific floor area ratio (FAR) for Phase 2 will be addressed in future DDP requests as required.

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

**Response:** Specific building height for Phase 2 will be addressed in future DDP requests as required.

- D. Maximum building height: Seventy-five feet, except for the following locations where the maximum building height shall be forty-five feet:**
  - 1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;**
  - 2. Property within five hundred feet of the End of the Oregon Trail Center property; and**
  - 3. Property within one hundred feet of single-family detached or detached units.**

**Response:** Specific building height for Phase 2 will be addressed in future DDP requests as required.

- E. Minimum required setbacks, if not abutting a residential zone: None.**
- F. Minimum required interior side yard and rear yard setback if abutting a residential zone: Fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.**

**Response:** The proposed Phase 2 apartments, as provided in this CDP amendment, do not abut a residential zone and therefore there are no minimum required setbacks.

**G. Maximum Allowed Setbacks.**

1. Front yard: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
2. Interior side yard: No maximum.
3. Corner side yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
4. Rear yard: No maximum.
5. Rear yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.

**Response:** The original CDP approval (CP 08-05) authorized an adjustment that eliminated the maximum setback requirement for development within the CDP boundary.

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

**Response:** As shown on the Site Plan, Sheet L1.1 of the CDP plan set included in Exhibit B.1, the proposed building and parking lot does not cover more than ninety percent of the site. Specific landscaping plans will be submitted with the subsequent DDP application.

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

**Response:** Specific landscape coverage for the Phase 2 development site will be addressed in future DDP requests as required. At least ten percent of the site will be landscaped.

## **CHAPTER 17.41 TREE PROTECTION STANDARDS**

### **17.41.020 Tree protection - Applicability**

1. Applications for development subject to Chapters 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.

**Response:** There are no additional trees proposed for removal beyond what was previously proposed with prior approvals. Tree removal proposed within the NROD is described in the NROD Report, dated August 6, 2018, prepared by Pacific Habitat

Services and mitigation for NROD tree impacts is discussed in the same report. Additional trees will be removed consistent with the original concept development plan approval (CP 08-05). Consistent with Condition #13 of the 2008 approval (CP 08-05 / CP 09-02), mitigation is required for trees *“not located within the vegetated corridor or proposed rights-of-way, easements, building pads, public walkways and parking lots. The trees not located within one of the identified locations above shall be mitigated for per the replacement schedule identified above or as approved by the Community Development Director.”*

The following table lists all trees qualifying for review under the vested 2008 OCMC 16.12 and clarifies if mitigation is required. As noted in the legend below the table, “SD” indicates that the tree is exempt from mitigation because it will be impacted by site development areas consistent with Condition #13 described above, “LA” indicates that the impact occurs in a landscaping area and is subject to mitigation, “EX” indicates that the impact is exempt from mitigation, and “MR” indicates that mitigation is required.

**Table 6. Anticipated Tree Removal and Mitigation Requirements**

Tree ID Tag #	Tree DBH	Location / Reason for Exemption or Mitigation	Reason/ Mitigation	Reference
5341	14	SD	EX	Per CP 08-05
5368	14x2	LA	MR	Future DDP
5375	12x2	SD	EX	Per CP 08-05
5388	6	LA	MR	Exhibit B.2 / Sheet C100
5414	6	SD	EX	Per CP 08-05
5508	12	LA	MR	Exhibit B.2 / Sheet C100
5509	12x2	LA	MR	Exhibit B.2 / Sheet C100
5696	8x2	SD	EX	Per CP 08-05
5713	20	SD	EX	Per CP 08-05
5718	10x3	SD	EX	Per CP 08-05
5733	8	LA	MR	Exhibit B.2 / Sheet C100
5778	12	SD	EX	Per CP 08-05
5779	14	SD	EX	Per CP 08-05
5780	12	SD	EX	Per CP 08-05
5781	12	SD	EX	Per CP 08-05
5782	12	SD	EX	Per CP 08-05
5785	14	SD	EX	Per CP 08-05
5786	14	SD	EX	Per CP 08-05
5787	6	SD	EX	Per CP 08-05
5788	10x2	LA	MR	Exhibit B.2 / Sheet C100
5789	6	LA	MR	Exhibit B.2 / Sheet C100
5790	12	LA	MR	Exhibit B.2 / Sheet C100
5791	12	LA	MR	Exhibit B.2 / Sheet C100
5792	6	LA	MR	Exhibit B.2 / Sheet C100
5793	6	LA	MR	Exhibit B.2 / Sheet C100
5794	8	LA	MR	Exhibit B.2 / Sheet C100
5795	8	LA	MR	Exhibit B.2 / Sheet C100
5798	6	SD	EX	Per CP 08-05
5799	10	SD	EX	Per CP 08-05
5800	10	LA	MR	Exhibit B.2 / Sheet C100
5801	12	SD	EX	Per CP 08-05

Tree ID Tag #	Tree DBH	Location / Reason for Exemption or Mitigation	Reason/ Mitigation	Reference
5802	12	SD	EX	Per CP 08-05
5803	14	SD	EX	Per CP 08-05
5804	14	SD	EX	Per CP 08-05
5805	14	LA	MR	Exhibit B.2 / Sheet C100
5806	12	LA	MR	Exhibit B.2 / Sheet C100
5807	12	LA	MR	Exhibit B.2 / Sheet C100
5808	12	LA	MR	Exhibit B.2 / Sheet C100
5810	16	LA	MR	Exhibit B.2 / Sheet C100
5811	12	LA	MR	Exhibit B.2 / Sheet C100
5812	12	LA	MR	Exhibit B.2 / Sheet C100
5813	12	SD	EX	Per CP 08-05
5814	14	SD	EX	Per CP 08-05
5815	12	LA	MR	Exhibit B.2 / Sheet C100
5869	22	LA	MR	Exhibit B.2 / Sheet C100
5870	22	LA	MR	Exhibit B.2 / Sheet C100
5871	18	LA	MR	Exhibit B.2 / Sheet C100
5879	6	LA	MR	Exhibit B.2 / Sheet C100
5880	6	LA	MR	Exhibit B.2 / Sheet C100
12127	12x2	SD	EX	Per CP 08-05
12377	12	SD	EX	Per CP 08-05
12378	12	SD	EX	Per CP 08-05
12379	12	SD	EX	Per CP 08-05
4147	10	SD	EX	Per CP 08-05
4148	6	SD	EX	Per CP 08-05
4149	6	SD	EX	Per CP 08-05
4150	20	SD	EX	Per CP 08-05
5697	12	SD	EX	Per CP 08-05
5699	8	SD	EX	Per CP 08-05
5700	12	SD	EX	Per CP 08-05
5701	12	SD	EX	Per CP 08-05
5717	12x2	SD	EX	Per CP 08-05
6612	20	SD	EX	Per CP 08-05

In conjunction with the site development Detailed Development Plan for Phase 2 grading of the Cove, the applicant submits plans illustrating the location of the mitigation trees required as noted above, as included in Sheet C100 in the DDP Grading Plan Set.

## **CHAPTER 17.42 - FLOOD MANAGEMENT OVERLAY DISTRICT**

### **17.42.120 - Alteration of watercourses.**

- A. Notify adjacent communities and the department of land conservation and development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.**
- B. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.**

**Response:** The applicant is not proposing to alter a watercourse. Therefore, this standard is not applicable.

### **17.42.160.A - Flood management area standards.**

#### **Uses Permitted Outright:**

- 1. Excavation and fill required to plant any new trees or vegetation.**
- 2. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.190 (Floodways).**

**Response:** As evidenced by the NROD Report included in Exhibit F and the March 21, 2018 Habitat Enhancement Memo prepared by Cascade Environmental Group dated March 21, 2018, included in Exhibit K, enhancement is proposed in compliance with this chapter.

### **17.42.160.B Provisional Uses.**

**Response:** Uses allowed in the base zone or existing flood hazard overlay zone are proposed in compliance with this section. Therefore, this standard is met.

### **17.42.160.C Prohibited Uses.**

**Response:** Prohibited uses are not proposed. Therefore, this standard does not apply.

### **17.42.160 Flood management area standards.**

- D. Site Development Standards. All development in the floodplain shall conform to the following balanced cut and fill standards:**
  - 1. This subsection does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways,**

driveways, accessory uses and exterior improvements in response to emergencies provided that, after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

2. No net fill in any floodplain is allowed. All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed. For the purpose of calculating net fill, fill shall include any structure below the design flood elevation that has been floodproofed pursuant to subsection (E)(5) of this section.
3. Any excavation below bankfull stage shall not count toward compensating for fill.
4. Excavation to balance a fill shall be located on the same parcel as the fill unless it is not practicable to do so. In such cases, the excavation shall be located in the same Oregon City floodplain, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.

**Response:** As detailed in the Geotechnical Report included in Exhibit G, the proposed development will meet the requirement to balance cut and fill within the floodplain by excavating Lot 1, Tract D, and esplanade sites and filling the Phase 2 waterfront residences as detailed in Exhibit G.

5. For excavated areas identified by the city to remain dry in the summer, such as parks or mowed areas, the lowest elevation of the excavated area shall be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the protected water feature pursuant to Chapter 17.49. One percent slopes will be allowed in smaller areas.

**Response:** As shown on the Grading Plan, Sheets C4.0-C4.4, Exhibit B.1, all grading will occur at the ordinary high water line of 18-feet (North American Vertical Datum of 1988 (NAVD 88)), which is outside of the 6-inch minimum. Additionally, all slopes are at least 2 percent.

6. For excavated areas identified by the city to remain wet in the summer, such as a constructed wetland, the grade shall be designed not to drain into the protected water feature pursuant to Chapter 17.49.

**Response:** As detailed in the Floodplain Balance Memo included in Exhibit H, the Grading Plan, Sheets C4.0-C4.4 of Exhibit B.1, and the December 19, 2017 Geotechnical report from Apex included in Exhibit G, no impacts to constructed wetlands are anticipated.

7. **Parking areas in the floodplain shall be accompanied by signs that inform the public that the parking area is located in a flood management area and that care should be taken when the potential for flooding exists.**

**Response:** As shown on the Grading Plan, Sheets C4.1 – C4.4 included in Exhibit B.1, parking areas are proposed with the resulting 100-year floodplain. The applicant will provide signs that inform the public.

8. **Temporary fills permitted during construction shall be removed at the end of construction, thirty days after subdivision acceptance or completion of the final inspection.**

**Response:** Temporary fills permitted during construction will be removed in accordance with this standard.

9. **New culverts, stream crossings and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.**

**Response:** New culverts and transportation projects will be designed as balanced cut and fill projects as evidenced by the Floodplain Balance Memo included in Exhibit H.

10. **Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable lands.**

**Response:** As shown the Grading Plan, Sheets C4.0-C4.4 of Exhibit B.1, detention facilities are designed to reduce or mitigate flood impacts and improve water quality.

#### **E. Construction Standards.**

**Response:** Development within the flood management area will comply with the construction standards of this section. Construction details will be provided at the time of the subsequent building permit application.

- F. **Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH and AE as shown on the flood insurance rate map shall:**

1. **Be on site for fewer than one hundred eighty consecutive days, and be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or**
2. **Meet the requirements of subsection E.6. of this section and the elevation and anchoring requirements for manufactured homes.**

**Response:** Recreational vehicles or manufactured homes are not proposed. Therefore, these standards do not apply.

**G. Below Grade Crawlspaces.** Below grade crawlspaces are allowed subject to the following standards. It should be noted that there are potential increased charges to personal insurance costs for below grade crawlspaces.

**Response:** Recreational vehicles or manufactured homes are not proposed. Therefore, these standards do not apply.

#### **17.42.180 - Subdivision standards.**

##### **A. Subdivision Proposals.**

1. **All subdivision proposals shall be consistent with the need to minimize flood damage.**

**Response:** Proposed development complies with the flood management overlay district. As evidenced by the Floodplain Balance Memo included in Exhibit H, the cut and fill activities will leave excess capacity within the floodplain. Development within the flood management area will comply with the construction standards of this section. Construction details will be provided at the time of the subsequent building permit application.

2. **All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.**

**Response:** A stormwater control plan will be provided with subsequent DDP and construction permit submittals. Stormwater runoff will be treated onsite with a mix of mechanical and LIDA facilities. Construction details and utility plans will be provided at the time of the subsequent building permit application.

3. **All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.**

**Response:** A stormwater control plan will be provided with subsequent DDP and construction permit submittals. Stormwater runoff will be treated onsite with a mix of mechanical

and LIDA facilities. Construction details and utility plans will be provided at the time of the subsequent building permit application.

4. **Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).**

**Response:** Existing and proposed floodplain elevations are shown on the grading plans, Sheets C4.0 – C4.4. Therefore, this standard is satisfied.

5. **All structures and site grading developed or conducted in conjunction with a subdivision proposal shall comply with Section 17.42.160, flood management area standards.**

**Response:** A stormwater control plan will be provided with subsequent DDP and construction permit submittals. Stormwater runoff will be treated onsite with a mix of mechanical and LIDA facilities. Construction details and utility plans will be provided at the time of the subsequent building permit application.

- B. **The purpose of this section is to allow density accruing to portions of a property within the flood management overlay district to be transferred outside the overlay district.**

**Response:** Density transfers from property within the flood management overlay district are not proposed. Therefore, this section does not apply.

#### **17.42.190 - Floodways.**

**Response:** Development is not proposed within the floodway. Therefore, this standard does not apply.

### **CHAPTER 17.44 - US—GEOLOGIC HAZARDS**

#### **17.44.050 Development – Application requirements and review procedures and approvals.**

**Response:** As provided under Exhibit G, a geotechnical report has been prepared to address proposed development activity for the overall site, with specific focus on site grading at Tract D and the Phase 2 waterfront residences site.

#### **17.44.060 - Development standards.**

**Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter. Requirements of this chapter are in addition to other provision of the Oregon**

**City Municipal Code. Where provision of this chapter conflict with other provision of the Oregon City Municipal Code, the provisions that are more restrictive of regulated development activity shall govern.**

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

**Response:** The site has been significantly disturbed by past mining activity and the proposed project will occur mostly within those previously disturbed areas. Impacts to natural vegetation or previously undisturbed areas will be minimized to the extent practicable. As provided under Exhibit G, a geotechnical report has been prepared to address proposed development activity for the overall site, with specific focus on site grading on Tract D and the waterfront residences site. The Grading Plans provided for the Phase 2 development site (Sheets C4.0 – C4.4) have been developed by a professional engineer and will be implemented consistent with the recommendations from the geotechnical report.

- B. All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Erosion control measures shall be installed and functional prior to any disturbances.**

**Response:** Erosion control measures, as shown on the Grading Plan, Sheets C4.0 – C4.4, within Exhibit B.1, including proposed inlet protections, a sediment fence and straw wattle will be installed prior to any grading activity within the defined window as stated above.

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

**Response:** The proposed development is a waterfront recreation-based project that requires the development and integration of both passive and active recreation uses with residential, commercial and office uses that utilize the site's open space as a core amenity. Because of the site's location within the 100-year floodplain, the project requires the transfer of material from the open space areas of the site to the developable areas to allow developed areas to be raised above the 100-year flood elevation, a fundamental requirement to obtain flood insurance available under the National Flood Insurance Program. Much of the material obtained for the waterfront residences and Agnes Avenue site is from Tract B adjacent to the waterfront residences. Consistent with this provision, the Applicant has minimized grading to the amount needed to achieve finished floor elevations 1-foot above the City's 100-year floodplain standard.

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

**Response:** There are no cut and fill slopes greater than 7-feet in height proposed as part of this development project. Details are provided in the Geologic Hazard Evaluation Letter from Apex, dated December 19, 2017 and provided in Exhibit G.

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

**Response:** A professional engineer licensed in the State of Oregon specified the structural fill for the proposed Phase 2 development site with the recommendations from a Geotechnical firm, Apex. The geotechnical reports are provided in Exhibit G of this submittal package.

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

**Response:** The proposed retaining wall along the southern boundary of the Phase 2 waterfront residences project limits will be constructed in accordance with the Oregon Structural Specialty Code. Details will be provided with the construction plan set submitted at the time of building permit approval. A supporting geologic hazard evaluation letter from Apex, dated December 19, 2017 is provided in Exhibit G.

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

**Response:** As detailed in the CDP Site Plan, Sheet C2.0 Agnes Avenue and the proposed roundabout are designed in compliance with the City of Oregon City design standards for collector roads. As shown on the Grading Plan, Sheets C4.0 – C4.4, the southern part of Agnes Avenue slopes towards the roundabout. Catch basins

are proposed in the roundabout and along Agnes Avenue to collect and convey runoff.

**H. Density shall be determined as follows...**

- 1. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be permitted by the underlying zoning district.**

**Response:** There are no minimum or maximum densities established for the MUD zone. Therefore, this provision is not applicable.

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

**Response:** There are no minimum or maximum densities established for the MUD zone. Therefore, this provision is not applicable.

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

**Response:** A professional engineer licensed in the State of Oregon designed the structural fill for the proposed Phase 2 development site with the recommendations from a Geotechnical firm, Apex. The geotechnical reports are provided in Exhibit G of this submittal package.

**17.44.070 Access to Property.**

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

**Response:** As evidenced in response to OCMC 17.52.030.A and OCMC 12.04.025, safe and efficient access is provided to the proposed development.

**17.44.080 Utilities**

**All new service utilities, both on-site and off-site, shall be placed underground and under roadbeds where practicable. Every effort shall be made to minimize the impact of utility**

**construction. Underground utilities require the geologic hazards permitting and review prescribed herein.**

**Response:** All proposed utilities for the Phase 2 development project will be installed underground in compliance with this standard.

#### **17.44.090 Stormwater drainage**

**The applicant shall submit a permanent and complete stormwater control plan.**

**Response:** A stormwater control plan will be provided with subsequent DDP and construction permit submittals. Stormwater runoff will be treated onsite with a mix of mechanical and LIDA facilities.

#### **17.44.100. Construction Standards.**

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

**Response:** Evidence of compliance with construction standards will be provided during subsequent construction permitting.

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

**Response:** Erosion control measures are noted on the grading plans provided in the CDP Plan Set included in Exhibit B.1 and the DDP Mass Grading Plan Set included in Exhibit B.2. The applicant will request a 1200-C permit prior to construction.

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

**Response:** All proposed activity and impacts within the NROD were previously reviewed and approved with the original decision in 2008. At that time the NROD was classified as a Water Quality Resource Area (WQRA) and a 50-foot buffer was established along Clackamette Cove. That reduced buffer is still in effect and applies within the CDP. The proposed changes to previously approved activities and impacts include additional grading and soil transfer from Tract B to the waterfront residences. A mitigation plan for the NROD is included with this submittal under Exhibit F, conducted by Pacific Habitat Services. The mitigation area and all disturbed areas will be restored consistent with the mitigation plan included in Exhibit F, NROD Report. All non-native, nuisance plants will be removed. All applicable OCMC 17.49 standards are addressed in the NROD report, included in Exhibit F.

## CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

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

- C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not 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 is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.

**Response:** A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. The original application was subject to a Type III decision and the City has determined that this proposed amendment is subject to a major modification.

### 17.50.050 Preapplication conference.

**Response:** A pre-application conference was held on December 13, 2017. A copy of the notes from this meeting is provided under Exhibit D within this submittal.

### 17.50.055 Neighborhood Association Meeting

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

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

**Response:** A neighborhood meeting was held on October 25, 2017 at the Two Rivers Neighborhood Association meeting as evidenced by the neighborhood meeting materials included in Exhibit I.

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

**Response:** A letter to the chairperson of the Two Rivers Neighborhood Association was sent by the applicant via certified mail as evidenced by the neighborhood meeting materials included in Exhibit I.

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

**Response:** As evidenced by the neighborhood meeting materials included in Exhibit I, the meeting was scheduled within 30 days of the notice.

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

**Response:** Two Rivers Neighborhood Association is recognized by the City. Therefore, this standard does not apply.

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

**Response:** A sign-in sheet, summary of issues discussed from the neighborhood association, and a mailing letter are included in the neighborhood meeting materials included in Exhibit I.

#### **17.50.080 Complete application—Required information.**

**Response:** City staff has provided a detailed list of requested materials, which have been compiled and submitted with this application package.

### **17.50.090 Public notices.**

**Response:** The public notice requirement is a City processing requirement and not completed by the applicant.

### **17.50.100 Notice posting requirements.**

Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

- A. City Guidance and the Applicant's Responsibility.** The city shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The city shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the city's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the one hundred-twenty-day period in a timely manner.
- B. Number and Location.** The applicant must place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

**Response:** The applicant will coordinate with the City as required to provide proper noticing of this application request.

### **17.50.110 Assignment of decision-makers.**

The following city entity or official shall decide the following types of applications:

- C. Type III Decisions.** The planning commission or historic review board, as applicable, shall render all Type III decisions. Such decision is appealable to the city commission, on the record. The city commission's decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.

**Response:** The proposed CDP amendment is subject to a Type III quasi-judicial decision made by the Planning Commission.

### 17.50.130 - Conditions of approval and notice of decision.

- D. Modification of Conditions.** Any request to modify a condition of permit approval is to be considered either minor modification or a major modification. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

**Response:** As cited in our findings to previous conditions of approval, the applicant is proposing to modify conditions of approval, including the following to be amended through this review process:

- CP 08-05 COA #2, the applicant is requesting removal of the cap on the number of North Park parking stalls to exceed 28
- CP 08-05 COA #24, the applicant is requesting 5-foot PUEs along Agnes Avenue
- CP 15-01 COA #29, the applicant is requesting changes to the Agnes Avenue cross-section
- CP 15-01 COA #30, the applicant is no longer proposing the Agnes Avenue Extension

### CHAPTER 17.52 OFF-STREET PARKING AND LOADING

**Response:** The following uses and square footage summaries are proposed with the Phase 2 scope of work:

**Table 7. Phase 2 Summary and Parking Requirement**

USES	SIZE/UNITS	MIN REQ PARKING RATIO	MIN PARKING REQ	MAX PARKING ALLOWED
Studio	36 units	1	36	54
1 Bedroom	194 units	1.25	243	388
2 Bedroom	162 units	1.5	243	324
3 Bedroom	12 units	1.75	21	30
Ground Floor Commercial	11,000 SF	4.1	45	55
Total Parking Required			588	851

Approximately 638 proposed parking spaces (369 garage, 229 surface, and 40 on-street). The proposed parking spaces fall within the allowed minimum and maximum parking threshold. Evidenced details of stall dimensions will be included in the subsequent DDP submittal.

The minimum bicycle parking requirement for multi-family residential is one stall per ten units. With approximately 400 total units, 40 total bike spaces are required, with 20 stalls required to be covered. Approximately sixty bicycle parking spaces (58 covered) are proposed. Bicycle parking will occur at the multi-family building entries, clubhouse entry, and mixed-use entry breezeways to accommodate both residents and the retail component of the buildings.

#### **17.52.015 Planning commission adjustment of parking standards.**

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

**Response:** The applicant is not requesting an adjustment to the parking standards for the waterfront residences project. However, as noted in the response to OCMC 12.04.007, the applicant is requesting a modification to provisions of OCMC 12.04 for the on-street parking along Agnes Avenue to accommodate trail users, residents, and business patrons of this mixed-use development. As shown on the Site Plan, Sheet L1.1, Exhibit B.1, the waterfront residences project is in compliance with the minimum and maximum parking standards, dimensions and locations.

#### **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**

<b>Land Use</b>	<b>Minimum</b>	<b>Maximum</b>
<b>Studio</b>	<b>1 per unit</b>	<b>1.5 per unit</b>
<b>Multi-Family: 1 bed</b>	<b>1.25 per unit</b>	<b>2.00 per unit</b>
<b>Multi-Family: 2 bed</b>	<b>1.5 per unit</b>	<b>2.00 per unit</b>

<b>Multi-Family: 3 bed</b>	<b>1.75 per unit</b>	<b>2.50 per unit</b>
<b>Commercial</b>	<b>4.10 per 1,000 SF</b>	<b>5.00 per 1,000 SF</b>

**Response:** As determined on Table 17.52.020, the minimum number of vehicle parking spaces required are as follows:

**Table 8. Phase 2 Summary and Parking Requirement**

<b>USES</b>	<b>SIZE/UNITS</b>	<b>MIN REQ PARKING RATIO</b>	<b>MIN PARKING REQ</b>	<b>MAX PARKING ALLOWED</b>
Studio	36 units	1	36	54
1 Bedroom	194 units	1.25	243	388
2 Bedroom	162 units	1.5	243	324
3 Bedroom	12 units	1.75	21	30
Ground Floor Commercial	11,000 SF	4.1	45	55
<b>Total Parking Required</b>			<b>588</b>	<b>851</b>

- 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.

**Response:** The proposed Phase 2 Cove waterfront residences project consists of two uses, multi-family residential and commercial. There is a minimum of 588 parking spaces required for both uses, as defined in the response for OCMC 17.52.020.A.

- 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.**

**Response:** Parking spaces will be provided for the use of apartment residents and visitors to the commercial retail spaces. It is not anticipated that vehicles or materials will be stored onsite.

**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.

**Response:** The proposed Phase 2 Cove waterfront residences project consists of two uses, multi-family residential and commercial. There is a minimum combined total of 588 parking spaces required for both uses, as defined in the response for OCMC 17.52.020.A. Approximately 638 parking spaces provided, which complies with the standard. No reductions to the minimum parking standards are requested.

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.

**Response:** The proposed Phase 2 Cove waterfront residences project consists of two uses, multi-family residential and commercial. There is a minimum combined total of 588 parking spaces required for both uses, as defined in the response for OCMC 17.52.020.A. Approximately 638 parking spaces are provided, which complies with the minimum parking requirement. Garage, surface, and street parking will be provided. There will be at least one assigned parking space for each unit in the garage.

- 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:

**Response:** The project site is located outside of the Downtown Parking Overlay District, as determined by the Oregon City Geographic Information System.

## **17.52.030 Standards for automobile parking**

- A. **Access.** Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

**No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.**

**Response:** Details of sight distance to all access, ingress and egress locations will be provided during the DDP submittal to demonstrate unobstructed sight distance clearance onto and off the development site. As shown on the Civil Site Plan, Sheets C2.0-C2.2 of the CDP Plan Set, Phase 2 provides five (5) 26-foot driveways to access the site via Agnes Avenue. This allows for two-way entry and exit of the site. As shown on Angled Parking Car Turning, Figures 1-6, included in Exhibit L backing movements or other maneuvering within a street right-of-way will occur on Agnes Avenue. An adjustment to this standard is requested as shown on the Adjustment Legend exhibit included in Exhibit M, and described in response to 17.65.070 herein.

**B. Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the city's stormwater and low impact development design standards are encouraged.**

**Response:** Specific surfacing for Phase 2 will be addressed in future DDP requests as required.

**D. Dimensional Standards.**

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

**Response:** Specific parking space dimensions for Phase 2 will be addressed in future DDP requests as required.

**E. Carpool and Vanpool Parking. New developments with seventy-five or more parking spaces, and new hospitals, government offices, group homes, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of**

those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

**Response:** Per OCMC 17.65.090, the carpool and vanpool requirements are vested under the code standard in effect at the time the application was initially submitted. Therefore, OCMC 17.52.040.A, effective in 2009, allows adjustments of at least 2 carpool and vanpool parking spaces for new retail, office, commercial and industrial development with 25 or more parking spaces. Because the proposed Phase 2 development is for a multi-family residential use, this standard is not applicable.

#### **17.52.040 Bicycle parking standards**

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

**Response:** The minimum bicycle parking requirement for multi-family residential is one stall per ten units. With approximately 400 total units, 40 total bike spaces are required, with 20 stalls required to be covered. Sixty bicycle parking spaces (58 covered) are proposed. Bicycle parking will occur at the multi-family building entries, clubhouse entry, and mixed-use entry breezeways to accommodate both residents and the retail component of the buildings. Specific bicycle parking for Phase 2 will be addressed in future DDP requests as required.

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

**Response:** Details of the security of bicycle parking for Phase 2 will be addressed in future DDP request as required.

### **17.52.060 Parking lot landscaping.**

#### **A. Development Standards.**

**Response:** Details of compliance with this section will be provided in the subsequent DDP requests.

### **17.52.080 Maintenance**

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

**Response:** It is anticipated that maintenance of the proposed landscaping, parking and general overall site, will be the responsibility of the property owner and hired management company.

### **17.52.090 Loading areas.**

#### **B. Applicability.**

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

**Response:** Due to the minimal commercial uses associated with the overall site, there are no proposed loading areas designated within the site. Service or delivery trucks will make deliveries during off-peak hours when the tenants are generally away from their residences.

## **CHAPTER 17.54.100 – FENCES, HEDGES AND WALLS**

#### **A. Generally. Fence, hedge, or wall.**

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

**Response:** An adjustment to this standard is requested in response to OCMC 17.65.070.

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

**Response:** Landscaping will be proposed with the subsequent DDP application.

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

**Response:** The applicant will comply with the traffic sight obstruction requirements in Chapter 10.32.

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

**Response:** Electric fences or fences with barbed wire are not proposed. Therefore, this standard is met.

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

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

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

**Response:** Modifications to design review requirements are requested pursuant to OCMC 17.65.070, Adjustments to Development Standards. An attachment of findings for specific architectural standards is included as Attachment C for reference to validate that adjustments to these standards are not required.

### **17.62.020 - Preapplication conference.**

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

**Response:** A preapplication conference was held on December 13, 2017 pursuant to OCMC 17.50.030. Notes are provided in Exhibit D.

#### **17.62.030 - When required.**

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

**Response:** The applicant will submit a subsequent DDP application. Per OCMC 17.65.040, once a development has an approved detailed development plan, Chapter 17.62 Site Plan and Design Review is not required.

#### **17.62.040 - Plans required.**

**Response:** A detailed development plan will be submitted pursuant to Chapter 17.65 with the subsequent DDP review.

#### **17.62.050 - Standards.**

**Response:** All applicable standards from Chapter 17.62 Site Plan and Design Review will be addressed with the subsequent DDP. Adjustments to design standards are requested with this application pursuant to 17.65.070. Attachment C, Findings for Specific Architectural Standards is provided for reference to validate that an adjustment will not be needed.

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

##### **2. Vehicular Access and Connectivity.**

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

**Response:** An adjustment to this standard is requested to allow parking areas in front of the buildings. Findings to applicable review criteria are provided in response to 17.65.70.

- 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.**

**Response:** Ingress and egress locations on Agnes Avenue are located in the interest of public safety and access for emergency services (fire and police) are provided as evidenced by the Site Circulation Plan, Sheets C3.0 – C3.2 included in Exhibit B.1.

- 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.**

**Response:** Alleys are not proposed. A reciprocal parking and utility access agreement will be provided to allow access across lots as shown in Exhibit R, Proposed Easements Exhibit.

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

**Response:** The development site does not abut an alley. Therefore, this standard does not apply.

- 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.**

**Response:** An adjustment to this standard is requested to allow more than one driveway per frontage. Findings to applicable review criteria are provided in response to 17.65.70.

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

**Response:** There are no existing or planned streets on adjacent sites. Therefore, this standard does not apply.

- 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.**

**Response:** Street and sidewalk improvements are proposed in compliance with Chapter 12.04 as shown on the Site Circulation Plan and Typical Sections, Sheets C3.0 – C3.3 included in Exhibit B.1.

- 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.**

**Response:** Street and sidewalk improvements are proposed in compliance with Chapter 12.04 as shown on the Site Circulation Plan and Typical Sections, Sheets C3.0 – C3.3 included in Exhibit B.1. A reciprocal parking and utility access agreement will be provided to allow access across lots as shown in Exhibit R, Proposed Easements Exhibit.

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

**Response:** A reciprocal parking and utility access agreement will be provided to allow access across lots as shown in Exhibit R, Proposed Easements Exhibit.

- 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.**

**Response:** Stubbed streets are not proposed. Therefore, this standard does not apply.

- 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.**

**Response:** Streets are proposed in compliance with Chapter 12.04 as shown on the Site Circulation Plan and Typical Sections, Sheets C3.0 – C3.3 included in Exhibit B.1. Agnes Avenue connects to Main Street.

- 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.**

**Response:** Parking garages are proposed with the waterfront residences. This standard will be addressed with the subsequent DDP application for site buildings.

- 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.**

**Response:** Above-ground structured parking is not proposed. Therefore, this standard does not apply.

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

**Response:** Grading has been designed to comply with the requirements of Chapter 15.48, as evidenced by responses provided in Chapter 15.48 of this narrative.

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

**Response:** Development subject to the requirements of the Geologic Hazard Overlay District comply with the requirements of that district, as evidenced by responses provided in Chapter 17.44 of this narrative.

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.**

**Response:** Drainage is provided in accordance with the City's drainage master plan, as evidenced by responses provided in Chapter 13.12 of this narrative.

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.**

**Response:** The property owner will provide adequate and continued maintenance and necessary replacement of common facilities and areas not subject to periodic maintenance by the city or other public agency.

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.**

**Response:** The proposed development will maintain continuous compliance with applicable federal, state, and city standards pertaining to the performance standards above as required.

**21. Building Materials. (Retaining walls)**

- 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 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 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.**

**Response:** As shown on the Color Perspectives included in Exhibit O, the proposed retaining walls will be constructed of masonry, concrete, or rockery wall and will be screened with sight-obscuring plantings. Therefore, this standard is met.

- b. **Prohibited Materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement 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, gates for a refuse enclosure, stormwater facilities, or within the General Industrial District).**
  - v. **Crushed colored rock/crushed tumbled glass.**
  - vi. **Non-corrugated and highly reflective sheet metal.**
  - vii. **Tarps, except for the protection of outside storage.**

**Response:** Prohibited materials are not proposed. Therefore, these standards do not apply.

- c. **Special Material Standards. The following materials are allowed if they comply with the requirements found below:**
  - i. **Concrete Block. When used for the front façade 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.**
  - ii. **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) except when used for a temporary structure.**
  - iii. **Exterior insulation and finish system (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.**
  - iv. **Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.**
  - v. **Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.**

**Response:** Special materials are not proposed. Therefore, these standards do not apply.

### **17.62.055 - Institutional and commercial building standards.**

**Response:** All applicable standards from Chapter 17.62 Site Plan and Design Review will be addressed with the subsequent DDP. Adjustments to design standards are requested with this application pursuant to 17.65.070. Attachment C, Findings for Specific Architectural Standards is provided for reference to validate that an adjustment will not be needed.

### **17.62.057 - Multi-family standards.**

**Response:** All applicable standards from Chapter 17.62 Site Plan and Design Review will be addressed with the subsequent DDP. Adjustments to design standards are requested with this application pursuant to 17.65.070. Attachment C, Findings for Specific Architectural Standards is provided for reference to validate that an adjustment will not be needed.

### **17.62.065 – Outdoor lighting.**

**Response:** Outdoor lighting in compliance with this section will be proposed with the subsequent DDP request for site buildings. An adjustment to OCMC 17.62.065.D is requested pursuant to OCMC 17.65.070 with this application.

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

**Response:** Refuse and recycling enclosures in compliance with this section will be proposed with the subsequent DDP request for site buildings.

## **CHAPTER 17.65 - MASTER PLANS**

### **17.65.050 General Development Plan**

#### **A. Existing Conditions Submittal Requirements.**

**Response:** This land use narrative and its supporting documents, plans, and technical reports, including the Existing Conditions plan, Sheet C0.1 in Exhibit B.1, provide the submittal requirements required by this provision pertaining to existing conditions.

#### **B. Proposed Development Submittal Requirements.**

**Response:** This land use narrative and its supporting documents, plans, and technical reports provide the submittal requirements required by this provision pertaining to the CDP.

**C. Approval Criteria for a General Development Plan. The planning commission shall approve an application for general development plan approval only upon finding that the following approval criteria are met.**

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

**Response:** The proposed CDP represents an update to the amended 2015 CDP. The proposed CDP amendment is consistent with the applicable code sections and this Chapter 17.65, as addressed within this narrative.

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

**Response:** As shown in the responses provided for the applicable standards within Chapter 12.04, this proposal for Phase 2 development of The Cove Master Plan complies with this provision.

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

**Response:** Phase 2 development of the waterfront residences can be adequately served with public facilities. Basic utilities will be extended from existing mains. Utility plans will be submitted with the subsequent DDP request.

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

**Response:** Section 5 of the Oregon City Comprehensive Plan is consistent with Goal 5, and protects inventoried resources. The OCMC provides overlay districts that implement this plan. The proposed development site not within a Historic District Overlay. The proposed development site is within the Natural Resource Overlay District, and a review is requested concurrent with this application. As evidenced by the NROD Report, Exhibit F, and the Geotechnical Report and Letter, Exhibit G, conducted by Apex dated December 19, 2017, the proposed Phase 2 development project has been designed in compliance with the standards defined in the applicable overlay districts.

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

**Response:** As detailed in the NROD Report, Exhibit F, the proposed development meets all applicable mitigation standards related to encroachment of development into the NROD. The Oregon City Comprehensive Plan, Section 10: Housing, complies with State and Metro requirements for needed housing, which identified 6,075 new units of housing to meet the Metro 2017 target. The proposed development of approximately 404 units of additional housing is consistent with the city's housing goals, which seek to encourage intensive, mixed use development

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

**Response:** Section 1: Citizen Involvement

Section 1 of the OCCP (Policy 1.1.1) and 17.50 of the OCMC include provisions regarding community involvement. The applicant conducted a neighborhood meeting on October 25, 2017 with the Two Rivers Neighborhood Association to discuss proposed changes as documented in the Neighborhood Meeting Materials, included in Exhibit I.

Section 2: Land Use

Section 2 promotes efficient and sustainable land development. The mixed-use development proposed is consistent with the goals and policies of this section, which call for mixed use downtown development (Goal 2.2), recreational amenities near Clackamas Cove (Policy 2.2.10), and high density development near transit corridors (Goal 2.3), i.e. Highway 99E. The proposed amendment also adds neighborhood amenities such as a waterfront esplanade and trailhead parking lot, consistent with Goal 2.4, Neighborhood Livability. Goal 2.4 calls for appropriately-scaled neighborhood services, accomplished by the multiple ground floor retail, office, and community center spaces.

Section 6: Quality of Air, Water and Land Resources

Policy 6.1.1 encourages the reduction of single occupancy vehicle trips. The mixed used development, bike lanes, access to trailheads, and overall circulation of the site will promote more walking and biking trips. The traffic analysis letter by Kittelson & Associates, Inc. included in Exhibit E.1 further explains that the proposed CDP amendment will result in a net decrease in new vehicle trips.

Section 7: Natural Hazards

Areas of 100-year floodplain exist on the site. The proposed CDP amendment complies with Chapter 17.42 Flood Management Overlay Zone. Furthermore, LIDA stormwater facilities are proposed along Agnes Avenue, which will help

reduce the risk of flood. As demonstrated in Exhibit G, Geotechnical Report, the project complies with OCCP Section 7.

#### Section 8: Developing Oregon City's Park and Recreation System

Section 8 seeks to ensure that open space meet the demands of Oregon City's growth. Constructing a network of off-street trails is also emphasized. The proposed amendment will provide future connections to the Clackamas River Trail and to the North Park.

#### Section 9: Economic Development

The proposed amendment will generate tax revenue and employment and housing opportunities consistent with Goal 9.1.

#### Section 10: Housing

The proposed amendment will provide a variety of housing types and lot sizes consistent with Policy 10.1.3.

#### Section 11: Public Facilities

Public facilities are centrally located, within the existing city limits, and accessible to multiple modes of transportation. The Cove activates an underutilized site within the existing urban core of Oregon City, proximate to existing facilities. Therefore, the project is consistent with OCCP, Section 11.

#### Section 12: Transportation

Section 12 encourages multi-modal transportation facilities that are appropriately related to adjacent land uses. The proposed amendment provides a variety of well-designed streetscapes that respond to the needs of pedestrians, cyclists, and motorists. Moreover, the planter swales, street trees, and esplanade encourage walking within the Mixed Use Downtown district. Goal 12.6 states that capacity meets users' needs. Kittelson & Associates' July 2015 TIA finds that mobility goals are met, and the attached 2018 letter finds the new amended buildout program will result in a net decrease in vehicle trips (see Exhibits E and E.1).

#### Section 13: Energy Conservation

Mixed use development provides an efficient land use pattern. The proposed development promotes energy conservation through dense, mixed-use development within the existing urban core of Oregon City.

#### Section 14: Urbanization

Section 14, Policy 14.3.1, encourages maximum allowable densities within the urban growth boundary when new public facilities are needed. The proposed amendment will enhance an underutilized site and provide dense multifamily housing within the existing urban core of Oregon City.

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

**Response:** The applicant is proposing a planning period of 10 years for the duration of the CDP.

## **17.65.060 - Detailed Development Plan**

### **A. Submittal Requirements.**

**Response:** This land use narrative and its supporting documents, plans, and technical reports, including the DDP Early Grading Plan Set included in Exhibit B.2, provide the submittal requirements required by this provision pertaining to the DDP for mass grading.

### **B. Approval Criteria. The community development director shall approve an application for detailed development plan approval only upon findings that:**

- 1. All development standards and impact mitigation meet the requirements of the approved general development plan, including conditions of approval.**

**Response:** All development standards and impact mitigation requirements are met as proposed through the requested CDP amendment and DDP (grading) request as evidenced in responses to the applicable standards in this narrative, and the supporting documents submitted with this application.

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

**Response:** Applicable zoning regulations are met. Where a regulation is not met, an adjustment is requested pursuant to OCMC 17.65.70.

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

**Response:** The DDP (grading) plan conforms with all applicable standards contained in Chapter 17.62, as related to mass grading. In anticipation of the subsequent DDP for site buildings, adjustments are requested pursuant to OCMC 17.65.70.

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

**of the detailed development plan, the community development director may, on a one-time basis, grant a twelve-month extension.**

**Response:** The requested DDP for early grading will expire 24 months from the notice of decision.

#### **17.65.070 - Adjustments to development standards.**

**Response:** The applicant intends to utilize previously approved adjustments as provided in Attachment B. Those previously-approved adjustments that are applicable to the Phase 2 waterfront residences include maximum setback, entryways, and raised ground floor standards as shown in the table below:

<b>Previous Approval:</b>	<b>Applicable Code Standard:</b>	<b>Phase 2 Application:</b>
<u>CP 08-05</u>	<u>Maximum Setback</u>	
No maximum setbacks shall apply to the Concept Development Plan boundary provided that actual development substantially conforms to the Concept Development Plan.	17.62.055.C(5) 17.62.055.D(1) 17.62.057.C 17.62.057.E	Similar to Phase 1, the Phase 2 waterfront residences will apply this approved adjustment, eliminating the required maximum setback standard.
<u>CP 08-05</u>	<u>Entryways</u>	
16.12.290.A – Building site – Setbacks and building location – All lots located on a neighborhood collector, collector or minor arterial should be oriented to front the street when practical. Corner lots may have a side yard facing the street.	17.62.055.D(3)	Buildings A1 and A2 will apply this adjustment to front the public plaza opposed to the public street. It is not practicable to front the public street as the development is oriented toward the waterfront and pedestrian esplanade.
<u>CP 15-01</u>	<u>Raised Ground Floor</u>	
Reduce the minimum commercial first floor height from 14 feet to 12 feet for the office and restaurant uses in Buildings 3 and 5 on Lot 2.	17.62.057.J	The applicant will apply this approved adjustment to the residential portion of the live/work buildings in order to reduce the first floor height.

In addition to applying previously approved adjustments, the applicant is requesting adjustments to the following code standards, as discussed in detail below. Locations of the requested adjustments and corresponding development standards can be found on the Proposed Adjustments Exhibit included in Exhibit M.

Requested Adjustment #1 – 17.54.100.A(1) Generally. Fence, hedge, or wall.  
As shown on the Grading Plan – South, Sheet C4.1, two approximately 9-foot retaining walls are proposed within 40 feet of Main Street and in front of Building D located at the southern end of Phase 2. The walls will be terraced in order to break up the vertical height. Landscaping will be included to screen the wall. The top wall will include a railing. Patterned detailing will be added to the face of the wall in order to break up the massing. The wall is necessary to prevent site development from encroaching into the public street.

A second retaining wall is proposed between the Building A buildings and the esplanade that exceeds the maximum fence, hedge, or wall requirement as shown on the Grading Plan – Center, Sheet C4.2. A 42-inch railing is proposed on top of the approximately 10-foot retaining wall as shown on the Color Perspectives included in Exhibit O.

Requested Adjustment #2 - 17.54.105.A(1) - Live/work units.

As shown on the building elevations, included in Exhibit A, live/work units in the Building B buildings provide 43-feet of linear glazing on an 82-foot long façade, which constitutes 52% transparency. Live/work units in Buildings D provide 43-feet of linear glazing on a 93-foot long façade, which constitutes 46% transparency. Therefore, the applicant requests an adjustment from the 50% transparency standard at the pedestrian level for live/work units.

Requested Adjustment #3 - 17.62.050.A(2)(a) – Vehicular Access and Connectivity.

As shown on the Site Plan, Sheet C2.0, the intent of the waterfront residences is to orient the buildings toward the waterfront esplanade and public plaza. Therefore, parking is located in between the buildings and Agnes Avenue. An adjustment is requested to provide parking in this location.

Requested Adjustment #4 - 17.62.050.A(2)(e) – Vehicular Access and Connectivity.

City staff has interpreted this standard to apply to the entire master plan area. The applicant is requesting to replat and establish lots for each of the eight buildings, as shown on Sheet C2.3. The applicant is proposing no more than one driveway per lot frontage per building. Therefore, the applicant is requesting an adjustment.

Requested Adjustment #5 – 17.62.050.A(9)(a) – On-Site Pedestrian Circulation

City staff has interpreted this standard to apply to pedestrian pathways between the entrance and the street that cross a parking lot or drive aisle. As shown on the Site Plan, Sheets C2.0 – C2.2, pedestrian pathways are proposed between the building entrance and the street that cross the parking lot adjacent to Building B and Building C buildings, and that cross a drive aisle adjacent to Building A buildings. Therefore, the applicant is requesting an adjustment.

Requested Adjustment #6 - 17.62.050.A(20)(b) – Screening of Mechanical Equipment.

Natural gas meters will be placed on the street-facing façade of the waterfront residences facing Agnes Avenue. An adjustment is requested to allow

equipment to be placed on the street-facing façade. The equipment will be screened with sight-obscuring screening comprised of plant materials. The screening will reduce any visual impact that may result from the adjustment and enhance the aesthetic qualities of the site.

Requested Adjustment #7 - 17.62.055.H(2) – Minimum Wall Articulation

As shown on the building elevations included in Exhibit A, the façade length for the Building A buildings, which have the commercial component on the ground floor, is 129-feet facing the public plaza and 121-feet facing the street. Therefore, the applicant requests an adjustment to this standard. The projections/recesses vary from 4 to 40-feet (under and over 20 percent) and vary in depth from 2 to 45-feet (under and over 3 percent), making the longest uninterrupted length of façade 81-feet.

The façade length for live/work units in Buildings B is 73-feet, which is less than 100-feet; therefore, the standard is not applicable. The façade length for live/work units in Buildings D is 81-feet, which is less than 100-feet; therefore, the standard is not applicable. *(It should be noted that draft municipal code changes, if adopted later this year, will eliminate this requirement.)*

Requested Adjustment #8 – 17.62.057.F(1) – Pedestrian Circulation

City staff has interpreted this standard to apply to pedestrian pathways between the entrance and the street that cross a parking lot or drive aisle. As shown on the Site Plan, Sheets C2.0 – C2.2, pedestrian pathways are proposed between the building entrance and the street that cross the parking lot adjacent to Building B and Building C buildings, and that cross a drive aisle adjacent to Building A buildings. Therefore, the applicant is requesting an adjustment from this provision.

Requested Adjustment #9 - 17.62.057.G – Architectural and Material Standards.

As shown on the building elevations included in Exhibit A, the facades of all the buildings have extensive articulation and modulation that exceeds horizontal requirements but are not as deep as the code requires. The buildings still provide a much greater variety of features than required. Therefore, the applicant requests an adjustment to this standard. *(It should be noted that draft municipal code changes, if adopted later this year, will eliminate this requirement.)*

Requested Adjustment #10 - 17.62.057.I – Diversity of Unit Types

The applicant is providing a variety of unit types including three types of 1-bedroom units, two types of 2-bedroom units, and 3-bedroom units. The mix of units does not comply with the 10% minimum standard per type. Therefore, an adjustment to this standard is requested. *(It should be noted that draft municipal code changes, if adopted later this year, will eliminate this requirement.)*

Requested Adjustment #11 - 17.62.057.L(2) – Window Design

As shown on the building elevations included in Exhibit A, windows will incorporate 3.5 inch trim in most locations with a few exceptions where different design calls for a reduced window treatment. All windows will have 1.3 inch deep trim per manufacturer's standard. Therefore, the applicant requests an adjustment. *(It should be noted that draft municipal code changes, if adopted later this year, will revise this requirement.)*

Requested Adjustment #12 - 17.62.065.D - General Outdoor Lighting Standard and Glare Prohibition.

It is anticipated that light trespass will occur across internal project lot lines. Since the master plan site is under single ownership, glare will not cause a negative impact to adjacent properties. However, an adjustment is required to allow light to cross internal lot lines.

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

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

**Response:** Prohibited adjustments are not proposed.

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

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

**Response:** Requested Adjustment #1 – 17.54.100.A.1

The purpose of OCMC 17.54.100.A.1 is to reduce visual impacts as viewed from the public right-of-way. The retaining walls between Buildings D and Main Street will be terraced to break up the massing, and patterned detailing and landscaped screening will be added to the face of the wall, thus reducing visual impact as intended by the regulation.

The retaining wall and railing located between Buildings A and the esplanade will be screened by landscaping as shown on the Color Perspectives included

in Exhibit O to mitigate any visual impact. Therefore, the purpose of the regulation is equally met.

Requested Adjustment #2 - 17.54.105.A(1) - Live/work units.

The applicant requests an adjustment from the 50% transparency standard at the pedestrian level for live/work units in Buildings D. Live/work units in Buildings D provide 43-feet of linear glazing on a 93-foot long façade, which constitutes 46% transparency. Live/work units in Buildings B provide 43-feet of linear glazing on an 82-foot long façade, which constitutes 52% transparency, exceeding the 50% minimum standard. Because the live/work units in Buildings B exceed the standard, the standard is equally met.

Requested Adjustment #3 - 17.62.050.A(2)(a) – Vehicular Access and Connectivity.

Parking is located in front of the buildings in order to orient the building toward the public plaza, maximizing access to open space and the waterfront, which meets the intent of this standard to enhance the pedestrian experience.

Requested Adjustment #4 - 17.62.050.A(2)(e) – Vehicular Access and Connectivity.

The purpose of this regulation is to provide for safe and efficient access to the site. Access is necessary to each individual building to comply with emergency access and circulation standards. No more than one access drive is provided per lot. Therefore, the intent of this regulation is equally met.

Requested Adjustment #5 – 17.62.050.A(9)(a) – On-Site Pedestrian Circulation

As shown on the Site Plan, Sheets C2.0 – C2.2, direct pedestrian pathways are provided between the building entrance and the street. City staff has determined that crossing the parking lot adjacent to Building B and Building C buildings, and that crossing a drive aisle adjacent to Building A buildings will require an adjustment to this standard. The access provided is in a straight line, and the most direct access that can be provided in this waterfront oriented development. Direct access is also provided from each building to the public waterfront esplanade. Therefore, this standard is equally met.

Requested Adjustment #6 - 17.62.050.A(20)(b) – Screening of Mechanical Equipment.

Natural gas meters will be placed on the street-facing façade of the waterfront residences facing Agnes Avenue. The equipment will be screened with sight-obscuring screening comprised of plant materials. The screening will reduce any visual impact that may result from the adjustment and enhance the aesthetic qualities of the site. Therefore, the intent of the standard is better met. Details of landscaped screening will be provided with landscaping plans associated with the subsequent DDP.

Requested Adjustment #7 - 17.62.055.H(2) – Minimum Wall Articulation

The façade length for Buildings A, which have the commercial component on the ground floor, is 129-feet facing the public plaza and 121-feet facing the street. Therefore, the applicant requests an adjustment to this standard. The

projections/recesses vary from 4 to 40-feet (under and over 20 percent) and vary in depth from 2 to 45-feet (under and over 3 percent), making the longest uninterrupted length of façade 81-feet. Because the proposed buildings exceed the horizontal articulation standard, the purpose of the standard is equally met.

Requested Adjustment #8 – 17.62.057.F(1) – Pedestrian Circulation

As shown on the Site Plan, Sheets C2.0 – C2.2, pedestrian pathways are provided between the building entrance and the street in a straight line. City staff has determined that crossing the parking lot adjacent to Building B and Building C buildings, and that crossing a drive aisle adjacent to Building A buildings will require an adjustment to this standard. The access provided is in a straight line, and the most direct access that can be provided in this waterfront oriented development. Direct access is also provided from each building to the public waterfront esplanade. Therefore, this standard is equally met.

Requested Adjustment #9 - 17.62.057.G – Architectural and Material Standards.

The facades of all the buildings have extensive articulation and modulation that exceed horizontal requirements but are not as deep as the code requires. The buildings provide a much greater variety of features than required. Therefore, the purpose of this articulation and modulation standard is equally met.

Requested Adjustment #10 - 17.62.057.I – Diversity of Unit Types

The applicant is providing a variety of unit types. While the 10% minimum standard is not met, there are three distinct floor plans of 1-bedroom units, two distinct floor plans of 2-bedroom units, and 3-bedroom units are provided. Therefore, the intent to provide a diversity of housing types to allow for a range of households and age groups is equally met.

Requested Adjustment #11 - 17.62.057.L(2) – Window Design

Windows will incorporate 3.5-inch trim in most locations with a few exceptions where different design calls for a reduced window trim treatment. All windows will have 1.3-inch deep trim per manufacturer's standard. The City has proposed removing this standard in the updated code. Since decorative window treatment, both horizontal and vertical façade trim, and material changes are provided as shown on the building elevations included in Exhibit A, the purpose of this standard is equally or better met.

Requested Adjustment #12 - 17.62.065.D - General Outdoor Lighting Standard and Glare Prohibition.

The purpose of this standard is to prevent negative impacts on adjacent properties. Because the development site is under single ownership, no adverse impacts will occur as a result of light trespass. Therefore, this standard is equally met.

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

**Response:** In combination with the adjustments already approved for The Cove, the requested adjustments will not create a situation in which the cumulative requests are inconsistent with the purposes of the MUD zone. Per OCMC 17.34.010, the MUD district is intended to provide a mix of high-density residential, office and retail uses, with retail and service uses on the ground floor and office and residential uses on the upper floors. Pedestrian and transit use is encouraged through these uses. The Cove project provides for an appropriate mix of land uses with ground floor commercial uses and high-density residential uses above. The requested adjustments will not preclude the ability to provide a mix of uses that engage the pedestrian nor preclude consistency with the purpose of the zone to encourage mixed uses, and pedestrian and transit access.

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

**Response:** Section 5 of the Oregon City Comprehensive Plan addresses Goal 5 resources. The OCMC provides overlay districts that implement this plan section. The proposed development site is not within a Historic District Overlay. The proposed development site includes areas within the Natural Resource Overlay District, and a review is requested concurrent with this application. As evidenced by the NROD Report, the proposed Phase 2 development project has been designed in compliance with the standards defined in the applicable overlay districts. No requested adjustments are proposed within the NROD. Light fixtures along the waterfront esplanade will be shielded to prevent glare into the resource area. Therefore, no impact to Goal 5 resources will occur as a result of the adjustments.

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

**Response:** Requested Adjustment #1 – 17.54.100.A.1  
The retaining walls located between Buildings D and Main Street will be terraced in order to break up the massing, and patterned detailing and landscaped screening will be added to the face of the wall, thus mitigating any visual impact resulting from the adjustment.

The retaining wall and railing located between Buildings A and the esplanade will be screened by landscaping. Thus, any visual impact resulting from the adjustment will be mitigated.

Requested Adjustment #2 - 17.54.105.A(1) - Live/work units.

The applicant requests an adjustment from the 50% transparency standard at the pedestrian level for live/work units in Buildings D. Live/work units in Buildings D provide 43-feet of linear glazing on a 93-foot long façade, which constitutes 46% transparency. Live/work units in Buildings B provide 43-feet of linear glazing on an 82-foot long façade, which constitutes 52% transparency, exceeding the 50% minimum standard. Because the live/work units in Buildings B exceed the standard, and generous windows are provided on the

upper floors as shown on the building elevations included in Exhibit A, any visual impact resulting from the adjustment are mitigated.

Requested Adjustment #3 - 17.62.050.A(2)(a) – Vehicular Access and Connectivity.

While parking is located in between the public street and the building, the development is oriented toward the waterfront esplanade to enhance pedestrian access and circulation throughout the site. Therefore, any impact resulting from the adjustment is mitigated.

Requested Adjustment #4 - 17.62.050.A(2)(e) – Vehicular Access and Connectivity.

While the master plan is interpreted to be a single site for interpreting this provision, Lots 3-7 are proposed to be subdivided into Lots 3-10, corresponding with the eight proposed buildings as shown the Site Plan, Sheet C2.0. Safe and efficient access is provided to each building, and the proposed driveways comply with the minimum spacing standards as evidenced in response to Section 12.04.195. No impacts are anticipated as a result of this adjustment.

Requested Adjustment #5 – 17.62.050.A(9)(a) – On-Site Pedestrian Circulation

As shown on the Site Plan, Sheets C2.0 – C2.2, direct pedestrian pathways are provided between the building entrance and the street. City staff has determined that crossing the parking lot adjacent to Building B and Building C buildings, and that crossing a drive aisle adjacent to Building A buildings will require an adjustment to this standard. Safe crossing are provided across the driveways and drive aisles through a combination of distinct paving materials and crosswalks. Direct access is also provided from each building to the public waterfront esplanade. Therefore, any impact from the requested adjustment is mitigated.

Requested Adjustment #6 - 17.62.050.A(20)(b) – Screening of Mechanical Equipment.

Natural gas meters will be placed on the street-facing façade of the waterfront residences facing Agnes Avenue. The placement is necessary to provide access to utility companies. The equipment will be screened with landscaped plant materials. The screening will mitigate any visual impact that may result from the adjustment.

Requested Adjustment #7 - 17.62.055.H(2) – Minimum Wall Articulation

The façade length for Buildings A, which have the commercial component on the ground floor is 129-feet facing the public plaza and 121-feet facing the street. Therefore, the applicant requests an adjustment to this standard. The projections/recesses vary from 4 to 40-feet (under and over 20 percent) and vary in depth from 2 to 45-feet (under and over 3 percent), making the longest uninterrupted length of façade 81-feet. No impacts are anticipated as a result of this adjustment. *(It should be noted that draft municipal code changes, if adopted later this year, will revise this requirement.)*

Requested Adjustment #8 – 17.62.057.F(1) – Pedestrian Circulation

As shown on the Site Plan, Sheets C2.0 – C2.2, pedestrian pathways are provided between the building entrance and the street in a straight line. City staff has determined that parking lot crossings adjacent to Buildings B and C and a drive aisle adjacent to Building A will require an adjustment to this standard. Safe crossings are provided across the driveways and drive aisles through a combination of distinct paving materials and crosswalks. Direct access is also provided from each building to the public waterfront esplanade. Therefore, any impact from the requested adjustment is mitigated.

Requested Adjustment #9 - 17.62.057.G – Architectural and Material Standards.

The facades of all the buildings have articulation and modulation that occurs on a much smaller than required horizontal module but not as deep as the code requires, while still providing a much greater variety. Therefore, any impact resulting from the requested adjustment is mitigated. *(It should be noted that draft municipal code changes, if adopted later this year, will revise this requirement.)*

Requested Adjustment #10 - 17.62.057.I – Diversity of Unit Types

The applicant is providing a variety of unit types. While the 10% minimum standard is not met, three types of 1-bedroom units, two types of 2-bedroom units, and 3-bedroom units are provided. Therefore, any impact is mitigated by providing a variety of product types for a diverse range of households. *(It should be noted that draft municipal code changes, if adopted later this year, will revise this requirement.)*

Requested Adjustment #11 - 17.62.057.L(2) – Window Design

Windows will incorporate 3.5-inch trim in most locations with a few exceptions where different design calls for a reduced window trim treatment. All windows will have 1.3 inch deep trim per manufacturer's standard. The City has proposed removing this standard in the updated code. Since decorative window treatment, both horizontal and vertical façade trim, and material changes are provided as shown on the building elevations included in Exhibit A, any impact resulting from the adjustment is mitigated. *(It should be noted that draft municipal code changes, if adopted later this year, will revise this requirement.)*

Requested Adjustment #12 - 17.62.065.D - General Outdoor Lighting Standard and Glare Prohibition.

The development is under single ownership. Therefore, light trespass will not cause any adverse impact on adjacent property owners. Light fixtures along the waterfront esplanade will be shielded in order to prevent glare into the adjacent NROD area.

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

**Response:** Proposed adjustments are not within an environmental zone. Therefore, there are no environmental impacts associated with the adjustments. Related to Adjustment #9, light fixtures along the waterfront esplanade will be shielded to prevent glare into the adjacent NROD area.

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

**Response:** The proposed adjustments are consistent with the Oregon City Comprehensive Plan and ancillary document as outlined below:

**Requested Adjustment #1 – 17.54.100.A(1) Generally. Fence, hedge, or wall. Retaining wall heights.**

**Goal 7.1 Natural Hazards.**

- **Policy 7.1.6 Encourage the use of land and design of structures that are relatively unaffected by the periodic effects of flooding, such as parking and other uses not normally occupied by humans.**

The requested adjustment to retaining wall heights is consistent with this goal because they are necessary to elevate the human-occupied areas of the development above the 100-year floodplain and facilitate the tuck-under parking lots. The tuck-under parking areas will be within the 100-year floodplain, consistent with Policy 7.1.6 above.

**Goal 2.2 Downtown Oregon City.**

- **Policy 2.2.10 Develop the Clackamette Cove area through the implementation of the Oregon City Waterfront Master Plan to achieve a balance between the natural and built environments, including wildlife habitat, multi-family residential development, office and retail, and family recreation.**

The *Oregon City Waterfront Master Plan* (2002) referenced in the policy above calls for “returning Oregon City to its riverfront heritage” by promoting riverfront development in a way that enhances connections between downtown and the river and provides improved bicycle and pedestrian connections along the river. The plan also calls for development in the Cove, particularly new housing, to be oriented toward Clackamette Cove to “capitalize on the waterfront housing market and provide a community presence on the Cove.” The requested adjustment is consistent with this goal because it balances the desire to keep development close to, and oriented toward, the river with the need to manage the 100-year floodplain.

**Requested Adjustment #2 - 17.54.105.A(1) - Live/work units. Glazing on street-facing facades.**

**Goal 2.2 Downtown Oregon City.**

- **Policy 2.2.10 Develop the Clackamette Cove area through the implementation of the Oregon City Waterfront Master Plan to achieve a balance between the natural and built environments, including wildlife habitat, multi-family residential development, office and retail, and family recreation.**

The *Oregon City Waterfront Master Plan* (2002) referenced in the policy above calls for “returning Oregon City to its riverfront heritage” by promoting riverfront development in a way

that enhances connections between downtown and the river and provides improved bicycle and pedestrian connections along the river. The plan also calls for development in the Cove, particularly new housing, to be oriented toward Clackamette Cove to “capitalize on the waterfront housing market and provide a community presence on the Cove.” The proposed adjustment is consistent with the Waterfront Master Plan because it orients development toward the river by emphasizing windows and doors (glazing) on the river-facing façade.

Requested Adjustment #3 - 17.62.050.A(2)(a) – Vehicular Access and Connectivity. Parking location.

**Goal 2.2 Downtown Oregon City.**

- **Policy 2.2.10 Develop the Clackamette Cove area through the implementation of the Oregon City Waterfront Master Plan to achieve a balance between the natural and built environments, including wildlife habitat, multi-family residential development, office and retail, and family recreation.**

**Goal 15.1 Protect the Willamette River Greenway**

- **Policy 15.1.3 Encourage access to and along the river consistent with the Oregon City Park and Recreation Master Plan and the Oregon City Waterfront Master Plan.**

The *Oregon City Waterfront Master Plan* (2002) referenced in the policy above calls for “returning Oregon City to its riverfront heritage” by promoting riverfront development in a way that enhances connections between downtown and the river and provides improved bicycle and pedestrian connections along the river. The plan also calls for development in the Cove, particularly new multi-family housing, to be oriented toward Clackamette Cove to “capitalize on the waterfront housing market and provide a community presence on the Cove.” The plan also calls for a riverfront trail “tracing the shoreline” that connects Clackamette Cove to downtown Oregon City. The proposed adjustment to the location of off-street parking in the development supports these policies by orienting the buildings to the river and riverfront trail and avoiding barriers (such as surface parking) between the buildings and the trail.

Requested Adjustment #4 - 17.62.050.A(2)(e) – Vehicular Access and Connectivity. Number of driveways.

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

**Goal 11.9 Fire Protection. Maintain a high level of fire protection and emergency medical services. Policy 11.9.1 Ensure that all areas, including newly annexed areas, receive fire protection and emergency medical services.**

The proposed adjustment to the number of driveways is consistent with the above policies because it will facilitate more direct access to each building for emergency vehicles and fire protection. Limiting the entire development to only one access point from Agnes would reduce efficiencies for emergency services and increase response times for those buildings furthest from the access point.

Requested Adjustment #5 – 17.62.050.A(9)(a) – On-Site Pedestrian Circulation. Pedestrian connections between street and building entrances.

**Goal 2.2 Downtown Oregon City.**

- **Policy 2.2.10 Develop the Clackamette Cove area through the implementation of the Oregon City Waterfront Master Plan to achieve a balance between the natural and built environments, including wildlife habitat, multi-family residential development, office and retail, and family recreation.**

**Goal 15.1 Protect the Willamette River Greenway**

- **Policy 15.1.3 Encourage access to and along the river consistent with the Oregon City Park and Recreation Master Plan and the Oregon City Waterfront Master Plan.**

The *Oregon City Waterfront Master Plan* (2002) referenced in the policy above calls for “returning Oregon City to its riverfront heritage” by promoting riverfront development in a way that enhances connections between downtown and the river and provides improved bicycle and pedestrian connections along the river. The plan also calls for development in the Cove, particularly new multi-family housing, to be oriented toward Clackamette Cove to “capitalize on the waterfront housing market and provide a community presence on the Cove.” The plan also calls for a riverfront trail “tracing the shoreline” that connects Clackamette Cove to downtown Oregon City. The proposed adjustment to the pedestrian connectivity standard is linked to the adjustment for location of parking (adjustment #3 above). Parking is proposed between the buildings and Agnes Avenue so that the buildings can be oriented to the river with no barriers between the riverfront trail and buildings. Due to this parking lot location, it is not possible to create pedestrian pathways between the street (Agnes Ave.) and building entrances that do not cross a drive aisle or parking area.

Requested Adjustment #6 - 17.62.050.A(20)(b) – Screening of Mechanical Equipment. Gas meters on the street-facing façade.

**Goal 2.2 Downtown Oregon City.**

- **Policy 2.2.10 Develop the Clackamette Cove area through the implementation of the Oregon City Waterfront Master Plan to achieve a balance between the natural and built environments, including wildlife habitat, multi-family residential development, office and retail, and family recreation.**

The *Oregon City Waterfront Master Plan* (2002) referenced in the policy above calls for “returning Oregon City to its riverfront heritage” by promoting riverfront development in a way that enhances connections between downtown and the river and provides improved bicycle and pedestrian connections along the river. The plan also calls for development in the Cove, particularly new housing, to be oriented toward Clackamette Cove to “capitalize on the waterfront housing market and provide a community presence on the Cove.” The adjustment is requested to facilitate building orientation toward the river. Because this development emphasizes its river-facing façade as the “front”, locating mechanical equipment at the “back” of buildings is appropriate and consistent with this policy.

Requested Adjustment #7 - 17.62.055.H(2) – Minimum Wall Articulation, street-facing facades.

**Goal 2.2 Downtown Oregon City.**

- **Policy 2.2.10 Develop the Clackamette Cove area through the implementation of the Oregon City Waterfront Master Plan to achieve a balance between the natural and built environments, including wildlife habitat, multi-family residential development, office and retail, and family recreation.**

The *Oregon City Waterfront Master Plan* (2002) referenced in the policy above calls for “returning Oregon City to its riverfront heritage” by promoting riverfront development in a way that enhances connections between downtown and the river and provides improved bicycle and pedestrian connections along the river. The plan also calls for development in the Cove, particularly new housing, to be oriented toward Clackamette Cove to “capitalize on the waterfront housing market and provide a community presence on the Cove.” This adjustment is consistent because it focuses building articulation on the river-facing facades and the large public plaza proposed between the two “A” buildings. The plaza is intended as a main entrance into the development and ground floor retail stores will be oriented to the plaza and out toward the river.

Requested Adjustment #8 – 17.62.057.F(1) – Pedestrian Circulation. Pedestrian connections between street and building entrances.

#### **Goal 2.2 Downtown Oregon City.**

- **Policy 2.2.10 Develop the Clackamette Cove area through the implementation of the Oregon City Waterfront Master Plan to achieve a balance between the natural and built environments, including wildlife habitat, multi-family residential development, office and retail, and family recreation.**

#### **Goal 15.1 Protect the Willamette River Greenway**

- **Policy 15.1.3 Encourage access to and along the river consistent with the Oregon City Park and Recreation Master Plan and the Oregon City Waterfront Master Plan.**

The *Oregon City Waterfront Master Plan* (2002) referenced in the policy above calls for “returning Oregon City to its riverfront heritage” by promoting riverfront development in a way that enhances connections between downtown and the river and provides improved bicycle and pedestrian connections along the river. The plan also calls for development in the Cove, particularly new multi-family housing, to be oriented toward Clackamette Cove to “capitalize on the waterfront housing market and provide a community presence on the Cove.” The plan also calls for a riverfront trail “tracing the shoreline” that connects Clackamette Cove to downtown Oregon City. The proposed adjustment to the pedestrian connectivity standard is linked to the adjustment for location of parking (adjustment #3 above). Parking is proposed between the buildings and Agnes Avenue so that the buildings can be oriented to the river with no barriers between the riverfront trail and buildings. Due to this parking lot location, it is not possible to create pedestrian pathways between the street (Agnes Ave.) and building entrances that do not cross a drive aisle or parking area.

Requested Adjustment #9 - 17.62.057.G – Architectural and Material Standards.

As shown on the building elevations included in Exhibit A, the facades of all the buildings have extensive articulation and modulation that exceeds horizontal requirements but are not as deep as the code requires. The buildings still provide a much greater variety of features than

required. Therefore, the applicant requests an adjustment to this standard. *(It should be noted that draft municipal code changes, if adopted later this year, will eliminate this requirement.)*

### **Goal 2.1 Efficient Use of Land**

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

The proposed adjustment is consistent with this policy because it facilitates a large, cohesive waterfront-oriented mixed-use project with shared parking and landscaped areas. The project's design, orientation and use of a variety of materials provides a rich variation in appearance, even though the prescriptive standard for façade depth is not met. Through the use of horizontal modulation, building materials, landscaping, plazas and other site features, the applicant is supporting the City's intent for integrated master planning of large sites. Consistent with this plan policy, the City can vary from prescriptive standards through site master planning as allowed through the CDP process.

### Requested Adjustment #10 - 17.62.057.I – Diversity of Unit Types

The applicant is providing a variety of unit types including three types of 1-bedroom units, two types of 2-bedroom units, and 3-bedroom units. The mix of units does not comply with the 10% minimum standard per type. Therefore, an adjustment to this standard is requested. *(It should be noted that draft municipal code changes, if adopted later this year, will eliminate this requirement.)*

### **Goal 10.1 Diverse Housing Opportunities**

- **Policy 10.1.3 Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.**

The proposed adjustment is consistent with this policy because it provides a diversity of housing opportunities including multi-family apartments through a mixed-use development. The proposed CDP amendment increases the number of residential units to 404 units which will increase the inventory of multi-family units—in particular mixed-use multi-family units—in the City.

### Requested Adjustment #11 - 17.62.057.L(2) – Window Design

As shown on the building elevations included in Exhibit A, windows will incorporate 3.5 inch trim in most locations with a few exceptions where different design calls for a reduced window treatment. All windows will have 1.3-inch-deep trim per manufacturer's standard. Therefore, the applicant requests an adjustment. *(It should be noted that draft municipal code changes, if adopted later this year, will revise this requirement.)*

### **Goal 2.1 Efficient Use of Land**

- **Policy 2.1.3 Encourage sub-area master planning for larger developments or parcels, including re-development, where it may be feasible to develop more mixed uses, or campus-style industrial parks, with shared parking and**

**landscaping areas. Allow developments to vary from prescriptive standards if planned and approved under this provision.**

Because the project is subject to review under the City's CDP provisions, and will create a waterfront mixed use master plan project, alternatives to the prescriptive standards are available as noted in this policy. In this instance, the prescriptive standard—that window trim is at least four-inches in width--requires an adjustment. The applicant is providing a variety of building materials, and horizontal modulation along with other site amenities to offer significant variation in building appearance to ensure that the building is of a high quality pedestrian-oriented design. Therefore, the proposal is consistent with this plan policy.

Requested Adjustment #12 - 17.62.065.D - General Outdoor Lighting Standard and Glare Prohibition.

**Goal 2.1 Efficient Use of Land**

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

The proposed adjustment is consistent with this policy because it facilitates a large, cohesive project that spans across several tax lots but is essentially one development. The prescriptive standard here – that lighting cannot exceed 0.5 foot-candles at the property line – is not appropriate for this type of master planned development where buildings are technically on separate tax lots but are intended to be part of an interconnected and unified development. Allowing an adjustment to the lighting standard supports this policy.

**17.65.80 - Amendments to approved plans.**

**Response:** This proposed amendment to the original 2008 CDP, the amended 2009 CDP, and the amended 2015 CDP addresses all applicable development code sections. The detailed development plan provisions outlined under OCMC 17.65.060 will be addressed upon submittal of the DDP for site buildings as required. The proposed changes and replat/subdivision meet the thresholds pursuant to OCMC 17.65.80. B, and are subject to a Type III review.

**17.65.090 Regulations that Apply**

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

**Response:** This CDP amendment proposal is subject to the applicable land use regulations of this code and as vested through the previously approved CDP.

### **III. CONCLUSION**

As demonstrated by the responses provided in this narrative and the supporting exhibits, the proposed CDP amendment, DDP (Grading), NROD and Geologic Hazard, and Subdivision applications conform to the applicable standards and review criteria necessary for City approvals and authorizations. The applicant therefore respectfully requests City approval of the attached land use application package.