

**Harper
Houf Peterson
Righellis Inc.**

202 Molalla Minor Partition & Parking Lot Improvements

Project #MCP-09

Type III Land Use Application: Minor Partition, Parking Adjustment & Site Plan/Design Review

January 18, 2019

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ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS

**TYPE III –LAND USE REVIEW:
202 MOLALLA AVE. MINOR PARTITION & SITE PLAN/DESIGN REVIEW
221 MOLALLA AVE. PARKING ADJUSTMENT**

Applicant's Submittal

January 18, 2019

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Site Location:

202 & 221 Molalla Avenue, Oregon City, OR 97045

Parcel Number:

APN: 2-2E-32CB-07300 (e.g. 202 Molalla Ave.)
APN: 2-2E-32CB-07800, 2-2E-32CB-08300, 2-2E-32CB-08400 & 2-2E-32CB-08500 (e.g. 221 Molalla Ave.)

Tax Map Reference: 22E32CB
Township 2S, Range 2E, Section 32
Zoning Designation: MUC-1



Parcel Size: 10,000 square feet (0.23 acres)

Zoning: MUC-1

Summary of Request: The applicant seeks approval of a Minor Partition, concurrent Site Plan and Design Review, and Parking Adjustment for a new 10-stall surface parking lot. The parking lot is proposed on the west parcel of the proposed partition. A modification is requested to perimeter landscaping for the parking lot along the shared rear property line of the partition.

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- 1.0 Cover Sheet
- 2.0 Existing Conditions and ESCP Plan
- 2.1 ESCP Details
- 3.0 Civil Site Plan
- 4.0 Grading and Utility Plan
- 5.0 Myrtle Street Plan and Profile
- 6.0 Details
- 6.1 Details
- L1.0 Landscape Plan
- L1.1 Landscape Details

APPENDICIES

- 1. Traffic analysis letter, prepared by Global Transportation Engineering, dated 1/11/19
- 2. Impervious surface exhibit, prepared by HHPR civil engineer
- 3. Shadow plat exhibit
- 4. Pre-application conference notes, 8/7/18 meeting
- 5. 221 Molalla commercial building floor plan of net leasable area
- 6. Exhibit of leased parking spaces at 212 Molalla Ave. and 325 Pearl St.
- 7. Lease agreement for 16 parking stalls: 212 Molalla Ave. and 325 Pearl St.
- 8. Neighborhood Association Meeting Documentation, 11/13/18 Meeting Date
- 9. Grand Ronde Letter
- 10. SHPPO Letter



I. DESCRIPTION OF PROPOSAL

BACKGROUND

The project site is a 10,000 square foot (e.g. 0.23 acres) through lot bound by Molalla Avenue on the east and an unimproved portion of Myrtle Street on the west. The property is currently developed with a small structure that was constructed as bungalow-style single-family residence. The year this structure was built is not known or recorded with the Tax Assessor. The residence is positioned near the eastern edge of the lot and the front porch entrance oriented toward Molalla Avenue, where Roosevelt Street intersects the road from the east. Vehicle access is taken for the site through a driveway and curb cut along Molalla Avenue that is shared with the abutting property to the south, addressed as 212 Molalla Avenue. That neighboring property contains a small commercial building.

The zoning designation for this site is Mixed-Use Corridor District 1 (MUC-1). The Mixed-Use Corridor District (MUC) is designed to apply along sections of transportation corridors, such as Molalla Avenue. The MUC-1 designation provides for moderate-density residential uses and encourages office, and small-scale retail uses.

The abutting private properties to the north and south are assigned the same zoning designation. A multifamily development is present on the property to the north. The commercial building on the abutting property to the south currently contains the retail use Lancheria Mitzil Mexican Eatery. Properties across the street, on the east side of Molalla are also zoned MUC-1, while the properties on the other side of Myrtle Street, to the west, have an R-2 multifamily residential zoning designation.

The existing structure on the project site is still recognized as a single-family residential household use because permits to change the use to another occupancy allowed within the MUC-1 have not been issued for this structure. Since new single-family residential units are not allowed in this zone without an accompanying mixture of other allowed uses, the existing home is classified as legally established nonconforming development.

PROJECT DESCRIPTION

The project proposal requests approval of a minor partition dividing the existing 10,000 square foot lot into two, 5,000 square foot parcels. The existing structure is proposed to remain. A new 10-stall surface parking lot is proposed on the west parcel of the partition. Vehicle access to the new parking lot is proposed via a new driveway and curb cut along Myrtle Street.

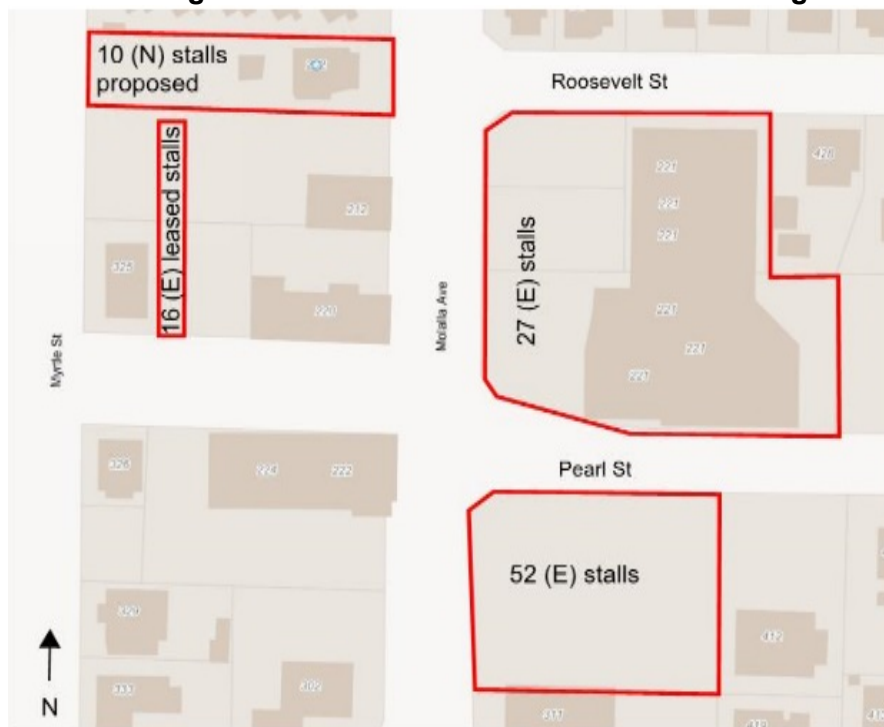
The new parking lot will be constructed as an accessory use, serving the parking needs of employees located in the commercial building located across the street at 221 Molalla Avenue. The current parking supply for that 33,000 square foot building is not sufficient to serve the current parking need for tenants and visitors. Subsequently, the parking demand overflows onto the abutting residential streets in the neighborhood; especially the abutting streets of Roosevelt and Pearl.



The commercial development currently utilizes 97 parking spaces: 27 in front of the building, 52 in the existing surface parking lot at the corner of Pearl Street and Molalla Avenue, and 16 leased spaces that span across the tax lots held in common ownership addressed as 212 & 220 Molalla Avenue and 325 Pearl St.

To adequately serve the parking needs of the development, the property owner seeks to provide a total of 107 parking spaces. The ten proposed under this proposal will enable the building to come close to fully addressing this parking need. Based on the parking allowances of the Municipal Code, the building is allowed up to 101 parking spaces under the current square footage of net leasable office and retail uses identified in the building. The 2005 land use review for this renovated building allowed a maximum of 105 parking spaces. However, since that time, much of the building area previously designated as retail along the ground floor street frontage has become office uses occupied by The Oregon Department of Human Services (DHS) and the Oregon Soil and Water Conservation District. These office uses allow fewer parking spaces per 1,000 square feet of net leasable than retail uses. Unfortunately, the number of employees each tenant requires to support their business exceeds the number of parking spaces allowed under the Municipal Code. As a result, the project is requesting a Parking Adjustment to allow six additional parking spaces (e.g. up to 107 stalls) beyond what the Municipal Code allows under Chapter 17.52.020.A (e.g. 101 stalls). The new 10-space parking lot proposed under this application will bring the parking supply to 105 stalls. Because the size of the west lot cannot accommodate more than 10-stalls on the 5,000 square foot parcel, the commercial office building will continue to explore future opportunities to provide the two additional parking spaces needed by the development in other locations through this Parking Adjustment.

Parking Areas for 221 Molalla Commercial Building



II. RESPONSE TO APPLICABLE APPROVAL CRITERIA & CODE STANDARDS

CHAPTER 16.12 - MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS

16.12.020 - BLOCKS—GENERALLY.

The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

Applicant's Response: The minor partition does not create new blocks. The site is not large enough, nor is the minor partition complex enough to warrant new streets and blocks within the proposal. Once partitioned into two lots, the existing street frontages of Molalla Ave. and Myrtle St. will continue to serve the land. Rather than retaining the through lot that is currently configured, the project will convert the land area into two individual 5,000 square foot lots that have only one street frontage and a shared internal rear lot line. With no minimum lot area or setback requirement for development, these regularly-shaped rectangular lots are of an adequate size to facilitate future development, including new buildings.

The street frontage improvements proposed along Myrtle Street will provide convenient motor vehicle access for users of the new surface parking lot and install a sidewalk along the street frontage for the width of the extended street frontage improvements along the property line. Along Molalla Avenue, the existing driveway connection to the street and sidewalk improvements will remain.

The Traffic analysis Letter provided as Appendix 1 documents that the parking lot will serve vehicle trips currently traveling on surrounding roadways and is not expected to generate new trips in the area. Because the parking spaces in the new lot will be reserved for building employees and not visitor parking, the parking duration for vehicles is expected to be several hours per car, based on the workday schedules of employees. Any increase in vehicle trips on SE Myrtle Street because of the driveway access is expected to be minimal due to the full day nature of parking activities in this small parking lot.

Vehicle access to the parking lot is via the driveway on Myrtle St. Designing traffic flow in this manner directs traffic from Myrtle onto Pearl Street, where a traffic signal facilitates access onto the main traffic corridor of Molalla Avenue. This seeks to reduce potential conflicts to bicyclists, pedestrians and vehicles along Molalla Avenue that would otherwise negotiate interactions with vehicles accessing Molalla from a curb cut along that street.



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.

Applicant's Response: Not applicable. The minor partition proposal does not propose a new block. The depth of the lots proposed within the existing block are approximately 50 feet wide by 100 feet deep. However, the project proposes converting a parcel that is a single tier through lot into a two tier lot configuration that meets the intent of this requirement.

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](#).

Applicant's Response: There is not a minimum density standard in the MUC base zone. Rather, floor area ratio is the tool applied to regulate the intensity of development in this zone. Chapter 17.29.050 does not specify a minimum or maximum floor area ratio for MUC-1 zones. As a result, this standard is met because the project site does not have a minimum or maximum density requirement to base this requirement from. The floor area is, therefore, constrained only by the limits to maximum lot coverage (e.g. 80%) and maximum building height (e.g. three stories or 40 feet). The proposed partition does not prevent future development that could build to this maximum allowance.

16.12.050 - CALCULATIONS OF LOT AREA.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

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

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

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

Applicant's Response: This standard does not apply because the project is proposed on a site with MUC-1 zoning, which is not subject to this requirement. The MUC-1 base zone does not have a minimum lot area requirement.



16.12.055 - BUILDING SITE—THROUGH LOTS.

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys or shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.

Applicant's Response: This standard is met. Through lots are not proposed under this application. This proposal further meets the intent of the standard to discourage through lots by converting the existing through lot site configuration into two parcels that each have only one street frontage.

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.

Applicant's Response: This standard is met. The existing right angles along the street frontages of Molalla Avenue and Myrtle Street will remain under this partition proposal. The new property line established in the middle of the existing lot is positioned at a right angle to the side property lines and parallel to the street frontage, creating regularly-shaped standard rectangular lots.

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.

Applicant's Response: The project complies with this requirement. Myrtle Street is classified as a Local Residential roadway. Molalla Avenue is classified as a Minor Arterial. The partition does not create new street frontages. The existing streets will remain the sole street frontage for each lot. The existing structure on the property already faces the minor arterial street of Molalla Avenue. The front setback for the west parcel will face Myrtle Street, a Local Residential roadway, as no other street frontage abuts the lot under the proposed configuration.



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

Applicant's Response: As discussed above, the existing structure that will remain on the east lot already complies with this standard because the most significant elevation faces Molalla Avenue. A building is not currently proposed on the west lot that fronts Myrtle Street, which is not subject to this criteria because it is not a neighborhood collector, collector or minor arterial street.

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

Applicant's Response: This criteria does not apply to the application because corner lots are not created under this proposal and new dwelling units are not currently proposed. However, if new dwelling units are proposed in the future, the 50 foot x 100 foot lot configurations are typical to accommodate traditional dwellings with street-facing main facades.

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.*

Applicant's Response: This criteria is not applicable because new driveways or modifications to existing driveways along the minor arterial, Molalla Avenue, are not proposed. The existing driveway along Molalla Avenue already utilizes shared driveway access with the property to the south. The new driveway improvements identified on the site plan are proposed along the Local Residential roadway, Myrtle Street. The street frontage and commercial driveway improvements will be designed in compliance with City Standards.

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.

Applicant's Response: The site is capable of redivision under this proposal because the base zone standard does not have a minimum requirement for setbacks, lot size, lot width or density. However, further dividing the land from 5,000 square foot lots to smaller parcels does not hold enough feasible development potential to warrant the need to reserve areas



for future right-of-way or building sites. The most realistic potential redivision would be that of narrow lots which front the existing streets and have shared driveway access. The current lot configuration presents the best opportunity to achieve this in the future, should redevelopment occur that seeks further redivision.

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.

Applicant's Response: Noted. No utility easements are required for this project. Water and sanitary connections are not needed for the parking lot improvements. Because less than 5,000 square feet of impervious surface is proposed on this project, a stormwater system is not required by City Staff. Please reference Appendix 2 for the square footage calculations of impervious area proposed under this project.

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.

Applicant's Response: Noted. The project does not propose unusual facilities. Easements for facilities are not required for this project.

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.

Applicant's Response: The applicant acknowledges this standard. New access easements are not proposed under the land division.

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.

Applicant's Response: The applicant acknowledges this standard. The project complies with improving the city's planned level of service on public streets through the construction of street frontage improvements along Myrtle Street. Street improvements will be installed along Myrtle Street, converting unimproved roadway into usable vehicle and pedestrian connections that do not currently exist. Along the frontage of the west parcel a curb and 5-foot wide sidewalk will be constructed within the right-of-way. Because the parking stalls are specified as impervious pavers, the project proposes less than 5,000 square feet of impervious surface and does not require stormwater treatment facilities. An impervious area exhibit is provided as Appendix 2, to show the calculations of impervious and pervious areas improved under this project. This exhibit calls out 4,369 square feet of impervious area proposed.

Bicycle infrastructure is not present on Myrtle Street. As a street with a length of roughly 400 feet and only one street intersection, creating 50 feet of bike lane will not create a useable connection for the community on this short, local, dead end residential roadway. A bike lane and sidewalk is already constructed on the east side of the project, along Molalla Avenue. For this reason, existing conditions on the east frontage of the partition already meet this requirement.

The requirements for reestablishing and protecting applicable monuments, per city engineer requirements, will be met by the applicant under this proposal.

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.

Applicant's Response: Noted. The stormwater drainage system is designed by a registered, licensed professional engineer. The development's drainage system is designed in accordance with the city drainage master plan requirements and the Public Works Stormwater Grading Design Standards.

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.

Applicant's Response: This standard is not applicable to this proposal. No new sanitary sewer connections are required for the parking lot improvements proposed on the west parcel. Existing sanitary sewer service is already established for the existing residential structure, where no changes are proposed to development on the eastern lot.

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.

Applicant's Response: This standard is not applicable to this proposal. No new water connections are required for the parking lot improvements proposed on the west parcel. Existing water service is already established for the existing residential structure, where no changes are proposed to development on the eastern lot.

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.



Applicant's Response: This standard does not apply to this proposal. The project does not create new streets or intersections where additional street signs or traffic control devices are warranted.

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.

Applicant's Response: Street lights are not proposed under this application. New streets are not proposed under this partition configuration and the scope of work does not clearly warrant a new street light on the 50 foot frontage improvement along Myrtle Street.

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

Applicant's Response: The applicant acknowledges this standard. The project will comply with surveying requirements 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.

Applicant's Response: Noted. The applicant does not propose electric, cable, or communication services for the parking lot.

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.

Applicant's Response: Noted. All applicable facilities and improvements will be designed to city standards. The oversizing of facilities is not anticipated for this project, given electrical, sewer and water infrastructure is not proposed or needed for the new parking lot improvement.

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.

Applicant's Response: The applicant acknowledges this standard. The project will comply with all applicable erosion control provisions of Chapter 17.47. Construction



documents will demonstrate compliance with these standards at the time of permit review.

16.16 MINOR PARTITION

16.16.010 - PURPOSE AND GENERAL PROVISIONS.

A. Minor Partitions shall be processed as a Type II decision by the Community Development Director in the same manner as set forth in Section 16.04.020.A and the applicable provisions in Chapters 16.16 12.04, 16.12 and 17.50 of the Oregon City Municipal Code as well as any other applicable chapter. A minor partition is defined as a single division of land into two or three lots. Approval shall be granted only upon determination that all applicable requirements of this title and ORS Chapter 92 have been met.

B. If a parcel of land to be partitioned will create lots large enough to be divided again, the applicant shall provide a hypothetical non-binding plan or "shadow plat" depicting possible future development of the resulting lots.

C. Lot Size Limitations for Partitions in Residential Zoning Designations. A residentially zoned parcel of land or the aggregate of contiguous parcels under the same ownership containing sufficient net buildable area to be subdivided by the minimum lot size requirements of the underlying zone into 4 or more lots shall be subject to the Subdivision procedures and standards specified in Sections 16.08 and 16.12. The calculation of the net buildable area for the parcel or lot to be divided shall be determined by the Community Development Director. This standard shall not apply to a multi-family zoning designation.

D. A parcel of land in existence at the time this ordinance was adopted may be partitioned once if solely for the purpose of segregating one separate smaller parcel for an existing or proposed single-family house. The original parcel shall be exempt from the Lot Size Limitation for Partitions found in (C) above. The parcel to be created for the single-family house shall not contain sufficient lot area to allow further partitioning under the standards of the applicable existing zone including the use of administrative variances.

Applicant's Response: This proposal meets the definition of a minor partition because it proposes a single division of land into two lots. The application submitted for this review is in compliance with the review provision outlined above. However, because a Parking Adjustment is requested, the review of the Minor Partition is increased to a Type III, which is the higher level review triggered for a Parking Adjustment.

Because the MUC-1 base zone does not have a minimum lot size or lot width for properties. There is potential for each of the two parcels proposed in this partition to be divided again in the future. Per the requirement of 16.16.010.B, a hypothetical "shadow plat" depicting a possible lot configuration under a future redivision is provided as Appendix 3.



16.16.015 - PREAPPLICATION CONFERENCE REQUIRED.

Before the city will accept an application for a partition, the applicant must attend a preapplication conference under Section 17.50.

Applicant's Response: The application complies with this requirement. A Pre-Application Conference was held for this proposal on August 7, 2018. The application was assigned case number PA 18-31. The notes from this Pre-Application Conference are provided as Appendix 4.

16.16.020 - MINOR PARTITION APPLICATION SUBMISSION REQUIREMENTS.

A minor partition application shall include twelve copies of the proposed partition to the Community Development Director on a reproducible material, drawn at a minimum scale of one-inch equals one hundred feet with the following information:

- A. A completed land use application form as provided by the planning division;*
- B. Legal descriptions of the parent parcel(s) and a preliminary plat map;*
- C. The name and address of the owner(s) and the representative, if any;*
- D. County tax assessment map number(s) of the land to be partitioned;*
- E. The map scale and north point;*
- F. Approximate courses and dimensions of all parts of the partition;*
- G. Around the periphery of the proposed minor partition, the boundary lines and names of adjacent minor partitions and subdivisions, streets and tract lines of adjacent parcels of property;*
- H. The location, width and names of all existing or platted streets, other public ways and easements within the proposed partition, and other important features, such as the general outline and location of permanent buildings, pedestrian/bicycle access ways, watercourses, power lines, telephone lines, railroad lines, gas lines, water lines, municipal boundaries and section lines;*
- I. All areas designated as being within an overlay district*
- J. A connectivity analysis may be required as directed at the pre-application conference. If required, the partition connectivity analysis shall be prepared by an engineer licensed by the State of Oregon which describes the existing and future vehicular, bicycle and pedestrian connections between the proposed partition and existing or planned land uses on adjacent properties. The connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed partition will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards.*
- K. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,*
 - 1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within 45 days of notification by the applicant; and*



2. *A letter or email from the applicable tribal cultural resource representative as designated by the Oregon Legislative Commission on Indian Services (CIS) and the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within 45 days of notification by the applicant.*

If, after 45 days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

Applicant's Response: The applicant acknowledges this requirement. The application submittal packet contains the required information above. Letters were provided by The Confederated Tribes of the Grand Ronde Community of Oregon Historic Preservation Department and the State Historic Preservation Office (SHPO) at the time of the Pre-Application Conference. These letters are included in the application materials as Appendix 9 and Appendix 10. An inadvertent Discovery Plan was requested by the Cultural Protection Specialist for The Confederated Tribes of Grand Ronde. The project will demonstrate compliance with this request at the time of permit review.

16.16.025 - FRONTAGE WIDTH REQUIREMENT.

For parcels of land created by a minor partition the parcels shall have a minimum of twenty feet of frontage on an existing public, county, state or federal road or street (unless as otherwise permitted in OCMC Chapter 16.16).

Applicant's Response: The proposal complies with the minimum width requirement. The lot configuration proposed specifies a width of approximately 50 feet for both Parcel 1 and Parcel 2.

16.16.030 - FLAG LOTS – R-10, R-8, R-6, AND R-3.5.

A. Flag lots may be permitted in Partitions only where the configuration, topography, or an existing dwelling unit is located on the property so that it would otherwise preclude the partitioning and development of the property.

Applicant's Response: Noted. The proposal complies with this regulation. Flag lot configuration are not proposed for this minor partition.

B. A joint accessway shall be provided unless the existing topography of the site or the dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable to the city attorney.



Applicant's Response: This criteria is not applicable, as the partition does not propose a flag lot and is not located in a residential zone.

C. Access ways shall have a pavement width of at least sixteen feet to service one to two units or twenty feet to service three or more units. A fire access corridor of at least twenty feet shall be provided to all parcels with a minimum pavement width of sixteen feet to service two units or twenty feet to service three or more units. At least 6 inches of shoulder on each side of the fire access corridor shall be provided in order that construction work does not infringe on adjacent properties. A narrower pavement width may be approved by the Fire District and Planning Division. The approval may require that additional fire suppression devices be provided to assure an adequate level of fire and life safety. No vehicular obstruction, including trees, fences, landscaping or structures, shall be located within the fire access corridor.

Applicant's Response: This criteria is not applicable, as the partition does not propose a flag lot and is not located in a residential zone.

D. The pole must connect to a public street.

Applicant's Response: This criteria is not applicable, as the partition does not propose a flag lot and is not located in a residential zone.

E. The pole must be at least 8 feet wide for its entire length.

Applicant's Response: This criteria is not applicable, as the partition does not propose a flag lot and is not located in a residential zone.

F. The pole must be part of the flag lot and must be under the same ownership as the flag portion of the lot.

Applicant's Response: This criteria is not applicable, as the partition does not propose a flag lot and is not located in a residential zone.

16.16.035 - PAVEMENT REQUIREMENTS.

Accessways for lots created through the minor partitioning process shall satisfy the requirements of Section 16.16.040 and 16.16.050. If the proposed accessway exceeds one hundred fifty feet in length the accessway shall conform to Fire District standards and shall be paved to a minimum width of twenty feet unless an alternative is approved by the Planning Division and Fire District. If more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the City Engineer and Fire District. Improvements shall comply with Chapter 16.12, Minimum Improvements and Design Standards for Land Divisions.

Applicant's Response: This standard does not apply. Accessways are not created through this proposed partition. The existing street frontages provide adequate pedestrian connection opportunities for the surrounding area.



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:

Applicant's Response: Noted. The project proposes one modification to parking lot landscaping standards. The applicant requests that the requirement for the 5-foot perimeter landscaping be waived along the shared rear property line. The request is made in order to retain 10 parking stalls and maintain a safe turning radius for the stall closest to the driveway entrance. Installing the perimeter landscaping in this location would cause the project to lose a parking space in the design or reduce the turning radius for the front parking space below code standards.

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

Applicant's Response: The project proposes enhanced landscaping around the other perimeter areas of the parking lot. The two trees that would be located within the perimeter landscaping for the rear property line have been relocated to the north and south perimeter landscaped areas. These trees are provided in addition to the minimum perimeter tree requirements for these areas. The shrubs specified along the other perimeter landscaping areas are evergreen and reach a mature height of 3 to 5 feet, exceeding the minimum height of thirty inches for parking lot shrub standards.

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

Applicant's Response: Concentrating more robust landscaping along the longer, 100-foot-long side property lines, in lieu of the rear property line, still enables the project to enhance and soften the appearance of the parking lot and provide an equivalent level of pollution reduction and shading of parking areas. The alternative proposal also limits the visual impact of the vehicle area on adjacent properties and right-of-ways along the other three property lines.



Since the existing improved parking area for the east parcel, developed with the house, already utilizes the area near the proposed shared property line for parking, the buffering of adjacent parking area between the properties can be argued as less effective than buffering vehicle areas from the longer north and south property lines in this context. Especially along the north property line, which abuts more intense multifamily residential development.

17.62.030 - WHEN REQUIRED.

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

Applicant's Response: The applicant acknowledges this standard. Site plan and design review is triggered for this application in order to review the new surface parking lot improvements proposed for the west parcel of the minor partition. This parking lot is intended to be accessory parking for the sole use of the commercial building operating at 221 Molalla Avenue. Accessory parking is allowed by right in the MUC-1 zone and does not require a Conditional Use Review. Approval of this project is sought before the issuance of applicable permits for these improvements.

17.62.035 - MINOR SITE PLAN AND DESIGN REVIEW.

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

Applicant's Response: A Type II site plan and design review is required for this project. Per Section 17.62.035.A.1.a, any activity which is included with or initiates actions that require a Type II through IV review is not eligible for a Type I decision. Because the parking lot improvements are proposed concurrently with a Type II minor partition and a Type III Parking Adjustment, the minor site plan and design review is also subject to the higher level of review triggered by these concurrent land use applications.



17.62.040 - PLANS REQUIRED.

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

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

- 1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;*
- 2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;*
- 3. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent;*
- 4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:*
 - a. Areas indicated on floodplain maps as being within the one hundred-year floodplain,*
 - b. Unstable slopes, as defined in Section 17.44.020,*
 - c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;*
- 5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;*
- 6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;*
- 7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty-five feet of the site, and the current or proposed uses of the structures;*
- 8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;*
- 9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;*
- 10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;*
- 11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in [Chapter 52](#) of this title;*
- 12. Site access points for automobiles, pedestrians, bicycles and transit;*



13. On-site pedestrian and bicycle circulation;
 14. Outdoor common areas proposed as open space;
 15. Total impervious surface created (including buildings and hard ground surfaces).
 16. The proposed location, dimensions and materials of fences and walls.
- B. *A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.*
- C. *Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction.*
- D. *A materials board, no larger size than eleven inches by seventeen inches clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures. An electronic version may be accepted as an alternative if approved by the community development director.*
- E. *An erosion/sedimentation control plan, in accordance with the requirements of Chapter 17.47 and the Public Works Erosion and Sediment Control Standards, and a drainage plan developed in accordance with city drainage master plan requirements, [Chapter 13.12](#) and the Public Works Stormwater and Grading Design Standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/geotechnical development impact statement.*
- F. *The legal description of the site.*
- G. *An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.*
- H. *Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:*
- 1) *A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and*
 - 2) *A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of*



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

- I. Such special studies or reports as the community development director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The community development director shall require an applicant to submit one or more development impact statements, as described in [Section 16.12.050](#), upon determination that (1) there is a reasonable likelihood that traffic safety or capacity improvements may be required; (2) the proposal could have significant adverse impacts on identified natural resource areas, including areas designated as being within the natural resources overlay district; or (3) the proposal would be located on or could have significant adverse impacts on natural hazard areas, including the geologic hazard and flood plain overlay districts. The community development director shall determine which types of development impact statements are necessary and provide written reasons for requiring the statement(s). The development impact statements shall include the information described in Sections [16.12.070](#), [16.12.080](#), and [16.12.120](#) [and this Section] [17.62.040](#).*
- J. The community development director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:*
 - 1) The community development director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the community development director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter is forwarded to the planning commission for initial review, the information required by this paragraph shall be included in the staff report;*
 - 2) The community development director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance. If additional information is required, the community development director shall, in the decision, explain the reasons for requiring the additional information.*
- K. If the applicant has not already done so as some other part of the land use review process, the applicant shall submit an erosion control plan that complies with the applicable requirements of Chapter 17.74 of this code.*

Applicant's Response: The application submittal package contains the applicable materials outlined above. Please note: Because new buildings and lighting are not



proposed, a materials board and a lighting plan are not applicable or included with the application materials.

17.62.050 - STANDARDS.

A. All development shall comply with the following standards:

Landscaping

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

Applicant's Response: The applicant acknowledges this requirement. The proposal complies with, and exceeds, this standard for new development. The west parcel is existing conforming/nonconforming and proposes no changes. The east parcel is approximately 4,968 SF in size. As reflected on the landscape plan provided on Sheet L1.0, this parcel's parking lot improvements contain approximately 1,297 SF plantings, covering approximately 36% of the east lot.

Existing vegetation on the site is sparse. With overgrown shrubs and vines along the north and west perimeter property lines. No trees exist in the area where the parking lot is proposed. Compliance with noting the requirement to remove any nuisance plants prior to issuance of a final occupancy permit will be reviewed during the time of permit review.

1a. Except as allowed elsewhere in the zoning and land division chapters of this Code, all areas to be credited towards landscaping must be installed with growing plant materials. A reduction of up to twenty-five percent of the overall required landscaping may be approved by the community development director if the same or greater amount of pervious material is incorporated in the non-parking lot portion of the site plan (pervious material within parking lots are regulated in OCMC [17.52.070](#)).

Applicant's Response: Noted. This standard is met. Please reference landscape Sheet L1.0 for the planting legend created for the new parking lot. The design proposes 1,297 square feet of plantings in the ground, which exceeds the planting requirement. A reduction to this standard is not sought under this application.

1b. Pursuant to Chapter 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.

Applicant's Response: Noted and not applicable. This site is not located within the Natural Resource Overlay District.

1c. The landscaping plan shall be prepared by a registered landscape architect and include a mix of vertical (trees and shrubs) and horizontal elements (grass,



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

Applicant's Response: Please reference the plant schedule provided on Sheet L1.0 of the landscape sheets for the plant materials specified by the registered landscape architect for this project. A combination of ground cover, shrubs and trees are specified on the planting plan.

1d. For properties within the Downtown Design District, or for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the ten percent requirement.

Applicant's Response: The applicant acknowledges this standard. This project is not located within the Downtown Design District or associated with a major remodeling project. This standard is not applicable.

1e. Landscaping shall be visible from public thoroughfares to the extent practicable.

Applicant's Response: The parking lot will be visible from both Myrtle Street and Molalla Avenue. Because most of the abutting property to the south is paved vehicle area, it creates a line of sight across the property from Molalla Avenue. The vantage point along Myrtle Street will be lower and slightly less visible due to the uphill slope along the west property line. Ground cover will be less visible from this angle. However, trees and shrubs planted within the parking improvements will be within the line of sight for pedestrians.

1f. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum, unless otherwise permitted by the dimensional standards of the underlying zone district.

Applicant's Response: Per 17.29.050 of the MUC-1 base zone dimensional standards, the minimum required landscaping for a site includes landscaping material with a parking lot. Under this base zone landscaping requirement, a minimum of 20% of the site area must contain landscaping, rather than the lesser requirement of 15% under the site and design review standards of 17.62.050. The landscaping plan submitted with this application demonstrates compliance with this standard on Sheet L1.0, showing a landscaping calculation equivalent to 36 percent of the parcel area.

Vehicular Access and Connectivity.

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



Applicant's Response: A building is not proposed on the site where the new surface parking lot is proposed. As a result, proximity standards of parking in relation to a building area not applicable.

b. Ingress and egress locations on thoroughfares shall be located in the interest of public safety. Access for emergency services (fire and police) shall be provided.

Applicant's Response: Noted. No change is proposed for the ingress or egress of development along the Molalla Avenue street frontage. This access serves the existing structure that is still recognized as a single-family dwelling, but can change occupancy to other uses allowed by right in the MUC-1 zone. Under this proposal, street frontage improvements are proposed to extend access for vehicles along Myrtle Street. The 20-foot wide driveway is located at the terminus of the dead end street, which does not have pedestrian or bicycle lanes. Points of conflict for vehicles entering and existing the site in this area will be minimal and comply with the intent for public safety.

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

Applicant's Response: Access easements are not required for this parking improvement. Provisions for access to off-street parking areas are provided via the driveway and curb cut improvements connecting to Myrtle St.

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

Applicant's Response: This standard is not applicable to the site. No alleys abut this property.

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

Applicant's Response: Noted. The partition configuration complies with this standard because only one driveway is proposed along the street frontage of Myrtle Street.

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



Applicant's Response: The driveway proposed on the west parcel, fronting Myrtle Street, does not have a planned or existing street to align with. There is potential for Myrtle Street to become further improved with paving and street frontage improvements, where the right-of-way turns west at a right angle, just beyond the north property line. However, the right angle of the street layout does not align with the street frontage for this site.

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

Applicant's Response: The compact nature of the site and proximity to the existing streets of Molalla Avenue and Myrtle Street do not warrant the creation of additional future connections. The modest 50-foot width of this site is not feasible to support dedications or easements and retain significant development potential on the site. The installation of a curb and sidewalk along the Myrtle Street frontage serves to provide public pedestrian connectivity and extend vehicle access on that road. On the east side of the property, infrastructure is already in place for public pedestrian, bicycle, and vehicle connectivity along the road corridor.

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

Applicant's Response: Noted. As discussed above, a public vehicle and pedestrian access easements should not be required for this proposal because the size and siting of the property does not warrant additional street connections on this compact block. The existing street network serving the site is sufficient.

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

Applicant's Response: Noted. As previously discussed, we do not find that public pedestrian or vehicular easements are warranted for this proposal because adequate vehicular and pedestrian access already serve the site. The project will install a 5-foot wide pedestrian sidewalk along a section of Myrtle Street as part of the street improvements extending the usable area of Myrtle Street. No easements are required for these improvements within the right-of-way.

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



Applicant's Response: This requirement is not applicable to the project. New streets are not proposed under this application.

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

Applicant's Response: This standard is not applicable because the project site is less than three acres.

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

Applicant's Response: This standard is not applicable. A parking garage is not proposed with this development.

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

Applicant's Response: This standard is not applicable. A structured parking is not proposed with this development.

Building structures

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

- a. Alterations, additions and new construction located within the McLoughlin Conservation District, Canemah National Register District, and the Downtown Design District and when abutting a designated Historic Landmark shall utilize materials and a design that incorporates the architecture of the subject building as well as the surrounding district or abutting Historic Landmark. Historic materials such as doors, windows and siding shall be retained or replaced with in kind materials unless the community development director determines that the materials cannot be retained and the new design and materials are compatible with the subject building, and District or Landmark. The community development director may utilize the Historic Review Board's Guidelines for New Construction (2006) to develop findings to show compliance with this section.*
- b. In historic areas and where development could have a significant visual impact, the review authority may request the advisory opinions of appropriate experts designated by the community development director from the design*



fields of architecture, landscaping and urban planning. The applicant shall pay the costs associated with obtaining such independent professional advice; provided, however, that the review authority shall seek to minimize those costs to the extent practicable.

Applicant's Response: This standard is not applicable. Building structures are not proposed with this development. No alterations are proposed for the existing residential structure that is proposed to remain on the east parcel.

Sidewalks and Curbs

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

Applicant's Response: Noted. The City Engineer has determined that street improvements are required with include 16-feet of street paving from the centerline of Myrtle, curb, gutter, and a 5-foot wide sidewalk. The civil site plan reflects these required improvements.

Pedestrian Circulation System

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

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

Applicant's Response: The standard is not applicable because no buildings are proposed on the west lot, where development will occur.

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

Applicant's Response: The standard is not applicable because no buildings are proposed on the west lot, where development will occur.

c. Elevated external stairways or walkways, that provide pedestrian access to multiple dwelling units located above the ground floor of any building are prohibited. The community development director may allow exceptions for external stairways or walkways located in, or facing interior courtyard areas provided they do not compromise visual access from dwelling units into the courtyard.



Applicant's Response: The standard is not applicable because no buildings are proposed on the west lot, where development will occur.

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

Applicant's Response: The standard is not applicable because no buildings are proposed on the west lot, where development will occur.

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

Applicant's Response: The standard is not applicable because no buildings are proposed on the west lot, where development will occur.

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

Applicant's Response: The standard is not applicable because no buildings are proposed on the west lot, where development will occur. The pedestrian circulation standards are based on connections from main building entrances. Development that has buildings will be subject to these material and dimension standards. However, this project does not qualify because of the lack of a structure.

Maintenance of Facilities

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

Applicant's Response: The onsite parking area will be maintained by the property owner. With the approval of this application, ownership of the west parcel will change to common ownership with the commercial building at 221 Molalla Avenue, which will utilize the west



lot as accessory parking. Maintenance of parking lot paving, striping, and landscaping will be handled by the property owner and their contracted maintenance professionals.

Lawful Compliance

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

Applicant's Response: Noted. This project will comply with all applicable federal, state, and city standards. The development will not create improvements that produce odor, glare, noise, vibrations, hazardous materials, or electromagnetic interference. Stormwater requirements are followed per City standards and parking lot landscaping is proposed to help assist with heat generated from additional paving.

Water & Sanitary Sewer Facilities

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

Applicant's Response: As previously discussed, public water and sanitary sewer services are not required for the new parking lot. Plant materials will be sustained through watering bags, installed by the landscaper, during the two-year establishment period. Hardy, low-maintenance native plant materials have been selected for the project to avoid the need for irrigation on the site.

Adequacy of Right-of-Way Improvements

Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the city's transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of



lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation. Compliance with [Chapter] 12.04, Streets, Sidewalks and Public Places shall be sufficient to achieve right-of-way and improvement adequacy.

Applicant's Response: As previously discussed, street frontage improvements are proposed along Myrtle Street, providing an extension to the paved roadway and adding a curb and sidewalk along the extent of the right-of-way paving improvements in front of the site. The east side of the site is already improved with sidewalk, street paving, and a bicycle lane. The introduction of a 10-stall parking lot will not substantially increase the vehicle activity along the surrounding streets and does not necessitate the installation of signalization, turn lanes or other traffic flow improvements.

Transit Facilities

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

Applicant's Response: Noted. This requirement should not apply for the proposal of a small, accessory parking lot to existing commercial development. The parking lot itself should not trigger additional trips from the employees of the commercial development it serves. These trips already exist and parking is currently absorbed on the abutting residential roadways. Construction of new transit facilities are not warranted for the level of activity associated with a 10-stall surface parking lot that is located one block from a transit corridor that provides bus stops and service by bus lines #99 and #32.

Utility Lines

All utility lines shall be placed underground.

Applicant's Response: Noted. This standard is not applicable because the project does not propose new utility lines.

ADA Access

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

Applicant's Response: The ADA accommodations are currently being provided in front of the building located at 221 Molalla Avenue. The new parking lot will not include the addition of any new ADA parking stalls.



Residential Density

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

Applicant's Response: Noted. This standard does not apply to the project because residential development is not proposed. In addition, the MUC-1 zone allows residential development that is not a single family or duplex development. However, there is not maximum density standard for the zone.

Screening of Mechanical Equipment

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

Applicant's Response: Noted. This standard does not apply to the proposal. No mechanical equipment is proposed or needed for a surface parking lot development.

b. Wall-mounted mechanical equipment shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning or HVAC equipment and groups of multiple utility meters, that extends six inches or more from the outer building wall shall be screened from view from streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building.

Applicant's Response: Noted. This standard does not apply to the proposal. No mechanical equipment is proposed or needed for a surface parking lot development.

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



Applicant's Response: Noted. This standard does not apply to the proposal. No mechanical equipment is proposed or needed for a surface parking lot development.

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

Applicant's Response: Noted. This standard does not apply to the proposal. No mechanical equipment is proposed or needed for a surface parking lot development.

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

Applicant's Response: Noted. No solar energy panels, photovoltaic equipment or wind power generating equipment is proposed for this project.

Building Materials.

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

- i. Brick.*
- ii. Ii. Basalt stone or basalt veneer.*
- iii. Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.*
- iv. Board and baton siding.*
- v. Other materials subject to approval by the community development director.*
- vi. Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.*
- vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.*

Applicant's Response: Noted. This standard is not applicable to the project because a building structure is not proposed.

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

- i. Vinyl or plywood siding (including T-111 or similar plywood).*
- ii. Ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.*
- iii. Corrugated fiberglass.*
- iv. Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).*



- v. *[v.] Crushed colored rock/crushed tumbled glass.*
- vi. *[vi.] Non-corrugated and highly reflective sheet metal.*

Applicant's Response: Noted. The project complies with this standard because none of the prohibited materials are proposed for this project.

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

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

Applicant's Response: Noted. This standard is not applicable to the project because a building structure is not proposed.

17.62.065 - OUTDOOR LIGHTING.

B. Applicability.

1. General.

- a. *All exterior lighting for any type of commercial, mixed-use, industrial or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.*
- b. *The city engineer/public works director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.*

Applicant's Response: Noted. Lighting is not proposed for the parking lot on the private property or in the right-of-way.

2. Lighting Plan Requirement.

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



Applicant's Response: Noted. A lighting plan is not provided with this application because the property owner is not proposing lighting for the parking lot or in the right-of-way. Use of these new parking stalls is anticipated to be during daytime hours only. In general, business hours for tenants in the commercial building are between the hours of 8 am and 5 pm. Night time use of the parking lot is not anticipated to be a common occurrence.

3. Excepted Lighting.

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

- a. Residential lighting for single-family attached and detached homes, and duplexes.*
- b. Public street and right-of-way lighting.*
- c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.*
- d. Temporary lighting for emergency or nighttime work and construction.*
- e. Temporary lighting for theatrical, television, and performance areas, or for special public events.*
- f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.*
- g. Lighting required and regulated by the Federal Aviation Administration.*

Applicant's Response: Noted. As discussed, new lighting is not proposed under these improvements.

C. General Review Standard.

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

Applicant's Response: Noted. Exterior lighting is not proposed for the parking lot. Therefore, this standard is not applicable.

D. Design and Illumination Standards.

General Outdoor Lighting Standard and Glare Prohibition.

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



Applicant's Response: Noted. Lighting is not proposed for the parking lot on the private property or in the right-of-way. Use of the parking lot is anticipated during daylight hours. Therefore, compliance with design standards is not applicable.

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

Applicant's Response: Noted. Exterior lighting is not proposed for the parking lot. Therefore, this standard is not applicable because light fixtures will not be present to produce glare.

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

Applicant's Response: Noted. Exterior lighting is not proposed for the parking lot. Therefore, this standard is not applicable.

3. Lighting levels:

Table 1-17.62.065. Foot-candle Levels

Location	Min	Max	Avg
Pedestrian Walkways	0.5	7:1 max/min ratio	1.5
Pedestrian Walkways in Parking Lots		10:1 max/min ratio	0.5
Pedestrian Accessways	0.5	7:1 max/min ratio	1.5
Building Entrances	3		
Bicycle Parking Areas	3		
Abutting property	N/A	.5	

Applicant's Response: Noted. As previously discussed, lighting is not proposed in the new parking lot. In addition, new pedestrian accessways are not proposed on the private property. The compact size of the surface parking lot is not conducive to accommodating a pedestrian accessway onsite and also is not of a size that warrants the need to integrate a path to navigate around 10 parking stalls. Therefore, a pedestrian accessway is not proposed and a standard for minimum lighting foot-candles should not be applied.



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

Applicant's Response: As previously discussed, lighting is not proposed for the parking lot because of the. Because only daytime parking is anticipated for this parking lot, exterior parking lot lighting is not necessary. The functional needs of safe circulation for vehicles is provided in the layout and design of the parking area. The compact spaces are sized to meet the code requirements of 8 feet wide and 16 feet deep, with a 22 foot wide drive aisle. A 22-foot wide commercial driveway is provided for ingress and egress along Myrtle Street. The paved surface of the parking lot extends continuously to the sidewalk on Myrtle Street.

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

Applicant's Response: As discussed above, a separate on-site pedestrian circulation system is not proposed in the small parking lot. As a parking lot anticipated to be used only for daytime parking, the installation of lighting is not provided.

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

Applicant's Response: OCMC 12.28 applies to the permit requirements for film and media production. New onsite pedestrian accessways are not proposed for this project. Pedestrian foot-traffic will be accommodated via the existing Myrtle Street right-of-way, including sidewalk constructed along the width of the west lot, and the existing sidewalk along Molalla Avenue. There is not sufficient lot width to accommodate an onsite pedestrian path next to the surface parking lot. The single row of compact parking, combined with the required perimeter landscaping and minimum drive aisle width requires 50 feet of property width. The compact nature of the parking lot does not appear to necessitate a separated pedestrian path connecting to the street.

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



Applicant's Response: Noted. The project does not propose a building on which to install lighting on a façade. This standard does not apply.

9. Lighting on automobile service station, convenience store, and other outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.

Applicant's Response: The types of development listed under this standard are not proposed under this application. This standard does not apply.

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

Applicant's Response: Noted. Lighting is not currently proposed for the project. As a result, this standard does not apply.

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

Applicant's Response: Noted. This project complies with the standard because exterior illumination will not be generated by the development.

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

Applicant's Response: The project complies with this standard. No outdoor lighting is proposed for the parking lot.

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

Applicant's Response: The project complies with this standard. No outdoor lighting is proposed for the parking lot.

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

Applicant's Response: Noted. The project complies with this standard. No outdoor lighting is proposed for the parking lot.

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



Applicant's Response: Noted. The project complies with this standard. No outdoor lighting is proposed for the parking lot.

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

Applicant's Response: The project complies with this standard. No outdoor lighting is proposed for the parking lot.

17. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:
i. Maximum permitted light post height: eighty feet.
ii. Maximum permitted illumination at the property line: 0.5 foot-candles.

Applicant's Response: Outdoor recreational uses are not proposed under this application. This standard does not apply.

CHAPTER 17.52 - OFF-STREET PARKING AND LOADING

17.52.010 – APPLICABILITY.

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

Applicant's Response: Noted. The standards of the section are application because a new surface parking lot is proposed on the west parcel.

17.52.015 - Planning commission adjustment of parking standards.

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

B. Procedure: A request for a planning commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The



application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in [Chapter 17.50](#).

Applicant's Response: This land use application submission packet includes an application for a Type III Parking Adjustment, which requests approval to exceed the maximum parking allowance onsite by 6 spaces, under the current tenant mix. The submittal materials outlined above are included with the application materials.

C. Approval criteria for the adjustment are as follows:

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

Applicant's Response: As previously discussed, the commercial development at 221 Molalla was originally determined to have a maximum parking allowance of 105 spaces under the previously proposed mix of office and retail uses under the 2005 land use review. Building tenants change over time and often shift occupancy between other allowed uses in the municipal code. In this case, the proportion of retail has decreased over time, converting more leasable area to office. According to the parking maximums calculated for the current proportion of office and retail uses under Section 17.52.020, this site is now limited to a maximum of 101 onsite parking spaces. This maximum parking calculation is outlined in the discussion of Section 17.52.020. As a result, the property owner is faced with an actual parking demand that is greater than the maximum limit allowed by the code for office uses.

If tenancy in the building were to shift entirely to retail uses in the existing 29,108 square feet of net leasable area, the property would be allowed to provide up to 146 parking spaces to employees and visitors by right (e.g. $[29,108/1,000] \times 5$). Under that scenario, the additional parking proposed by the project would not require a Parking Adjustment. However, because the office uses that are established under the current tenants generate more parking demand than the code methodology allows, a Parking Adjustment is needed to gain approval for use of 107 parking spaces for the commercial building.

The building tenants employ a combined total of approximately 167 people, with occupancy increasing by as much as 70 additional people for weekly or bi-monthly meetings and trainings. Table 1, below, shows that this translates to as many as 240 visitors each month generated specifically by two tenants, DHS and DOJ, for the purpose of hosting meetings and trainings that involve offsite colleagues and partners. The current parking maximum limit is equivalent to approximately 60 percent of the employees that work in the building (e.g. 101 spaces for 167 employees). That does not account for the additional visitors and clients who are underserved by parking when they visit the site for services.



Table 1: Employee Data For Existing Tenants: 221 Molalla Commercial Building

Tenant	Employees	Visitors For Meetings/Trainings
1st Floor		
Lexar Homes	2	
Edward Jones	2	
USDA	22	
Soil & Water Conservation District	15	
Department of Health & Human Services (DHS)	70	20 visitors for bi-monthly meetings
2nd Floor		
Department of Justice (DOJ)	31	30 visitors for weekly meetings & 20 for weekly trainings
DHS Expansion	25	
Total Employees	167	50 weekly/240 monthly

The current supply of parking for the commercial building is provided within a combination of parking areas.

Table 2: Existing Parking Inventory: 221 Molalla Commercial Building

Parking Location	Number of Parking Stalls
Surface lot in front of building	27
Surface lot (SE corner Pearl & Molalla)	52
Offsite Leased Parking	16
Total Existing Parking	97

The standard parking allowance of 101 parking spaces is not sufficient to meet the actual parking demand generated for this development. As documented by the parking analysis in the Traffic Analysis Letter (Appendix 1), the project is not able to meet the 85% parking occupancy standard of 15 percent. The average overall off-street parking occupancy was 91% for the three days of parking analysis that was conducted Tuesday, November 27th, 2018 through Thursday, November 29th, 2018.

The 52 spaces in the surface lot at the corner of Pearl and Molalla are all reserved spaces for tenants and were observed to have an average occupancy of 98 percent during the study, with 100 percent occupancy observed on two of the three days of monitoring. The 27 spaces directly in front of the building are not assigned as reserved tenant spaces and include a mixture of 20 unrestricted parking spaces, three 30-minute spaces and 4 accessible spaces. The unrestricted spaces had an average occupancy of 90 percent, while the restricted spaces had an average occupancy rate of 67 percent for the 30 minute parking and 25 percent for the accessible parking. The results of the



parking study support the reports of building management that parking is typically at capacity onsite, forcing employees and visitors to utilize residential public streets for overflow parking.

This application requests a Parking Adjustment because the property management wants to reduce the utilization of parking on residential streets and develop more resources for securing off-street parking for tenants. The Adjustment requests approval of up to 107 parking spaces for the development. As proposed, the new surface parking lot will provide 105 spaces. The parking analysis of the Traffic Analysis letter documents that the addition of 10 parking spaces is expected to reduce the parking occupancy to meet the 85 percent occupancy standard.

The Parking Adjustment seeks approval of 107 parking spaces, which is two additional spaces beyond the 105 that will be accommodated under the current parking plan. These are spaces that are deemed necessary to retain tenant occupancy within the building by providing adequate parking supply for tenant operational needs, which have become a requirement of lease agreements. Approving an allowance of 107 spaces at this time will enable property management to secure up to two more spaces in the future without undergoing another Adjustment request. These additional spaces could potentially be achieved through additional leased spaces from other commercial property owners or a modified parking layout of existing surface parking areas.

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

- a. For the purposes of demonstrating the availability of on street parking as defined in [Section] 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the community development director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the community development director.*
- b. The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:*
 - i. Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and*
 - ii. Vacant on-street parking spaces between three hundred and six hundred feet of the [site] will reduce onsite parking requirements by 0.2 parking spaces.*

Applicant's Response: This criteria language assumes the Parking Adjustment requests providing off-street parking at levels below the minimum code requirement. In



this instance, the project is requesting approval to exceed the off-street maximum parking, rather than reduce below the minimum requirement. For this reason, most of the items discussed in Item 2 are not applicable. As discussed above, parking conditions for the site reflect that insufficient vacancy exists to accommodate parking demand created by the commercial development. The average onsite parking occupancy for the site (91 percent) currently exceeds the industry standard of 85 percent.

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

Applicant's Response: Modifying the amount of maximum parking allowed under the Oregon City Municipal Code for the current mix of office and retail tenants will have a positive impact on the surrounding area because it will return several on-street parking spaces to the abutting residential roads for residential parking needs. The traffic and parking generated by the commercial building will serve vehicular trips currently traveling on surrounding roadways that is generated by established uses that are allowed by right within the MUC-1 zone. Modifying the maximum parking to allow an increase in offsite parking for this development will address the parking deficiency that has been recognized by tenants and nearby residents.

At the Neighborhood Association Meeting, residents on Roosevelt Street and Pearl Street were present and attested to the parking congestion that they observe each day from the overflow parking generated by the employees of the commercial building tenants. Although the Traffic Analysis Letter findings of the on-street parking supply found that peak on-street parking demand within 500 feet of the project met the 85% occupancy standard, the neighborhood residents find the amount of on-street parking generated by the property undesirable. As such, the project received support from residents at the Neighborhood Association Meeting, as an appropriate solution to address the parking demands created by the development.

Approving the adjustment to increase the off-street parking allowance will not negatively impact the site or adjacent properties. The six additional spaces requested under this Parking Adjustment will not trigger additional vehicle trips from what is currently generated by the site. Rather, it will shift a greater portion of the parking that is already established by the building's uses into off-street parking spaces. The demands on street parking will be reduced as a result, benefiting the residential residents on the abutting streets of Roosevelt and Pearl. This will improve the function of the site by means of allowing the commercial development to accommodate the parking it generates in a reliable way through onsite facilities that are maintained and in close proximity to the building.

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

Applicant's Response: The parking lot is consistent with the character and scale of



existing uses on this block. The new parking lot is adjacent to existing surface parking areas established for 212 Molalla Ave, 220 Molalla Ave., and 325 Pearl St. Surface parking lots surround the other commercial businesses and the multifamily building that is located on this block, bound by Molalla Avenue on the east, Pearl Street on the south, and Myrtle Street on the east. Constructing a small, 10-stall parking lot on the west parcel of the site will be a harmonious addition to the existing improvements in this area and will directly abut the existing parking lot for Loncheria Mitzil Mexican Eatery next door. The perimeter and interior parking lot landscaping installed with this improvement will help soften the parking lot improvements for the surrounding residential uses.

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

Applicant's Response: The parking lot is designed in conformance with City engineering standards, ensuring that turning, maneuvering and egress routes are adequately laid out for safe use. Please reference the Traffic Impact Analysis letter provided as Appendix 1, which documents that the new driveway access on Myrtle St. will have little or no interaction with other vehicles on Myrtle St. and thus, no inherent safety issues are anticipated. The parking lot is found to comply with the functional classification, typical sections, access management standards of Oregon City's Transportation System Plan, AASHTO sight distance requirements, OCM Section 12.04.025 for site access, and the intersection spacing standards of Table 12.04.195B.

The small 10-car capacity of the parking lot will be utilized by building tenants who will park for long periods of time during the weekday. This form of long duration parking is not expected to generate a frequent turn-over of parking during the day; and therefore, is also not expected to generate a high level of traffic on Myrtle St. As a result, significant impacts are not expected for the safety of adjacent properties and rights-of-way. The Traffic Analysis Letter provided as Appendix 1 also documents that the parking lot will serve vehicular trips currently traveling on surrounding roadways and thus, will not generate new trips.

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

Applicant's Response: The project will not create a significant impact to public services. The additional onsite parking proposed is not anticipated to utilize public service connections. A demand for new utility services is not required for the parking lot improvements (e.g. water or electricity). The need for fire or emergency services should be minimal, given no structures are proposed. Should emergency services be called to the site, a 22 foot wide commercial driveway is proposed to accommodate vehicle access.



17.52.020 - NUMBER OF AUTOMOBILE SPACES REQUIRED.

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

Table 17.52.020		
LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Office	2.70	3.33
Retail	4.1	5.0

Applicant's Response: The building at 221 Molalla Avenue contains approximately 29,108 square feet of net leasable area. This is an increase of 2,272 square feet in leasable area since the 2005 land use review SP 05-18. The increase in net leasable area is attributed to changes in floor plan layouts that converted and absorbed common areas, such as corridors and closets, into tenant suites. This change is most notable on the first floor, where the USDA office space and Department of Human Services expanded their office spaces to absorb significant portions of corridor area.

The table below summarizes the current allocation of net leasable building area and uses in the commercial building. Approximately 2,480 square feet of net leasable area is occupied by retail uses, while approximately 26,628 square feet is occupied by office uses.

During the 2005 land use review for this property, the street-facing ground floor tenant suites were proposed as retail uses and comprised 9,255 square feet of net leasable area. Since that time, the building has encountered a greater need for office uses, especially office expansions by existing tenants such as the Department of Justice and the Department of Human Services. Although the net leasable area has increased through floor plan reconfigurations, because office uses are not granted the same level of parking maximums that retail uses are allowed, the maximum allowed parking based on code standards has decreased. In 2005, the maximum allowed parking was determined to be 105 parking spaces. The current need of the building tenants is 107 parking spaces. Yet, the maximum allowed by the OCMC is now only 101 parking spaces, given the higher proportion of office uses that occupy the building.



Table 3: Current Net Leasable Area: 221 Molalla Ave. Commercial Building

Tenant Suites	Use	SF
<i>1st Floor</i>		
Lexar Homes, Ste. 100	Retail	1,377
Edward Jones, Ste. 101	Retail	1,103
Soil & Water Conservation District, Ste. 102	Office	1,374
Oregon DSH Expansion, Ste. 103 (former MinutePress)	Office	1,945
Oregon DHS, Ste. 104	Office	8,253
USDA, Ste. 120	Office	4,068
<i>1st Floor Subtotal</i>		<i>18,120</i>
<i>2nd Floor</i>		
DHS Expansion, Ste. 200 (former Planning Office)	Office	4,413
Dept. of Justice Exp., Ste 220 (Formerly Redside Development)	Office	4,738
Dept. of Justice (main), Ste. 223	Office	1,837
<i>2nd Floor Subtotal</i>		<i>10,988</i>
Total Net Leasable Area	29,108	
Total Retail SF	2,480	
Total Office SF	26,628	

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

Applicant's Response: Table 3, provided above, shows the breakdown of tenant suites and uses in the building. Based on the cumulative square footage shown for each leasable tenant space, the building contains approximately 29,108 square feet of net leasable area: 2,480 square feet of retail and 26,628 square feet of office (See Appendix 5 floor plans).

Table 4, below, calculates the minimum and maximum parking requirements for the development, based on the sum of office and retail uses computed separately. The minimum parking allowance is 82 stalls and the maximum parking is 101 stalls under the current proportion of office and retail uses.



Table 4: Current 221 Molalla Parking Requirements**Net Leasable Area: 29,108**

<i>Land Use Category</i>	<i>SF Leasable Area</i>	<i>Min. Spaces per 1,000 SF</i>	<i>Min. Spaces Required</i>	<i>Rounding Per Code</i>	<i>Max. Spaces per 1,000 SF</i>	<i>Max. Spaces Allowed</i>	<i>Rounding Per Code</i>
Office	26,628	2.70	71.90	72	3.33	88.67	89
Retail	2,480	4.10	10.17	10	5	12.40	12
Minimum Parking Required				82	Maximum Parking Allowed		101

However, if a future tenant mix restores retail uses to all ground floor storefront suites (e.g. 100, 101, 102, 103 & 104), then the maximum parking allowance for the development will be 112 spaces. This scenario assumes that the hallway corridor between Suite 104 and Suite 123 on the south side of the building is re-established as common area, but the corridor on the north side of the building that was absorbed into Suite 120 remains. The methodology for this calculation is shown in the Tables 5 and 6, below, representing all storefront retail under a future tenant mix.

It is reasonable to assume that the ground floor storefront suites will transition between retail and office uses over time; likely holding an entirely retail storefront at some point in the future. With an understanding that 112 parking stalls would be allowed for the development under those conditions, approving an Adjustment to allow 107 parking spaces for the current tenant need will help enable the project to construct parking to accommodate fluctuating parking needs over time based on current development opportunities available on nearby properties that might not exist in the future.



Table 5: Future Tenant Mix Scenario: All Storefront Retail		
Tenant Suites	Use	SF
<i>1st Floor</i>		
Ste. 100	Retail	1,377
Ste. 101	Retail	1,103
Ste. 102	Retail	1,374
Ste. 103	Retail	1,945
Ste. 104	Retail	3,580
Ste. 120 (Behind Ste. 100-102)	Office	4,068
Ste. 123 (Behind Ste. 104)	Office	4,448
	<i>Subtotal</i>	<i>17,895</i>
<i>2nd Floor</i>		
Ste. 200	Office	4,413
Ste. 220	Office	4,738
Ste. 223	Office	1,837
	<i>Subtotal</i>	<i>10,988</i>
Total Net Leasable Area	28,883	
Total Retail SF	9,379	
Total Office SF	19,504	

Table 6: 221 Molalla Parking Allowance: All Retail Storefront
Net Leasable Area: 28,883 SF

<i>Land Use Category</i>	<i>SF Leasable Area</i>	<i>Min. Spaces per 1,000 SF</i>	<i>Min. Spaces Required</i>	<i>Rounding Per Code</i>	<i>Max. Spaces per 1,000 SF</i>	<i>Max. Spaces Allowed</i>	<i>Rounding Per Code</i>
Office	19,504	2.70	52.66	53	3.33	64.95	65
Retail	9,379	4.10	38.45	38	5	46.90	47
Min. Parking Required				91	Max. Parking Allowed		112

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

Applicant's Response: The development contains office and retail uses, which are allowed by right within the MUC-1 zone, per Section 17.29.020 – Permitted Uses.



Although the new parking lot improvements proposed under this application are located on a separate tax lot, across the street, the parking is allowed by right as an accessory use to the retail and office uses within the commercial development at 221 Molalla Avenue.

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

Applicant's Response: Noted. The fractional results to the parking calculations are rounded using this methodology, as shown in the table above.

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

Applicant's Response: Noted. The project complies with this standard. The parking spaces provided in the surface parking lots are used only for operable vehicles associated with visitor, employee, and business parking needs. The long-term storage of vehicles is not allowed.

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

Applicant's Response: Noted. This site is not located within the MUD Design District or the Willamette Falls Downtown District. An addition is not proposed to the existing building. Minimum parking requirements remain compliant under this proposal. The new development proposed with the parking lot improvements creates additional 10 parking spaces and seeks an Adjustment to the maximum parking standard in order to comply with municipal code requirements as parking is increased to meet operational needs.

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

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



Applicant's Response: The development's location on a transit street that contains operating transit services from bus lines 99 and 32, enabled the project to receive approval of reduced minimum parking requirements in 2005. The decision to reduce the minimum required parking from 85 spaces to 81 spaces was granted under land use review case file SP 05-18. The project currently utilizes 95 off-street parking spaces: 27 spaces in front of the building, 52 spaces in the parking lot under common ownership at the southeast corner of Molalla Avenue and Pearl Street, and 16 off-site spaces leased across the street from the owner of tax lots addressed as 325 Pearl St. and 212 Molalla, where a single family residence and Lancheria Mitzil Mexican Eatery are located. The location of the leased parking spaces are depicted in Appendix 6. The project continues to be in compliance with the minimum parking level approved in 2005 for this site and seeks to expand the allowed maximum parking in this case. If applying the 5 percent reduction approved due to the transit-oriented nature of the development was applied to the current tenant mix calculations, a minimum parking requirement of 78 spaces would be applicable.

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.

Applicant's Response: As discussed above, the project currently leases 16 parking spaces. The lease agreement for these spaces is provided as Appendix 7. Ten of these spaces are located on the tax lot addressed as 212 Molalla Ave, where Lancheria Mitzil Mexican eatery is located. The remaining six spaces are located on the tax lot addressed as 325 Pearl St. Both of these tax lots are held under common ownership.

The one-story structure containing the restaurant has a footprint of approximately 2,000 square feet. Based on municipal code requirements for minimum parking for a retail use, 10 parking spaces are required. The restaurant site contains more than 20 parking spaces and retains more than the minimum parking requirement for the restaurant under the current lease agreement. The tax lot containing the single family residence retains four spaces for use by the building occupants, beyond the six leased spaces. Table 17.52.020 of the Off-Street Parking and Loading chapter does not specify minimum parking requirements for a single-family residential structure.

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

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



1. Parallel parking, each [twenty-two] feet of uninterrupted and available curb;
2. [Forty-five/sixty] degree diagonal, each with [fifteen] feet of curb;
3. Ninety degree (perpendicular) parking, each with [twelve] feet of curb.
4. Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

Applicant's Response: As previously discussed, the minimum parking requirements are met. On-street parking opportunities are not needed to comply with the minimum parking standard.

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

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

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

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

- a. Alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.*
- b. Transportation demand management (TDM) program has been developed for approval by, and is approved by the city engineer. The plan will contain strategies*



for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the city determines the plan is not successful, the plan may be revised. If the city determines that no good-faith effort has been made to implement the plan, the city may take enforcement actions.

Applicant's Response: This provision is not applicable to the project. Minimum parking requirements are met by the project and the site is not located in the Downtown Parking Overlay District.

17.52.030 - STANDARDS FOR AUTOMOBILE PARKING.

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

Applicant's Response: Noted. This standard is met by the parking lot design. All ten parking spaces proposed within the new parking lot contain a 22 foot wide drive aisle behind the stalls that enable vehicles to maneuver within the parking lot and exit in a forward motion onto the street. The slope of the driveway connecting the parking spaces to the street is proposed at less than 15 percent. The driveway curb cut is located at the end of the improved portion of Myrtle Street and should create minimal conflict for pedestrians and vehicles traveling along this road.

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

Applicant's Response: This standard is met. The parking lot proposes a mixture of pervious and impervious paving materials that will be maintained by the property owner in compliance with the city's stormwater and low impact development design standards. The parking bays for this project will be constructed with impervious paving material, while the driveway and drive aisle are proposed with asphalt paving. The total area improved with impervious paving is less than 5,000 square feet of area, as demonstrated by Appendix 2.

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

Applicant's Response: Noted. The project is designed by a registered, professional civil engineer that has developed stormwater management in compliance with city



public works stormwater and grading design standards. Stormwater management will be achieved by means of a private stormwater inlet that collects parking lot runoff and transfers the water to the public stormline in Myrtle Street via underground pipes. Please reference civil Sheet 4.0 and 5.0 for more information on the stormwater management proposal. The grading plan provided on civil Sheet 4.0 is proposed in compliance with grading design standards. The slope of the driveway connecting to Myrtle Street is not greater than 15 percent.

D. Dimensional Standards.

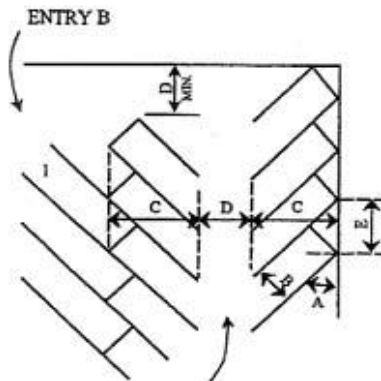
- 1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The community development director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.*
- 2. Alternative parking/plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the community development director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.*



PARKING STANDARD
PARKING ANGLE SPACE DIMENSIONS

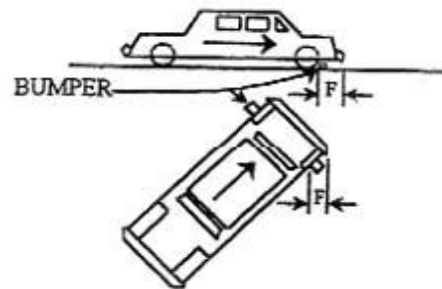
A Parking Angle		B Stall Width	C Stall Curb to	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9.0	12	20	0
30 degrees	Standard Compact	9' 8'	17.3' 14.9'	11' 11'	18' 16'	
45 degrees	Standard Compact	8.5 8.5	19.8' 17.0'	13' 13'	12.7' 11.3'	1.4
60 degrees	Standard Compact	9' 8'	21' 17.9'	18' 16'	10.4'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

All dimensions are to the nearest tenth of a foot.



L. TYPICAL PARKING LAYOUT
M. ENTRY

A



NOTE: SPACE 1 CONTINGENT UPON ENTRY B
OVERHANG

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



Applicant's Response: Noted. The project complies with the dimensional standards outlined for compact parking spaces. Each parking space proposed complies with the minimum dimensions of 8 feet wide by 16 feet deep. A 22-foot wide drive aisle is provided behind each space. All ten parking spaces are allowed to be designed with compact dimensions because, per 17.52.030.D.1, up to 35 percent of the minimum required parking can be designated as compact spaces. Under the 2005 land use, established the minimum parking levels at 5 percent below the standard municipal code use calculations because of proximity to transit. At that time, 81 spaces were determined as the minimum parking requirement. Based on that metric, the equivalent of 35 percent of the parking minimum would be 28 parking spaces. Requiring that the project provide at least 53 standard spaces to comply with the minimum parking requirements.

Currently, all 79 spaces constructed on the development site (e.g. in front of the building and in the lot on Pearl & Molalla) are standard-sized 9-foot by 19-foot stalls. Since no existing compact spaces are established by the development, all ten new parking spaces are allowed to be constructed as compact. These compact spaces will represent approximately 8 percent of the overall parking held in common ownership. However, because at least 65 percent of the minimum parking required for the site is already provided through standard-sized stalls, all new accessory parking created can be compact.

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

Applicant's Response: Noted. The project was approved with 4 designated carpool parking spaces under the 2005 land use review SP 05-18. It appears these spaces lost their carpool designation prior to the new property ownership that is our client. Building management has been notified of the requirement and will be reinstating the 4 carpool spaces to comply with City standards. Under this proposal, increasing off-street parking to 107 spaces, a total of 5 carpool parking spaces will be required. If the parking adjustment is approved, the fifth carpool space will be established in the parking lot in front of the building.

17.52.040 - BICYCLE PARKING STANDARDS.

A. Purpose-Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking



shall be provided in conjunction with all uses other than single-family dwellings or duplexes.

Applicant's Response: Noted. The project installed five (5) bicycle parking stalls for the office and retail uses under the 2005 land use review SP 05-18. The bicycle racks were installed adjacent to the main entrance of the building, facing Molalla Avenue. Any additional bicycle parking spaces required by the new improvements will be installed in compliance with the standards of 17.52.040.

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

TABLE A Required Bicycle Parking Spaces*

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

USE	MINIMUM BICYCLE PARKING	MINIMUM BICYCLE PARKING - COVERED - The following percentage of bicycle parking is required to be covered
Retail	1 per 20 auto spaces (minimum of 2)	50% (minimum of 2)
Office	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)

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

Applicant's Response: The required racks for the current parking remain installed adjacent to the main entrance of the building. At the time these were installed in 2005, there was not a requirement for a portion of the racks to be covered. Since that time, the code has changed. One additional rack will be required if the site is approved with 107 accessory parking spaces. In this case, the additional rack will be installed in a covered location to comply with current code requirements. The new bicycle rack will be provided under the covered breezeway, adjacent to the main entrance.

C. Security of Bicycle Parking. Bicycle parking facilities shall be secured. Acceptable secured bicycle parking area shall be in the form of a lockable enclosure onsite, secure room in a building onsite, a covered or uncovered rack onsite, bicycle parking within the adjacent right-of-way or another form of secure parking where the bicycle can be stored, as approved by the decision maker. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so



that bicycles may be securely locked to them without undue inconvenience and, when in the right-of-way shall comply with clearance and ADA requirements.

Applicant's Response: Noted. The five bicycle racks currently provided onsite are anchored into a paved concrete pad and comply with this requirement. These racks are designed to allow bicycles to be secured with a lock, when in use. Should an additional bike rack be required, it will be also be anchored to comply with this requirement.

D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure or a stationary rack to which the bicycle can be locked. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue inconvenience.

Applicant's Response: Noted. As discussed above, the five bicycle racks currently provided onsite are anchored are designed to allow bicycles to be secured with a lock, when in use. Should an additional bicycle rack be required under this project approval, a model/make will be installed that allows bicycles to be locked while stored on the rack.

Location of Bicycle Parking:

1. Bicycle parking shall be located on-site, in one or more convenient, secure and accessible location. The city engineer and the community development Director may permit the bicycle parking to be provided within the right-of-way provided adequate clear zone and ADA requirements are met. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings. If a building has two or more main building entrances, the review authority may require bicycle parking to be distributed to serve all main building entrances, as it deems appropriate.

Applicant's Response: Noted. This development has only one building and one main entrance. The existing racks are installed on-site, adjacent to the main entrance in a manner that is convenient and accessible to visitors and employees. Should an additional bicycle space be required, the rack will be located under the breezeway along the wall south of the main entrance. The walkway is wide enough in this area to accommodate the bike rack and maintain adequate spacing for ADA requirements and pedestrian clearances.

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

Applicant's Response: The existing bicycle parking spaces are clearly visible at the front of the building, adjacent to the main entrance. As discussed, should an additional bicycle space be required, the rack will be clearly visible next to the main lobby entrance.



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

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

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

Applicant's Response: The existing bicycle parking spaces comply with this standard because they are separated from the parking lot by means of an 11'-7" bioswale and retaining wall. The racks avoid conflict with the pedestrian walkway at the front of the building because they are installed along the side of the paved pedestrian circulation system which varies between approximately 8 feet and 10 feet of width. Pedestrian pathways are not obstructed by these racks. Should an additional bicycle space be required, the location previously specified for the new rack will provide sufficient spacing to avoid conflicts with vehicle and pedestrian areas.

4. Accessibility.

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

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

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

Applicant's Response: This standard is met by the current bicycle racks, which are installed adjacent to and accessed from pedestrian accessible walkways. These walkways connect to both the main entrance of the building and the right-of-way street frontage. These racks are closer to the main entrance than the first vehicle space, which is also closer than 50 feet from the main entrance. Should an additional bicycle space be required, the location proposed under the breezeway south of the main lobby entrance will provide the pedestrian visibility and connectivity required by this standard.

17.52.060 - PARKING LOT LANDSCAPING.

A. Development Standards.

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

Applicant's Response: The project complies with this standard. Landscape sheet L1.0 reflects the interior and perimeter parking lot landscaping proposed for the new parking lot. These landscape areas are uniformly distributed around the north, south, and west perimeter of the parking lot. An interior planter is proposed in the middle of the small parking lot for a balanced approach to the design. The project requests a modification to perimeter parking lot landscaping on the east side of the parking lot in



order to maintain a minimum of 10 parking stalls and a safe turning radius for the stall closest to the driveway entrance. Please reference the response under Section 17.62.015, above, for more discussion.

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

Applicant's Response: *This standard is met. All areas beyond the minimum parking stall dimensions, drive aisle width, and 22-foot wide driveway are proposed with plant materials, per the planting plan on landscape Sheet L1.0.*

3. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade.

Applicant's Response: The landscape plan complies with this standard. Please reference Landscape Sheet L1.0 for the plant schedule and planting plan that calls out a mixture of deciduous and coniferous trees throughout the parking lot.

4. Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List;

Applicant's Response: This standard is met. All trees specified on the plant schedule on Sheet L1.0 have a 2" caliper.

5. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the community development director, that can demonstrate adequate maintenance;

Applicant's Response: The project proposes an alternative landscape plan in lieu of automatic irrigation. Hardy, native, low-maintenance plants have been selected for the plant schedule. To provide adequate watering during the dry season of the establishment period, property management will have the landscaper install slow release watering bags for the plant materials when they are installed.

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

Applicant's Response: The project complies with this standard. The landscape architect has selected plant materials with an emphasis on species that are hardy and native to the Pacific Northwest region.



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

Applicant's Response: The project has selected plant materials to comply with this standard. Please reference the planting plan on Landscape Sheet L1.0 for detailed information and location of plan materials.

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

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

Applicant's Response: The project proposes a 5-foot wide landscape buffer along all perimeter areas except the shared rear property line at the east side of the parking lot. Please reference the response under Section 17.62.015, above, for more discussion on how the approval criteria of this modification is satisfied with more robust landscaping in other perimeter areas. The trees proposed within the landscape buffer are proposed no more than 35 feet apart. Of the nine perimeter trees shown, two are positioned flanking the driveway entrance to comply with this standard.

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

Applicant's Response: The applicant acknowledges this requirement. This standard is specified in the notes on Landscape Sheet L1.0. *Arctostaphylos uva-ursi* (bearberry) is specified as the ground cover for this project.

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



Applicant's Response: The landscape plan complies with this requirement. Evergreen shrubs with a mature height between 3 and 5 feet are specified in the perimeter areas on Sheet L1.00.

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

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

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

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

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

Applicant's Response: This standard does not apply. The west parcel, where the parking lot is proposed, does not contain a structure that requires a landscape buffer from the parking area.

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

Applicant's Response: This standard does not apply. The west parcel, where the parking lot is proposed, does not contain a structure that requires a landscape buffer from the parking area.

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

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

Applicant's Response: The project complies with this standard. Ten parking spaces are proposed, requiring a minimum of two interior parking lot trees. Two trees are proposed on the plan, a cedar in the center landscape planter and a Hawthorn in the



landscape area that extends beyond the perimeter buffer adjacent to the first parking stall entering the parking lot.

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

Applicant's Response: The applicant acknowledges this requirement. This standard is specified in the notes on Landscape Sheet L1.0. *Arctostaphylos uva-ursi* (bearberry) is specified as the ground cover for this project.

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

Applicant's Response: Shrub placement proposed on Sheet L1.0 complies with this spacing standard.

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

Applicant's Response: The project complies with this standard. A planter strip is proposed in the middle of the parking lot, with five contiguous parking spaces on each site. The landscape strip is proposed at a width of 6 feet and depth of 15 feet.

*e. Pedestrian walkways shall have shade trees spaced a maximum of every thirty-five feet in a minimum three-foot by five-foot tree wells; or
Trees spaced every thirty-five feet, shrubs spaced no more than four feet apart on average, and ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.*

Applicant's Response: Noted. Because a pedestrian walkway is not proposed for this parking lot, these landscaping standards do not apply.

E. Installation.

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



Applicant's Response: Noted. The project complies with these requirements. The landscape plan is designed by a certified landscape architect and meets the American Nurseryman Standards. Native plants are specified in the plant schedule and an alternative irrigation plan is specified, as previously discussed.

17.52.070 - ALTERNATIVE LANDSCAPING PLAN.

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

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

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

Applicant's Response: The project proposes an alternative landscape plan which does not provide a landscape buffer on the east border of the parking lot or automatic irrigation. The minimum required 20% overall landscaping and 10% interior parking lot landscaping is still met without the perimeter landscaping on the east side of the parking lot. Trees that would typically be required along the east side of the property have been integrated into the north and south landscape buffer enabling the project to retain robust landscaping that still meets the intent of softening the impact of the vehicle area from abutting properties and the street. The low impact design of utilizing 1,307 square feet of impervious pavers within the parking bays further improves stormwater management beyond the 250 square foot area that would have served as landscape buffer on the east side of the parking lot.

In-lieu of automatic irrigation, hardy, native, low-maintenance plants have been selected for the plant schedule. To provide adequate watering during the dry season of the establishment period, property management will have the landscaper install slow release watering bags for the plant materials when they are installed.

17.52.080 - Maintenance.

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



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

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

Applicant's Response: Noted. The property owner and their agent serving as property management will be responsible for the maintenance of landscaping and off-street parking areas constructed under this permit.

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.

Applicant's Response: The standard is not applicable. New loading spaces are not required for this parking lot improvement. The site is not expect to have service or delivery truck visits with forty-foot or longer wheelbase at a frequency of one or more vehicles per week.

C. Standards.

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

Applicant's Response: The standard is not applicable. New loading spaces are not required for this parking lot improvement. The site is not expect to have service or delivery truck visits with forty-foot or longer wheelbase at a frequency of one or more vehicles per week.

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

Applicant's Response: The standard is not applicable. New loading spaces are not required for this parking lot improvement. The site is not expect to have service or delivery truck visits with forty-foot or longer wheelbase at a frequency of one or more vehicles per week.



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

- a. Short in duration (i.e., less than one hour);
- b. Infrequent (less than three operations daily between 5:00 a.m. and 12:00 a.m. or all operations between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);
- c. Does not obstruct traffic during peak traffic hours;
- d. Does not interfere with emergency response services; and
- e. Is acceptable to the applicable roadway authority.

Applicant's Response: The standard is not applicable. New loading spaces are not required for this parking lot improvement. The site is not expect to have service or delivery truck visits with forty-foot or longer wheelbase at a frequency of one or more vehicles per week.

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

12.04.003 - APPLICABILITY.

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

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

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

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

Applicant's Response: The property frontage along Myrtle Street will be improved within the right-of-way. As determined by the City Engineer, improvements include 16 feet of pavement from the right-of-way centerline, curb, gutter, and 5-foot sidewalk.



12.04.005 - JURISDICTION AND MANAGEMENT OF THE PUBLIC RIGHTS-OF-WAY.

A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.

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

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

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

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

Applicant's Response: Noted. The project will obtain all required land use reviews and permits for works proposed within the public right-of-way.

12.04.007 - MODIFICATIONS.

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

A. The modification meets the intent of the standard;

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



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

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

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

Applicant's Response: Noted. A Modification is not requested to the standards of Section 12.04. The required improvements will be built to the standards outlined in this section. Therefore, the approval criteria for Modifications is not applicable to this application.

12.04.010 - CONSTRUCTION SPECIFICATIONS—IMPROVED STREETS.

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

Applicant's Response: Noted. The street improvements shown on the civil sheets are in compliance with city standards and the widths required in the Oregon City Transportation System Plan. The curb and sidewalk will be constructed concurrently. This standard is met by the proposal.

12.04.020 - CONSTRUCTION SPECIFICATIONS—UNIMPROVED STREETS.

Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer and approved by the city commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.

Applicant's Response: Noted. The project complies with this standard. A portion of an unimproved section of Myrtle Street will be improved under this project. As previously discussed, additional street paving from the centerline of the right-of-way will be added up to, and along, the street frontage. A sidewalk and curb will be constructed concurrently along the improved street frontage for this lot.

12.04.025 - STREET DESIGN—DRIVEWAY CURB CUTS.

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

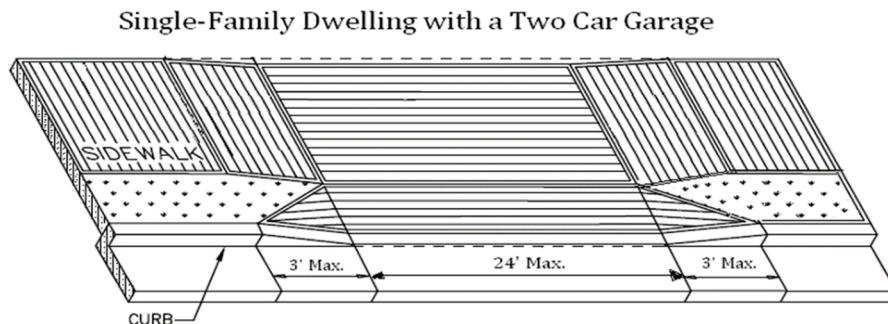


B. With the exception of the limitations identified in 12.04.025.C, all driveway curb cuts shall be limited to the following dimensions.

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

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

Figure 12.04.025: Example Driveway Curb Cut



Applicant's Response: This project proposes only one driveway on the west parcel. The parking lot will be accessory to the commercial uses operating in the building located at 221 Molalla Avenue. The driveway must meet commercial driveway standards and is proposed at a width of 22 feet. This width complies with the minimum 15-foot and maximum 40-foot driveway width specified in 12.04.025. The driveway width abutting the street pavement extends on each side to accommodate turn movements, as allowed per city standards for commercial driveways not associated with single-family dwelling sites.

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

- 1. To provide adequate space for on-street parking;*



2. To facilitate street tree planting requirements;
3. To assure pedestrian and vehicular safety by limiting vehicular access points;
and
4. To assure that adequate sight distance requirements are met.

a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements.

Applicant's Response: A shared driveway is not warranted for this proposal because new improvements are not proposed on adjacent parcels at this time. Since the east lot is already developed with a residence and curb cut along Molalla Street, new street access is only needed for improvements on the west lot.

Curb cuts are minimized to the extent that they can be in this circumstance. The driveway is proposed in excess of the minimum 20-foot width required for a commercial driveway. It isn't possible to limit vehicle access points further because a minimum of one access point is required for the parking lot to function. As the only street frontage for the west parcel, Myrtle Street is the only reasonable location for a driveway and curb cut.

b. Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the "R-5" Single-Family Dwelling District or "R-3.5" Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements.

Applicant's Response: The standard is not applicable because the project is not located in the R-5 or R-3.5 residential dwelling districts.

D. For all driveways, the following standards apply.

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

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



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

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

Applicant's Response: Noted. The street improvements and parking lot, including the driveway, is designed by a registered professional civil engineer and complies with the city requirements, including those described above.

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

Applicant's Response: Noted. This project is proposing a design that complies with the dimensional standards outlined in this section and had not sought a waiver of requirements through the Public Works Director.

12.04.080 - EXCAVATIONS—PERMIT REQUIRED.

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

Applicant's Response: Noted. The project will comply with this standard by applying for and receiving all required permits authorizing work in the right-of-way prior to the start of construction activities.

12.04.090 - EXCAVATIONS—PERMIT RESTRICTIONS.

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

Applicant's Response: Noted. The project will comply with the permit requirements for work that occurs within the public right-of-way.

12.04.100 - EXCAVATIONS—RESTORATION OF PAVEMENT.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the city for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut



Standard in effect at the time a right-of-way permit application is filed. The city commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

Applicant's Response: Noted. The project will comply with the restoration requirements for pavement within the right-of-way and ensure that the extended paving improvements on Myrtle Street comply with City standards. The project will demonstrate compliance with the Pavement Cut Standards and any other applicable standards at the time of permit review of the construction documents.

12.04.120 - OBSTRUCTIONS—PERMIT REQUIRED.

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

- 1. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.*
- 2. The applicant shall submit at least the following information in the permitting process in order to allow the commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:*
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;*
 - b. Sight distance per [Chapter 10.32](#), Traffic Sight Obstructions;*
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);*
 - d. Alternative routes if necessary;*
 - e. Minimizing obstruction area; and*
 - f. Hold harmless/maintenance agreement.*
- 3. If the commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the city engineer shall issue a right-of-way permit with any conditions deemed necessary by the commission.*

Applicant's Response: The requirements for permanent obstructions are noted. However, the project does not propose permanent obstructions within the right-of-way under this proposal.

B. Temporary Obstructions.

- 1. A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.*
- 2. The city engineer, or designee, is authorized to grant a permit for a temporary obstruction.*



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

4. *The applicant shall submit, and the city engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the city engineer:*

- a. Site plan showing right-of-way, utilities, driveways as directed by staff;*
- b. Sight distance per [Chapter 10.32](#), Traffic Sight Obstructions;*
- c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);*
- d. Alternative routes if necessary;*
- e. Minimizing obstruction area; and*
- f. Hold harmless/maintenance agreement.*

5. *In determining whether to issue a right-of-way permit to allow a temporary obstruction, the city engineer may issue such a permit only after finding that the following criteria have been satisfied:*

- a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;*
- b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;*
- c. No alternative locations are available that would not require use of the public right-of-way; and*
- d. Any other factor that the city engineer deems relevant.*

6. *The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.*

C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the commission.

Applicant's Response: Noted. The required review and permit process will be followed for any temporary obstructions proposed during the construction phase for these improvements.

12.04.160 - STREET VACATIONS—RESTRICTIONS.

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

Applicant's Response: This standard does not apply because street vacations are not proposed under this scope of work.



12.04.170 - STREET DESIGN—PURPOSE AND GENERAL PROVISIONS.

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

Applicant's Response: Noted. The parking lot and street improvements are designed by a registered, professional civil engineer in compliance with the city's public facility master plan, city design standards, and specifications. Storm drainage improvements are shown on the civil plans of the application and will be reviewed by the city engineer during the land use review and, again, at the time of construction document review. No new connections are proposed for water, sanitary sewer or utility lines under this scope.

12.04.175 - STREET DESIGN—GENERALLY.

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

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

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

Applicant's Response: The design of streets are not required under this proposal, as the existing property is a through lot that is flanked by street frontage on the east and



west sides and enabling the lot configuration of the proposed land division by providing street frontage for both parcels. This standard does not apply.

12.04.180 - STREET DESIGN.

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

Table 12.04.180 Street Design

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

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscaping Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
<i>Major Arterial</i>	<i>Mixed Use, Commercial or Public/Quasi Public</i>	<i>116 ft.</i>	<i>94 ft.</i>	<i>0.5 ft.</i>	<i>10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells</i>		<i>6 ft.</i>	<i>8 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>6 ft.</i>
	<i>Industrial</i>	<i>120 ft.</i>	<i>88 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>N/A</i>	<i>(5) 14 ft. Lanes</i>	<i>6 ft.</i>
	<i>Residential</i>	<i>126 ft.</i>	<i>94 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>8 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>6 ft.</i>

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscaping Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
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		<i>Width</i>								
<i>Minor Arterial</i>	<i>Mixed Use, Commercial or Public/Quasi Public</i>	<i>116 ft.</i>	<i>94 ft.</i>	<i>0.5 ft.</i>	<i>10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells</i>		<i>6 ft.</i>	<i>8 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>6 ft.</i>
	<i>Industrial</i>	<i>118 ft.</i>	<i>86 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Residential</i>	<i>100 ft.</i>	<i>68 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>6 ft.</i>

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscaping Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
<i>Collector</i>	<i>Mixed Use, Commercial or Public/Quasi Public</i>	<i>86 ft.</i>	<i>64 ft.</i>	<i>0.5 ft.</i>	<i>10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells</i>		<i>6 ft.</i>	<i>8 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Industrial</i>	<i>88 ft.</i>	<i>62 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Residential</i>	<i>85 ft.</i>	<i>59 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 11 ft. Lanes</i>	<i>N/A</i>



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

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

Applicant's Response: Myrtle Street is already established as a Local Residential roadway with a width of 60 feet. The existing street does not have curb or sidewalk and the asphalt pavement terminates prior to the project's street frontage. As previously discussed, street improvements will be constructed per the City Engineer's requirements. These improvements include 16 feet of pavement from the right-of-way centerline, curb, gutter, and a 5-foot wide sidewalk. Street trees and street lights are not provided, given the small scope of improvements along the 50-foot wide property frontage.

12.04.185 - STREET DESIGN—ACCESS CONTROL.

A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the city as a city controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

B. The city may grant a permit for the adjoining owner to access through the access control.



C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Applicant's Response: This project does not create streets, require street dedications, or relate to access control restrictions. These standards are not applicable to the application.

12.04.190 - STREET DESIGN—ALIGNMENT.

The centerline of streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

B. Offset from the centerline by no more than five (5) feet, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

Applicant's Response: Myrtle Street is already established as a Local Residential roadway with a width of 60 feet and pre-determined alignment for future improvements. This project will improve a portion of the segment of the street which has not been improved. However, the project is not designing street improvements. Rather, the project is constructing improvements per the requirements and direction of the City Engineer. This standard for street design is not applicable to the application.

12.04.194 - TRAFFIC SIGHT OBSTRUCTIONS.

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

Applicant's Response: This project does not create streets or require street dedications. This standard does not apply. For sight distance compliance of the new driveway, please reference Page 4 of the Traffic Analysis Letter that discusses the sight distance evaluation of the driveway and how it complies with AASHTO standards (Appendix 1).

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.

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

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

Applicant's Response: This project does not propose new streets. The existing street system of Myrtle Street and Molalla Avenue provide the required street access to the parcels. A driveway already exists for access from Molalla Avenue to the east parcel. A new driveway is proposed, connecting to Myrtle Street to the west parcel. A minimum distance of 25 feet to the street corner is required along the local residential roadway of Myrtle Street. This is also the minimum required distance between driveways on local streets that are for uses other than single and two-family dwellings. The project complies with the standard. The new driveway is proposed more than 50 feet from the closest driveway on Myrtle Street and approximately 150 feet from the street corner. The Traffic Analysis findings in Appendix 1 confirm compliance with this standard on Page 1.

12.04.199 - PEDESTRIAN AND BICYCLE ACCESSWAYS.

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians



are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding three hundred thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

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

Applicant's Response: The creation of new pedestrian or bicycle accessways are not warranted for this property because public street connections for automobiles, bicycles and pedestrians are available by means of Molalla Avenue and Myrtle Street, which are adjacent to both parcels. Molalla Avenue contains transit service, bicycle lanes, and long spans of sidewalk which are easily accessed one block from Myrtle Street. The existing public improvements satisfy this requirement. Pedestrian and bicycle accessways are not required through private property as a result.

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

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

Applicant's Response: This standard does not apply because new accessways are not proposed or needed as part of this project. Existing public street connections provide adequate access to pedestrian, bicycle and vehicle infrastructure in this area.

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

Applicant's Response: This standard does not apply because new accessways are not proposed or needed as part of this project. Existing public street connections provide adequate access to pedestrian, bicycle and vehicle infrastructure in this area.

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



Applicant's Response: This standard does not apply because new accessways are not proposed or needed as part of this project. Existing public street connections provide adequate access to pedestrian, bicycle and vehicle infrastructure in this area.

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

Applicant's Response: This standard does not apply because new accessways are not proposed or needed as part of this project. Existing public street connections provide adequate access to pedestrian, bicycle and vehicle infrastructure in this area.

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

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

Applicant's Response: This standard does not apply because new accessways are not proposed or needed as part of this project. Existing public street connections provide adequate access to pedestrian, bicycle and vehicle infrastructure in this area.

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

Applicant's Response: This standard does not apply because new accessways are not proposed or needed as part of this project. Existing public street connections provide adequate access to pedestrian, bicycle and vehicle infrastructure in this area.

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

Applicant's Response: This standard does not apply because new accessways are not proposed or needed as part of this project. Existing public street connections provide adequate access to pedestrian, bicycle and vehicle infrastructure in this area.

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



Applicant's Response: This standard does not apply because new accessways are not proposed or needed as part of this project. Existing public street connections provide adequate access to pedestrian, bicycle and vehicle infrastructure in this area.

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

Applicant's Response: This standard does not apply because new accessways are not proposed or needed as part of this project. Existing public street connections provide adequate access to pedestrian, bicycle and vehicle infrastructure in this area.

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

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

Applicant's Response: This standard does not apply because new accessways are not proposed or needed as part of this project. Existing public street connections provide adequate access to pedestrian, bicycle and vehicle infrastructure in this area.

12.04.200 - RESERVED.

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

Applicant's Response: Noted.

12.04.205 - MOBILITY STANDARDS.

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

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



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

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

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

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

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

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

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

1. For signalized intersections:

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

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

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

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

D. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from



compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205/OR 99E Interchange

I-205/OR 213 Interchange

OR 213/Beavercreek Road

State intersections located within or on the Regional Center Boundaries

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

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

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

2. Development which does not comply with the mobility standards for the intersections identified in [Section] 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development.

Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

Applicant's Response: This standard does not apply because intersections are not created or modified under the development.

12.04.210 - STREET DESIGN—INTERSECTION ANGLES.

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

Applicant's Response: This standard does not apply because streets are not created under this proposal and the portion of the site proposed with development is not adjacent to an intersection. Street frontage improvements will be made, per city engineer requirements.

12.04.215 - STREET DESIGN—OFF-SITE STREET IMPROVEMENTS.

During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the city's applicable planned minimum design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant



to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.

Applicant's Response: Noted. As previously discussed, the City Engineer requires street improvements along Myrtle Street which includes paving, curb, gutter and sidewalk. During City Staff review of this application, analysis will be done to determine whether street trees or street lights are required for the development along Myrtle Street.

12.04.220 - STREET DESIGN—HALF STREET.

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets. When the remainder of an existing half-street improvement is made it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the city's "Moratorium Pavement Cut Standard" or as approved by the city engineer.

Applicant's Response: This standard does not apply because streets are not created under this proposal. Although additional paving, equivalent to a half street improvement is proposed, consistent with City Engineer direction, the street design itself is established with a 60 foot right-of-way width. As the northern-most development along the east side of this section of Myrtle Street, extending the paving by 16-feet from the centerline was found adequate by the City Engineer to accommodate vehicle access to the new parking lot. Paved vehicle access along the roadway is already improved for all other uses on this block of Myrtle Street.

12.04.225 - STREET DESIGN—CUL-DE-SACS AND DEAD-END STREETS.

The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the community development director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead



end roads shall include pedestrian/bicycle accessways as required in this chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

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

Applicant's Response: Noted. This standard does not apply because new streets are not proposed under this application. The current dead end configuration of Myrtle Street was already established for the area.

12.04.230 - STREET DESIGN—STREET NAMES.

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the city and shall be subject to the approval of the city.

Applicant's Response: Noted. This standard does not apply. New streets are not proposed under this application. Existing street signage is already installed in the southwest corner of the intersection of Pearl Street and Myrtle Street.

12.04.235 - STREET DESIGN—GRADES AND CURVES.

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

Applicant's Response: This standard does not apply. New streets are not proposed under this application. The portion of the unimproved section of Myrtle that will be paved and improved with curb, gutter and sidewalk is designed by a licensed civil engineer pursuant to the city's standards.

12.04.240 - STREET DESIGN—DEVELOPMENT ABUTTING ARTERIAL OR COLLECTOR STREET.

Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.



Applicant's Response: This standard does not apply, as new streets are not proposed under this application and new developed is not proposed abutting an arterial or collector street.

12.04.245 - STREET DESIGN—PEDESTRIAN AND BICYCLE SAFETY.

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

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

Applicant's Response: This standard does not apply, as new streets are not proposed under this application and cross walks are not warranted for the type of development proposed under this application.

12.04.255 - STREET DESIGN—ALLEYS.

Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet.

Applicant's Response: Noted. Although the property has a MUC-1 zoning designation, public alleys are not needed for this site because the existing street frontages of Myrtle Street and Molalla Ave provide driveway access for private access to off-street parking. Loading facilities are not needed at either parcel, based on the existing and proposed uses.

12.04.260 - STREET DESIGN—TRANSIT.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in [Section] [17.04.1310](#). Pedestrian/bicycle access ways shall be provided as necessary in [Chapter 12.04](#) to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

Applicant's Response: Noted. This standard does not apply, as new streets are not proposed under this application. Transit and bicycle infrastructure is already established along Molalla Avenue.



12.04.265 - STREET DESIGN—PLANTER STRIPS.

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

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

Applicant's Response: Noted. Although, new streets are not proposed for this project, street frontage improvements are proposed along the width of the property on Myrtle Street. This includes a short segment of sidewalk and a driveway approach. During City Staff review of this application, analysis will be done to determine whether street trees and a planter strip is required for the development along Myrtle Street.

12.04.270 - STANDARD CONSTRUCTION SPECIFICATIONS.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Design Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

Applicant's Response: Noted. The design, materials and workmanship performed for this project will be in compliance with standard construction specifications outlined above.

CHAPTER 12.08 - PUBLIC AND STREET TREES



12.08.015 - STREET TREE PLANTING AND MAINTENANCE REQUIREMENTS.

All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

Applicant's Response: Noted. During City Staff review of this application, analysis will be done to determine whether street trees are required for the development along Myrtle Street.

A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.

Applicant's Response: Noted. During City Staff review of this application, analysis will be done to determine whether street trees are required for the development along Myrtle Street.

B. The following clearance distances shall be maintained when planting trees:

- 1. Fifteen feet from streetlights;*
- 2. Five feet from fire hydrants;*
- 3. Twenty feet from intersections;*
- 4. A minimum of five feet (at mature height) below power lines.*

Applicant's Response: Noted. During City Staff review of this application, analysis will be done to determine whether street trees are required for the development along Myrtle Street.

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

Applicant's Response: Noted. During City Staff review of this application, analysis will be done to determine whether street trees are required for the development along Myrtle Street.

D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.



Applicant's Response: Noted. During City Staff review of this application, analysis will be done to determine whether street trees are required for the development along Myrtle Street.

12.08.020 - STREET TREE SPECIES SELECTION.

The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.

Applicant's Response: Noted. During City Staff review of this application, analysis will be done to determine whether street trees are required for the development along Myrtle Street.

12.08.035 - PUBLIC TREE REMOVAL.

Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table [12.08.035](#).

All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where necessary due to planting constraints. The community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City in accordance with Oregon City Municipal Code 12.08.

Table [12.08.035](#)

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees
		13" to 18"	3 Trees
		19" to 24"	4 Trees
		25" to 30"	5 Trees
		31" and over	8 Trees



Applicant's Response: Noted. The portion of unimproved right-of-way along Myrtle Street that will be improved with paving, curb and gutter does not contain existing trees. This standard for preservation does not apply.

12.08.040 - HERITAGE TREES AND GROVES.

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

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

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

Tree Eligibility based on Size

<i>Species</i>	<i>Common Name</i>	<i>Size (d.b.h)</i>
<i>Quercus garrayana</i>	<i>Oregon white oak</i>	<i>8"</i>
<i>Pseudotsuga menziesii</i>	<i>Douglas-fir</i>	<i>18"</i>
<i>Thuja plicata</i>	<i>Western red cedar</i>	<i>12"</i>
<i>Pinus ponderosa</i>	<i>Ponderosa pine</i>	<i>12"</i>
<i>Taxus brevifolia</i>	<i>Western yew</i>	<i>6"</i>
<i>Other deciduous and horticultural tree species</i>		<i>20"</i>
<i>Other evergreen and conifer trees</i>		<i>18"</i>

D. Criteria.

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

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

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

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

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

E. Protection of Heritage Trees and Groves.

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

2. An application to remove a Heritage Tree or Grove shall demonstrate that the burden imposed on the property owner, or, if the tree is located within the public right-of-way under



city jurisdiction, then the burden imposed on the city by the continued presence of the tree outweighs the public benefit provided by the tree. For the purposes of making this determination, the following tree impacts shall not be considered unreasonable burdens on the property owner, or if appropriate, the city:

- a. View obstruction;*
- b. Routine pruning, leaf raking and other maintenance activities; and*
- c. Infrastructure impacts or tree hazards that can be controlled or avoided by appropriate pruning or maintenance.*

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

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

F. Recognition of Heritage Trees and Groves.

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

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

G. Removal of Heritage Tree or Grove Designation.

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

Applicant's Response: Noted. Heritage trees and groves are not present on the site or within the right-of-way adjacent to the site. The unimproved right-of-way along Myrtle Street which will be improved with paving, curb and gutter does not contain existing trees. This standard for preservation does not apply.

12.08.045 - GIFTS AND FUNDING.

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

Applicant's Response: Noted. During City Staff review of this application, analysis will be done to determine whether street trees are required for the development along Myrtle Street.



CHAPTER 13.12 - STORMWATER MANAGEMENT

13.12.050 - APPLICABILITY AND EXEMPTIONS.

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

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

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

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

Applicant's Response: Noted. The project is designed by a registered, professional civil engineer that has developed stormwater management in compliance with city public works stormwater and grading design standards. Stormwater management will be achieved by means of a private stormwater inlet that collects parking lot runoff and transfers the water to the public stormline in Myrtle Street via underground pipes. Please reference Civil Sheets 4.0, 5.0, and the Impervious Area Exhibit provided in Appendix 2 for more information on the stormwater management proposal.

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

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

Applicant's Response: Noted. As previously discussed, the project is not subject to these standards because only 4,369 square feet of new or replacement impervious surface is proposed by the parking lot. The 1,307 square feet of pervious pavers proposed within the parking bays are excluded from the impervious surface



calculations. When combining this area with the landscaped area, but still accounting for the new paving in the right-of-way, the project contains less than 5,000 square feet of impervious surface. Appendix 2 shows the pervious and impervious surface calculations for the parking lot.

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

Applicant's Response: Noted. The project does not fall into the C.2 exemption categories. However, as discussed above, the project meets exemption B.2 because it contains less than 5,000 square feet of new impervious surface. Please see Appendix 2 for detailed square footage information on impervious and pervious surfaces proposed for the project.

D. *Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional*



management practices, as defined in the Public Works Stormwater and Grading Design Standards:

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

Applicant's Response: Noted. The surface parking lot proposed as new development in this proposal is not classified as one of the ten use categories listed above and is not subject to additional management practices.

13.12.080 - SUBMITTAL REQUIREMENTS.

A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.

B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.

Applicant's Response: Noted. The stormwater improvements are designed by a licensed registered professional civil engineer and designed to comply with city Public Works Stormwater and Grading Design Standards. All work will receive the appropriate review and approvals prior to proceeding with construction activities.

13.12.090 - APPROVAL CRITERIA FOR ENGINEERED DRAINAGE PLANS AND DRAINAGE REPORT.

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

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

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

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



D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.

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

Applicant's Response: Noted. This approval criteria does not apply because a drainage report is not required. Because the project adds less than 5,000 square feet of new or replacement impervious surface, stormwater facilities and a stormwater report are not required. Stormwater management will be achieved by means of a private stormwater inlet that collects parking lot runoff and transfers the water to the public stormline in Myrtle Street via underground pipes.

13.12.100 - ALTERNATIVE MATERIALS, ALTERNATIVE DESIGN AND METHODS OF CONSTRUCTION.

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

Applicant's Response: Noted. Pervious pavers are proposed within the 10 parking stall bays as an acceptable paving material for vehicle areas. By utilizing this alternative material the project is not subject to installing stormwater facilities on private property or preparing a stormwater report. This 1,307 square feet of pervious paving material is called out on Civil Sheet 3.0 and the Impervious Area Exhibit provided in Appendix 2, for review and authorization by the city engineer.

13.12.120 - STANDARD CONSTRUCTION SPECIFICATIONS.

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

Applicant's Response: Noted. Construction specifications are developed in compliance with the APWA standards and the City Engineer.



CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 APPLICABILITY—GRADING PERMIT REQUIRED.

A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:

- 1. Grading activities in excess of ten cubic yards of earth;*
- 2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;*
- 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;*
- 4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or*
- 5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.*

Applicant's Response: Noted. The project will obtain a city-issued grading permit for the filling and grading activities proposed on the civil plans. The proposed grading activities include more than 10 cubic yards of grading and approximately 300 cubic yards of excavation. As shown in Appendix 1, the parking lot will result in the creation of impervious surfaces greater than 2,000 square feet in area.

15.48.090 SUBMITTAL REQUIREMENTS.

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

A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:

- 1. No portion of the proposed site is within the flood management area overlay district pursuant to [Chapter 17.42](#), the unstable soils and hillside constraints overlay district pursuant to [Chapter 17.44](#), or a water quality resource area pursuant to [Chapter 17.49](#); and*
- 2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.*

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

C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:



1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;
2. When an embankment for a stormwater pond is created by the placement of fill;
3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.

D. Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.

Applicant's Response: An engineered grading plan is provided on Sheet 4.0. The grading plan was prepared by a licensed engineer, in compliance with Public Works Stormwater and Grading Design Standards.

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

17.47.070 EROSION AND SEDIMENT CONTROL PLANS.

A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.

Applicant's Response: Noted. The project engineer has provided an erosion and sediment control plan on Civil Sheets 2.0 and 2.1 of the plan set. An erosion and sediment control permit will be obtained prior to the start of construction activities. The engineer is a licensed, registered professional who will develop a plan in compliance with City of Oregon City public works standards for erosion and sediment control.

CHAPTER 17.41 - TREE PROTECTION STANDARDS

17.41.020 - TREE PROTECTION—APPLICABILITY.

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



Applicant's Response: The standards of tree protection are applicable to this project because the application for development is subject to Chapter 16.12 for Minor Partitions and Chapter 17.62 for Site Plan and Design Review.

17.41.030 - TREE PROTECTION—CONFLICTING CODE PROVISIONS.

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

Applicant's Response: Noted. It is understood that the provision which provides greater protection for regulated trees or groves governs when conflicting code language is encountered.

17.41.040 - SAME—EXEMPTIONS.

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

Applicant's Response: Noted. This standard does not apply. The project is not an exempt site within the NRO or recognized with farm or forest practices.

17.41.050 - SAME—COMPLIANCE OPTIONS.

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

- A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections [17.41.060](#) or [17.41.070](#). All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.*
- B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections [17.41.080](#)—17.41.100; or*
- C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections [17.41.110](#)—17.41.120; or*
- D. Option 4—Cash-in-lieu of planting pursuant to [Section 17.41.130](#).*

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



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

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

Applicant's Response: Noted. This site does not contain any regulated trees on the private property or within the portion of the Myrtle right-of-way that is proposed for paving and street frontage improvements. No trees 6 inches or greater in diameter are present in any of these areas. Therefore, mitigation, dedication, covenants, and cash-in-lieu payments are not applicable to the application.

17.41.060 - TREE REMOVAL AND REPLANTING—MITIGATION (OPTION 1).

A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in [Chapter 17.04](#) to the extent practicable. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. At the applicant's expense, the city may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under [section 12.08](#)—Community Forest and Street Trees.

B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:

1. Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or
2. Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in [Section 17.04.1360](#), may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.

Table 17.41.060-1

Tree Replacement Requirements

All replacement trees shall be either:

Two-inch caliper deciduous, or

Six-foot high conifer

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)



6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.
3. Document any trees that are currently diseased or hazardous.
4. Subtract the number of diseased or hazardous trees in step 3. from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5. through 8.
5. Define the construction area (as defined in [Chapter 17.04](#)).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6. and 7.

Applicant's Response: This standard is not applicable because the site does not contain any trees 6 inches or greater in size. As such, regulated trees are not present and tree protection or mitigation is not required.

17.41.070 - PLANTING AREA PRIORITY FOR MITIGATION (OPTION 1).

Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

- A. *First Priority. Replanting on the development site.*
- B. *Second Priority. Off-site replacement tree planting locations. If the community development director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and must be approved by the community development director.*



Applicant's Response: This standard is not applicable because the site does not contain any trees 6 inches or greater in size. As such, regulated trees are not present and tree protection or mitigation is not required. In addition, no trees are proposed for removal under these improvements.

17.41.075 - ALTERNATIVE MITIGATION PLAN.

The community development director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the natural resource overlay district alternative mitigation plan, [Section 17.49.190](#).

Applicant's Response: This standard is not applicable because the site does not contain any trees 6 inches or greater in size. As such, regulated trees are not present and mitigation is not required. In addition, no trees are proposed for removal under these improvements.

17.41.080 - TREE PRESERVATION WITHIN SUBDIVISIONS AND PARTITIONS—DEDICATED TRACT (OPTION 2).

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

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

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

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

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

Applicant's Response: This standard is not applicable because the site does not contain any trees 6 inches or greater in size. As such, regulated trees are not present and tree



protection is not required. In addition, no trees are proposed for removal under these improvements.

17.41.090 - DENSITY TRANSFERS INCENTIVE FOR TREE PROTECTION TRACTS (OPTION 2).

A. The purpose of this section is to allow dimensional adjustments within a regulated tree protection tract to be transferred outside said tract to the remainder of the site. This provision applies on-site and density shall not be transferred beyond the boundaries of the development site.

B. Development applications for subdivisions and minor partitions that request a density transfer shall:

- 1. Provide a map showing the net buildable area of the tree protection tract;*
 - 2. Provide calculations justifying the requested dimensional adjustments;*
 - 3. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the tree protection tract created pursuant to [Section 17.41.080](#);*
 - 4. Demonstrate that, with the exception of the tree protection tract created pursuant to [Section 17.41.080](#), no parcels have been created which would be unbuildable in terms of minimum yard setbacks;*
 - 5. Meet all other standards of the base zone except as modified in [section 17.41.100](#).*
- C. The area of land contained in a tree protection tract may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.*

Applicant's Response: This standard is not applicable because the site does not contain any trees 6 inches or greater in size that are subject to preservation. As such, regulated trees are not present and tree protection is not required. Density transfers are not applicable to this project. In addition, no trees are proposed for removal under these improvements.

17.41.100 - PERMITTED MODIFICATIONS TO DIMENSIONAL STANDARDS (OPTION 2 ONLY).

A. An applicant proposing to protect trees in a dedicated tract pursuant to [section 17.41.080](#) may request, and the community development director, pursuant to a Type II procedure, may grant a reduction to, the lot size, width, depth, and setbacks of the underlying zone district in approving a subdivision or partition if necessary to retain a regulated tree or grove in a tract, as long as the calculation of average lot size, including tree protection tracts, meet the minimum lot size for the zone. The applicant may choose to make the adjustments over as many lots as required. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the area of the tree tract.

Table [17.41.100](#) A - Lot Size Reduction



ZONE	Min. Lot Size [sq. feet]	Min. Lot Width	Min. Lot Depth
R-10	5,000 sq. feet	50'	65'
R-8	4,000 sq. feet	45'	60'
R-6	3,500 sq. feet	35'	55'
R-5	3,000 sq. feet	30'	50'
R-3.5	1,800 sq. feet	20'	45'

Table 17.41.100 B - Reduced Dimensional Standards for Detached Single-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
8,000—9,999 square feet	15 feet	20 feet	7/9 feet	15 feet	40%
6,000—7,999 square feet	10 feet	15 feet	5/7 feet	15 feet	40%
4,000—5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%
1,800—3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%

Table 17.41.100 C - Reduced Dimensional Standards for Single-Family Attached or Two-Family Residential Units

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

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

Applicant's Response: This standard is not applicable because the site does not contain any trees 6 inches or greater in size. As such, regulated trees are not present and tree protection is not required. No trees are proposed for removal under these improvements and the minimum lot dimension standards are met under the minor partition configuration.



17.41.110 - TREE PROTECTION BY RESTRICTIVE COVENANT (OPTION 3).

Any regulated tree or grove which cannot be protected in a tract pursuant to [Section 17.41.080](#) above shall be protected with a restrictive covenant in a format to be approved by the community development director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the community development director, are determined to be diseased or hazardous.

Applicant's Response: This standard is not applicable because the site does not contain any trees 6 inches or greater in size. As such, regulated trees are not present and tree protection is not required. No trees are proposed for removal under these improvements. A restrictive covenant is not applicable under these circumstances.

17.41.120 - PERMITTED ADJUSTMENTS (OPTION 3 ONLY).

A. The community development director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduce less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.

B. The community development director, pursuant to a Type II procedure, may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.

C. The community development director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.

Applicant's Response: This standard is not applicable because the site does not contain any trees 6 inches or greater in size. As such, regulated trees are not present and tree protection is not required. Adjustments to setbacks are not requested under this application. The MUC-1 zone does not require minimum setbacks from lot lines on this property because there are no residentially zoned abutting properties.

17.41.1[25] - CASH-IN-LIEU OF PLANTING (TREE BANK/FUND) (OPTION 4).

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the community development director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.



A. The cash-in-lieu payment per tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index (Index). The price shall include the cost of materials, transportation and planting.

B. The amount of the cash-in-lieu payment into the tree bank shall be calculated as the difference between the value of the total number of trees an applicant is required to plant, including cost of installation and adjusted for Consumer Price Index, minus the value of the trees actually planted. The value of the trees shall be based on the adopted fee schedule.

Applicant's Response: *This standard is not applicable because the site does not contain any trees 6 inches or greater in size. As such, regulated trees are not present and tree protection, mitigation planting, or cash-in-lieu payments are not required.*

17.41.130 - REGULATED TREE PROTECTION PROCEDURES DURING CONSTRUCTION.

A. No permit for any grading or construction of public or private improvements may be released prior to verification by the community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the community development director.

Applicant's Response: Noted. This standard is not applicable because the site does not contain any trees 6 inches or greater in size. As such, regulated trees are not present and tree protection is not required.

B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:

- 1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.*
- 2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the community development director.*
- 3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.*
- 4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.*



5. *The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.*
6. *No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the community development director.*
7. *No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.*
8. *Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.*
9. *The city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.*
10. *The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.*

Applicant's Response: This standard is not applicable because the site does not contain any trees 6 inches or greater in size. As such, regulated trees are not present and tree protection is not required.

C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

Applicant's Response: This standard is not applicable because the site does not contain any trees 6 inches or greater in size. As such, regulated trees are not present and tree protection is not required.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

17.50.050 PREAPPLICATION CONFERENCE

A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the



applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

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

Applicant's Response: The project is in compliance with this standard. Pre-Application Conference PA 18-31 was held for this project. The Pre-Application Conference Notes are dated August 7, 2018 and are valid through February 7, 2019. A copy of the Pre-Application Conference Notes are included as Appendix 4 in the submittal packet.

CHAPTER 17.50.055 – NEIGHBORHOOD ASSOCIATION MEETING

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

- 1. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, planning commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- 2. The applicant shall send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the citizen involvement committee describing the proposed project. Other communication methods may be used if approved by the neighborhood association.*
- 3. A meeting shall be scheduled within thirty days of the notice. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall hold their own meeting after six p.m. or on the weekend, with notice to the neighborhood association, citizen involvement committee, and all property owners within three hundred feet. If the applicant holds their own meeting, a copy of the certified letter requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a city facility.*



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

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

Applicant's Response: The project complies with the Neighborhood Association Meeting requirements of 17.50.055. The project is located within the Barclay Hills Neighborhood Association. Betty Mumm is the Neighborhood Association Chair. Amy Whillhite is the chairperson of the Citizen Involvement Committee.

An email was sent to Ms. Mumm and Ms. Whillhite on Thursday, October 25th, to notify them of the proposal and request an opportunity to present at the next Neighborhood Association meeting scheduled for November 13, 2018. The email offered to send a formal letter via USPS certified mail, return receipt, if a mailing address was provided. Both Ms. Mumm and Ms. Whillhite responded confirming that the method of email communication was sufficient and that physically mailing additional materials via certified mail was not necessary.

The project was placed on the November 13th agenda of the Barclay Hills Neighborhood Association. The meeting was held at 7:00 pm at the St. John the Apostle Cemetery. Nine community members attended the meeting, including the Chair and Treasurer of the Neighborhood Association.

Among the attendees were several residents who live on either Roosevelt Street or Pearl Street, adjacent to the north and south side of the 221 Molalla commercial building. The project was well received by the meeting attendees. Those who reside on the adjacent residential streets acknowledged their observations of frequent overflow parking by employees of the 221 Molalla commercial building on their streets. These residents supported the proposal to provide additional off-street parking for employees and restore some of the parking availability on the abutting residential streets for residential uses. Comments voiced from community members included the following:

- The desire to make parking in this new parking lot mandatory for employees.
- An inquiry asking whether access would be allowed for employees to cross over the east lot of the partition to reach the commercial building from the parking lot. There is a concern that utilization of the parking area would be less desirable if the path of travel to reach the commercial building from the parking area was only available from Myrtle Street and Pearl Street. The intent to provide a pedestrian access easement along the south property line of the east parcel was shared with community members.
- One community member commented that she has witnessed some employees who park further out in the residential neighborhood in order to try and decrease parking congestion on residential streets adjacent to the development.



- How quickly can this parking lot be constructed? The anticipated timeline of permitting and construction in spring of 2019 was shared.
- The desire to have the curb cut location changed along Pearl Street for the existing parking lot was requested by a community member. However, this is outside the scope of this project. No change to existing parking areas are proposed under this application and it doesn't appear feasible to entertain a future change to the existing parking lot, given the location of the building on the property.

Please reference Appendix 8 for documentation that demonstrates compliance with the neighborhood contact requirements, where a sign-in sheet and summary of issues discussed is provided. The Neighborhood Association will provide a copy of the meeting minutes to City Staff as evidence that the neighborhood meeting was held on November 13, 2018.

CHAPTER 17.54.100 – FENCES

Fence, Setback and Height Limitations.

A fence may be located on the property or in a yard setback area subject to the following:

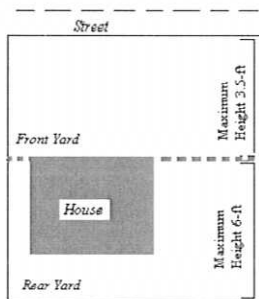


Diagram: Any fence, hedge or wall located in front of your home may be up to three and one-half-feet in total height.

Diagram: A fence, hedge or wall located next to and behind your home may be up to six feet in total height.

A. Generally. Fence, hedge, or wall.

1. Fences and walls—Fences and walls over forty-two inches shall not be located in front of the front façade or within forty feet of the public right-of-way, whichever is less. All other fences (including fences along the side and rear of a property) shall not exceed six feet in total height unless as permitted [in] Section 17.54.100.B.
2. Hedges shall not be more than forty-two inches in the underlying front yard setback. Individual plants and trees taller than forty-two inches tall may be permitted provided there is at least one foot clearance between each plant.
3. Property owners shall ensure compliance with the traffic sight obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.
4. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city manager.



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

- 1. When the retaining wall or artificial berm is thirty inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.*
- 2. When the retaining wall or earth berm is greater than thirty inches in height, the combined height of the retaining wall and fence or, wall from finished grade shall not exceed eight and one-half feet.*

Applicant's Response: Noted. This standard is not applicable to the project because fencing is not proposed under the proposed improvements.

