



**TYPE III –SITE PLAN AND DESIGN REVIEW AND PARKING ADJUSTMENT
STAFF REPORT AND RECOMMENDATION**
November 18, 2019

FILE NUMBER: GLUA-19-00017/SP-19-00053/PARK-19-00002: Site Plan and Design Review and Planning Commission Parking Adjustment

APPLICANT: Steve Milner
1034 Molalla Avenue
Oregon City, OR 97045

Submitted: April 30, 2019
Complete: August 15, 2019
120 Day Deadline: January 16, 2020
PC Hearing: November 18, 2019

OWNER: Steve Milner
1034 Molalla Avenue
Oregon City, OR 97045

REQUEST: The applicant has requested approval of a Site Plan and Design Review application and Planning Commission Parking Adjustment application to construct a parking lot with 18 stalls.

LOCATION: 1034 Molalla Avenue, Oregon City, OR 97045
Vacant Property across Warner Street from 1034 Molalla Avenue, abutting 140 Warner Street
Clackamas County Map 3-2E-05BC, Tax Lot 2300 and 3600

REVIEWER: Josh Wheeler, P.E., Assistant City Engineer
Diliana Vassileva, Assistant Planner

RECOMMENDATION: Denial.

PROCESS: Type III Quasi-Judicial Public Hearing. Pursuant to OCMC 17.50. C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available to the public at least seven days pre-hearing. At the evidentiary hearing held before the planning commission all issues will be addressed. The decision of the planning commission may be appealed to the city commission and will be considered on the record; no new evidence will be considered on appeal. The city commission decision is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

Staff is recommending denial of the application. If the Planning Commission does not take staff's recommendation and makes findings for approval of the application, staff recommends the following conditions of approval:

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

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

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

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

The applicant shall include the following information prior to receiving approval of the public improvements and/or grading permit associated with the proposed Site Plan and Design Review application. The information shall be approved prior to issuance.

1. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. (DS)
2. The applicant shall provide construction plans, stamped and signed by a professional engineer licensed in the State of Oregon, containing street, grading, stormwater, sanitary sewer and water infrastructure improvements that conforms to all current Oregon City Public Works standards, specifications, codes, and policies for review and approval by the City. (DS)
3. The engineering plans shall provide a local benchmark onsite using the NAVD88 datum. (DS)
4. The applicant shall dedicate an approximately 9 feet of right of way along the frontage of Warner Street. (DS)
5. Half Street Improvements to Warner Street shall consist of a pavement to achieve 18 feet of pavement from centerline to face of curb, a 0.5' curb, 5 foot sidewalk and 0.5' behind the sidewalk. (DS)
6. The applicant shall ensure existing street lights along Warner Street are in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). The applicant shall submit a photometric plan for verification. If standards are not met, new street lights shall be proposed. (DS)
7. The development shall prepare a Stormwater Operations and Maintenance Plan for the porous asphalt pavement parking lot and have it recorded with a Stormwater Access and Maintenance Covenant. (DS)
8. All pavement cuts and restoration shall comply with the City of Oregon City Pavement Cut Standards. Pavement cuts and restoration for Warner Street shall be to T-cut Standard in accordance with the City of Oregon City Pavement Cut Standards. (DS)
9. The development shall comply with the current version of the Oregon City Stormwater and Grading Design Standards. (DS)
10. The applicant shall provide an updated engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items, where applicable, from the Section 9 of the Public Works Stormwater and Grading Design Standards. (DS)

11. All proposed driveways shall be made ADA compliant. (DS)
12. The applicant shall obtain an Erosion control permit prior to commencement of any earth disturbing activities. (DS)
13. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan prior to issuance of an erosion control permit. (DS)
14. The applicant shall provide a performance guarantee which is equal to 120% of the estimated cost to construct all public improvements shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. (DS)
15. The development's contractor(s) and engineer(s) shall attend a pre-construction meeting with Oregon City staff prior to beginning construction work associated with the project. (DS)
16. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the current 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. (DS)
17. The applicant shall provide a 10-foot-wide public utility easement along all property lines fronting existing or proposed right-of-way. The applicant shall make all necessary arrangements with utility companies to ensure underground lines are not placed within the roadway. (DS)
18. The applicant shall provide a Maintenance Guarantee in the amount of fifteen percent of the cost to construct all public improvements as shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. (DS)
19. The applicant shall execute a "Maintenance Covenant And Access Easement For Privately Owned Stormwater Management Facilities" and pay associated recording fees. The covenant shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The Maintenance Covenant and Access Easement shall be reviewed and accepted by the City prior to recording. (DS)
20. The property owner shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property. The applicant shall pay all fees associated with processing and recording the Non-Remonstrance Agreement. (DS)
21. The applicant shall submit a revised landscaping plan which:

- a. identifies that within three years of planting, landscaping will cover one hundred percent of the landscaped areas, and that no mulch, bark chips, or similar materials will be used except under the canopy of shrubs and within two feet of the base of trees. (P)
 - b. does not include Otto Luyken English Laurel (*Prunus laurocreasus*) or any other species on the Oregon City Nuisance Plant List. (P)
 - c. includes shrubs spaced no more than four feet apart on average within the interior parking lot landscaping area. (P)
22. The applicant shall provide an easement for future vehicular access to the dental clinic property located at 1104 Molalla Avenue, physical connection of which may be triggered by future development on the dental clinic property. (P)
23. The applicant shall submit a revised parking lot layout in which the drive aisle adjacent to the driveway does not exceed 24 feet in width and all areas in the parking lot not used for parking, maneuvering, or circulation are landscaped. (P)
24. the applicant shall provide a tree protection plan demonstrating compliance with regulated tree protection procedures during construction in OCMC 17.41.030. (P)

The applicant shall submit the following information prior to release of the maintenance guarantee.

25. As-builts conforming to City standards shall be provided within 90 days of completion of the public improvements. (DS)

The applicant shall submit the following information within 120 days of construction onsite commencing:

26. All landscaping shall be planted per the approved landscaping plan or other arrangements, such as the posting of a surety, shall be made in order to ensure the planting of parking lot landscaping.

I. BACKGROUND:

1. Existing Conditions

The property at 1034 Molalla Avenue, Oregon City, is approximately half an acre in size and is zoned Mixed Use Corridor (MUC-1). The subject site is developed with the Milner Veterinary Hospital and a 21-stall parking lot with associated landscaping. The property across Warner Street from 1034 Molalla abutting 140 Warner Street, is a vacant lot that is approximately 10,000 square feet in size and also has MUC-1 zoning. Surrounding properties along Molalla are also zoned MUC-1 and are developed with commercial, office and retail uses. Properties to the west of the project site are zoned R-6 and include single-family residential uses.

Figure 1. Vicinity Map



Figure 2: Existing Conditions – Aerial Image



2. Project Description

The applicant has proposed to construct a new 18-stall parking lot with associated landscaping on the vacant lot across Warner Street from the Milner Veterinary Hospital. The application requires Planning Commission approval because the total combined number of parking stalls (existing and proposed) would exceed the maximum number of permitted parking spaces allowed by the Oregon City Municipal Code.

Figure 3: Proposed Site Plan

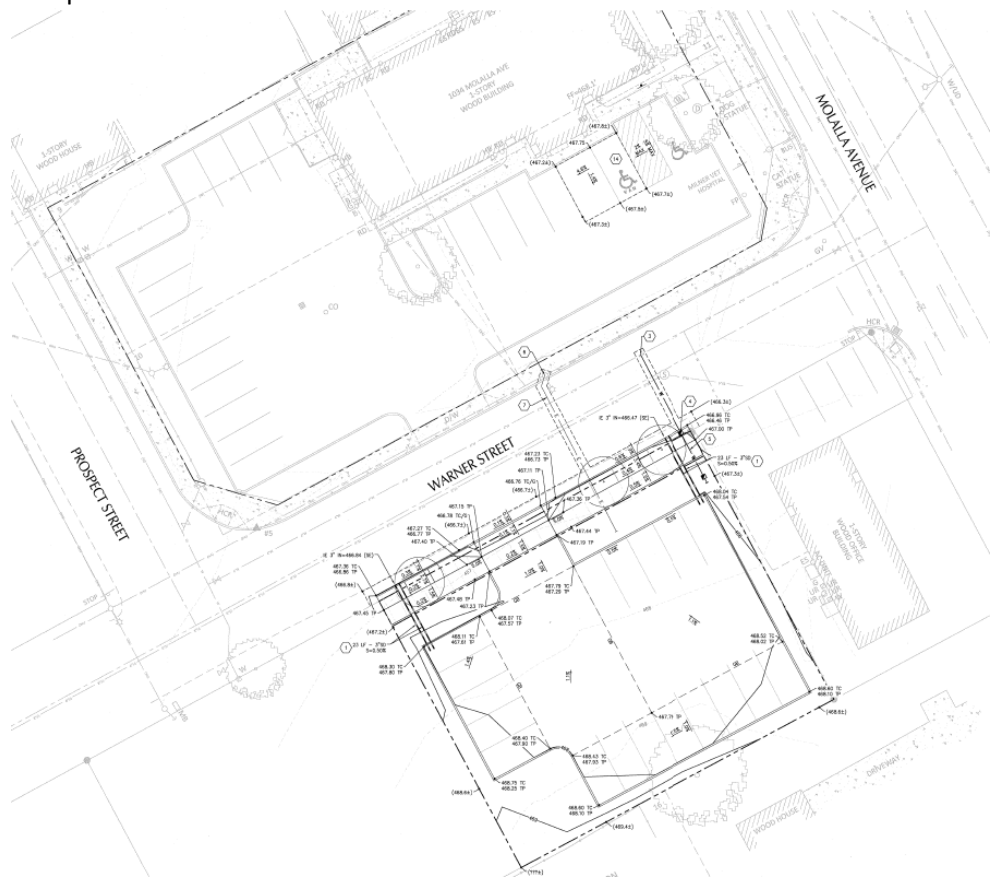
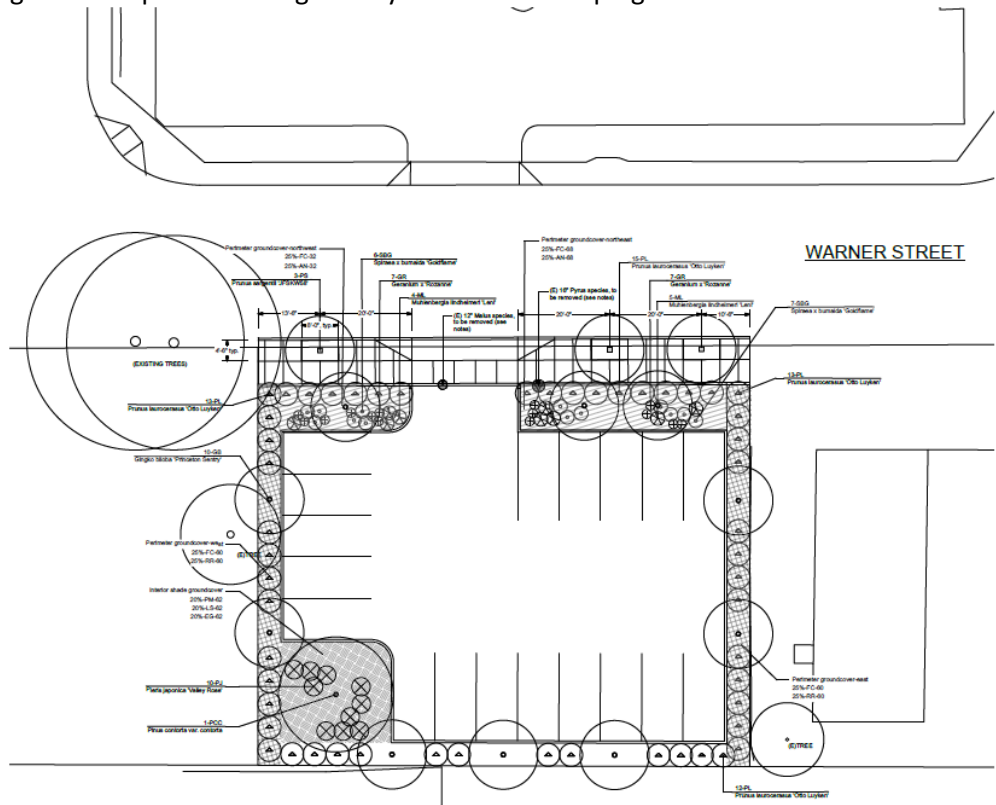


Figure 4: Proposed Parking Lot Layout and Landscaping



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

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

The City Code Book is available on-line at www.orcity.org.

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

5. Notice and Public Comment

Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property. Public comments submitted include (Exhibit 3):

- A comment from the Oregon City Building Division indicating they have no comment on the applicant's proposal.

Staff Response: No response necessary.

- A comment from the Oregon City School District indicating that they have no comment on the applicant's proposal.

Staff Response: No response necessary.

- A comment from the Clackamas County Department of Transportation and Development indicating that they have no comment on the applicant's proposal.

Staff Response: No response necessary.

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

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

II. ANALYSIS AND FINDINGS:

CHAPTER 17.29 “MUC” MIXED USE CORRIDOR DISTRICT

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

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

Finding: Complies as Proposed. The existing use a veterinary clinic which is a permitted use in the MUC zone pursuant with 17.29.020.V. The proposed parking lot is an accessory use to the existing veterinary clinic.

17.29.030 - Conditional uses—MUC-1 and MUC-2 zones.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in [Chapter 17.56](#):

- A. Ancillary drive-in or drive-through facilities;*

- B. Emergency service facilities (police and fire), excluding correctional facilities;*
- C. Gas stations;*
- D. Outdoor markets that do not meet the criteria of Section 17.29.020H.;*
- E. Public utilities and services including sub-stations (such as buildings, plants and other structures);*
- F. Public and/or private educational or training facilities;*
- G. Religious institutions;*
- H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;*
- I. Hotels and motels, commercial lodging;*
- J. Hospitals;*
- K. Parking structures and lots not in conjunction with a primary use;*
- L. Passenger terminals (water, auto, bus, train).*

Finding: Not Applicable. The applicant has proposed a parking lot in conjunction with a primary use. No conditional uses have been proposed as part of this development application.

17.29.040 - Prohibited uses in the MUC-1 and MUC-2 zones.

The following uses are prohibited in the MUC district:

- A. Distributing, wholesaling and warehousing;*
- B. Outdoor storage;*
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;*
- D. Correctional facilities;*
- E. Heavy equipment service, repair, sales, storage or rentals (including but not limited to construction equipment and machinery and farming equipment);*
- F. Kennels;*
- G. Motor vehicle and recreational vehicle sales and incidental service;*
- H. Motor vehicle and recreational vehicle repair/service;*
- I. Self-service storage facilities.*

Finding: Complies as Proposed. No prohibited uses have been proposed as part of this development application.

17.29.050 - Dimensional standards—MUC-1.

A Minimum lot areas: None.

Finding: Not Applicable. The existing lot area is not changing as part of this development application.

B. Maximum building height: Forty feet or three stories, whichever is less.

Finding: Not Applicable. No new buildings have been proposed as part of this development application.

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

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

E. Maximum allowed setbacks.

- 1. Front yard: Five feet (may be extended with Site Plan and Design Review (Section [17.62.055](#))).*
- 2. Interior side yard: None.*
- 3. Corner side setback abutting street: Thirty feet provided the Site Plan and Design Review requirements of [Section 17.62.055](#) are met.*
- 4. Rear yard: None.*

Finding: Not Applicable. No new buildings have been proposed as part of this development application. Parking lots are not subject to minimum or maximum setbacks.

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

Finding: Complies as Proposed. The proposed parking lot is approximately 6,500 square feet in size and occupies approximately 70% of the subject site, which would be approximately 9,350 square feet in size following required street dedication ($6500/9350 = 0.6951$).

G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

Finding: Complies as Proposed. The parking lot landscaping is approximately 2800 square feet in size and occupies approximately 30% of the property, which would be approximately 9,350 square feet in size following required street dedication ($2800/9350 = 0.2994$).

17.29.060 - Dimensional standards—MUC-2.

A. Minimum lot area: None.

B. Minimum floor area ratio: 0.25.

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

D. Maximum building height: Sixty feet.

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

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

G. Maximum Allowed Setbacks.

1. Front yard: Five feet (may be expanded with Site Plan and Design Review [Section 17.62.055](#)).

2. Interior side yard: None.

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

4. Rear yard: None.

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

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

Finding: Not Applicable. The subject site is zoned MUC-1, therefore it is not subject to the MUC-2 dimensional standards.

17.29.070 - Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

A Standards.

1. The minimum floor area ratios contained in [17.29.050](#) and [17.29.060](#) apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.

2. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.

3. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

Finding: Not Applicable. The existing veterinary clinic is a stand-alone commercial building that is less than ten thousand square feet in floor area, therefore, floor area requirements are not applicable.

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:

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

17.62.015.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.*

Findings: Not Applicable. The applicant has not requested any modifications pursuant to this section.

17.62.020 - Preapplication conference.

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

Finding: Complies as Proposed. Please see finding under section 17.50.050.

17.62.030 - When required.

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

Finding: Applicable. The applicant has proposed development within the Mixed-Use Corridor District therefore compliance with this chapter is required.

17.62.035 - Minor site plan and design review.

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

Finding: Not Applicable. The application is not eligible for a Minor Site Plan and Design review process.

17.62.040 - Plans required.

Finding: Complies as Proposed. The applicant has submitted all requested application items and the application was deemed complete on August 15, 2019.

17.62.050 - Standards.

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

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

Finding: Complies as Proposed. The applicant has proposed approximately 2,800 SF of landscaping, or approximately 30% of the total site ($2800/9350 = 0.2994$).

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

Finding: Complies as Proposed. The applicant submitted a landscaping plan demonstrating that landscaping counting towards the minimum landscaping requirement will be installed with growing plant materials. The applicant has not requested a reduction to minimum landscaping requirements.

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

Finding: Not Applicable. The subject site is not within the Natural Resource Overlay District.

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

Finding: Complies with Condition. The submitted landscape plan was prepared by Rosa Brady Keane, Registered Landscape Architect and includes a mix of vertical and horizontal elements. The landscaping plan does not identify that within three years of planting, landscaping will cover one hundred percent of the landscaped area, or that no mulch, bark chips, or similar materials will be used except under the canopy of shrubs and within two feet of the base of trees. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised landscaping plan which identifies that within three years of planting, landscaping will cover one hundred percent of the landscaped area, and that no mulch, bark chips, or similar materials will be used except under the canopy of shrubs and within two feet of the base of trees. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

d. For properties within the Downtown Design District landscaping shall be required to the extent practicable up to the ten percent requirement.

Finding: Not Applicable. The subject site is not located within the Downtown Design District.

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

Finding: Complies as Proposed. The landscape plan demonstrates that the proposed landscaping will be visible from public thoroughfares to the extent practicable.

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

Finding: Not Applicable. The MUC-1 District allows for interior parking lot landscaping to be counted towards the 15% minimum, therefore, this standard is not applicable.

2. Vehicular Access and Connectivity.

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

Finding: Not Applicable. The proposed parking area is not located on the same lot as a building.

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

Finding: Complies as Proposed. The layout of the proposed parking lot and driveway location is in compliance with the standards set forth in OCMC 12.04. The proposal was reviewed by the City's traffic consultant John Replinger of Replinger and Associates, who found no safety impacts.

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

Finding: Not Applicable. Though the subject site is located within the MUC-1 District, there isn't an opportunity for an alley due to minimum block length standards and the site's proximity to Prospect Street and Molalla Avenue.

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

Finding: Please refer to the analysis in 17.62.050.A.2.c.

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

Finding: Complies as Proposed. The layout of the proposed development includes one driveway per frontage. Driveway locations meet standards set forth in 12.04.

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

Finding: Not Applicable. There are no existing streets opposite the driveway, and no opportunities for future streets at the locations.

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

Finding: Complies with Condition. The site is surrounded by residential development, with the exception of the dental clinic located to the east, at 1104 Molalla Avenue. Though the location of the existing dental clinic precludes the connection to the site, a connection could be provided with future development on the dental clinic property. Though the physical connection is not required as part of this development, the applicant shall provide an easement for future vehicular access to the dental clinic

property located at 1104 Molalla Avenue, physical connection of which may be triggered by future development on the dental clinic property. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Not applicable. The pedestrian accessways proposed in the development are not in lieu of vehicular streets.

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

Finding:

Finding: Complies with Condition. Please refer to the findings within OCMC 17.62.050.A.2.g. The applicant shall provide an easement for a future vehicular access to the dental clinic property at 1104 Molalla Avenue, physical connection of which may be triggered by future development of the dental clinic property. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Not Applicable. No dead end streets are proposed.

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

Finding: Not Applicable. The subject site is less than three acres in size, therefore, this standard is not applicable.

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

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

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

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

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

a. Alterations, additions and new construction located within the McLoughlin Conservation District, Canemah National Register District, and the Downtown Design District and when abutting a designated Historic Landmark shall utilize materials and a design that incorporates the architecture of the subject building as well as the surrounding district or abutting Historic Landmark. Historic materials such as doors, windows and siding shall be retained or replaced with in kind materials unless the community development director determines that the materials cannot be retained and the new design and materials are compatible with the subject building, and District or Landmark. The community

development director may utilize the Historic Review Board's Guidelines for New Constriction (2006) to develop findings to show compliance with this section.

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

Finding: Not Applicable. No new building structures are proposed, therefore, this standard is not applicable.

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

Finding: Complies as Proposed. The grading and utility plan labeled C3.0 by kpff shows a grading plan meeting the standards of development.

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

Finding: Not Applicable. No geologic hazards exist on the subject property.

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

Finding: Complies with Condition. The development shall comply with the current version of the Oregon City Stormwater and Grading Design Standards. The applicant shall provide an updated engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items, where applicable, from the Section 9 of the Public Works Stormwater and Grading Design Standards. While the plan proposes pervious asphalt, the applicant will still need to show that all standards are met. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Please refer to the findings under Chapter 17.52.

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

Finding: Complies as Proposed. The plans by kpff propose pavement widening, curb, a planter strip, and sidewalk. Half Street Improvements to Warner Street shall consist of a pavement to achieve 18 feet of pavement from centerline to face of curb, a 0.5' curb, 5 foot sidewalk and 0.5' behind the sidewalk. The details of design will be reviewed during the permit submittal with respect to Public Works Design Standards. (DS)

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

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

Finding: Not Applicable. No new buildings or building entrances are proposed.

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

Finding: Not Applicable. The parking lot is on a separate lot, not onsite with the veterinary clinic, therefore this standard is not applicable. No changes to building entrances or the existing onsite pedestrian circulation system are proposed.

c. Elevated external stairways or walkways, that provide pedestrian access to multiple dwelling units located above

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

Finding: Not Applicable. No exterior walkways which provide connection to dwelling units are proposed on a structure.

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

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

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

Finding: Not Applicable. No changes to the existing building entrance or the existing onsite circulation system are proposed as part of this development.

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

Finding: Not Applicable. No new pedestrian walkways are proposed or required.

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

Finding: Complies as Proposed. The applicant's narrative identified compliance with this standard.

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

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

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

Finding: Not Applicable. The subject site is not within the Natural Resource Overlay District.

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

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

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

Finding: Not Applicable. The site is already served by sanitary and water service.

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

Finding: Complies with Condition. The plans by kpff show some right of way dedication. The applicant shall dedicate an approximately 9 feet of right of way along the frontage of Warner Street. This dedication shall be completed prior to issuance of permits for public improvements. The dedication can be completed via a plat or deed of dedication document or other equal process or document. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements

at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the transportation system plan.

Finding: Not Applicable. The subject site is not located on a transit route, therefore, this standard is not applicable.

17. All utility lines shall be placed underground.

Finding: Complies with Condition. No existing overhead lines exist on the side of the right of way with the proposed improvement. No new overhead utilities are proposed; however, the applicant shall provide a 10-foot-wide public utility easement along all property lines fronting existing or proposed right-of-way. The applicant shall make all necessary arrangements with utility companies to ensure underground lines are not placed within the roadway. This will allow for an area for utilities to run lines in the event they need to in the future. The easement can be provided on any form of legal document which is acceptable to the City and recordable by the County. All recording fees shall be paid by the applicant. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as Proposed. The existing parking lot includes ADA compliant parking stalls and an associated access route. Compliance with ADA and accessibility standards will be reviewed upon submittal of a building permit.

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

Finding: Not Applicable. The proposal does not include residential development.

20. Screening of Mechanical Equipment:

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

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

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

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

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

Finding: Not Applicable. No mechanical equipment is proposed within the proposed parking lot, therefore, this section is not applicable.

21. Building Materials.

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

i. Brick.

li. Basalt stone or basalt veneer.

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

iv. Board and batten siding.

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

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

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

b. Prohibited materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.

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

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

iii. Corrugated fiberglass.

iv. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, or within the General Industrial District).

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

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

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

1. Concrete block. When used for the front facade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.

2. Metal siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level).

3. Exterior Insulation and Finish System (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

4. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.

Finding: Not Applicable. No new buildings are proposed, therefore, building materials standards within this section are not applicable. The proposal does not utilize preferred, prohibited, or special materials within this section.

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

Finding: Complies with Condition. The proposal can meet the approval criteria with the conditions of approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Please refer to the analysis within Chapter 17.58 of this report.

17.62.055 - Institutional and commercial building standards.

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

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

Finding: Not Applicable. No new buildings or changes to the existing building are proposed as part of this development application, therefore, institutional and commercial building standards within this section are not applicable to the development proposal.

17.62.056 - Additional standards for large retail establishments.

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

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

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

Finding: Not Applicable. The proposal does not involve a large retail establishment, therefore, standards within this section are not applicable.

17.62.057 - Multi-family standards.

B. Applicability. In addition to [Section 17.62.050](#) requirements, all multi-family buildings shall comply with the design standards contained in this section. Cottage Housing Development shall follow OCMC 17.62.58 instead of this section.

Finding: Not Applicable. The proposal does not involve a multi-family development, therefore, standards within this section are not applicable.

17.62.059 - Cottage housing.

Finding: Not Applicable. The proposal does not involve a cottage housing development, therefore, standards within this section are not applicable.

17.62.065 - Outdoor lighting.

B. Applicability.

1. General.

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

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

Finding: Applicable. The proposed development includes commercial development, therefore, this section is applicable.

2. Lighting Plan Requirement.

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

Finding: Not Applicable. A lighting plan was not submitted, however, no new lighting or changes to existing lighting is proposed or required, therefore, a lighting plan is not necessary.

3. Excepted Lighting.

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

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

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

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

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

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

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

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

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

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

Finding: Please refer to the findings within this report.

D. Design and Illumination Standards.

General Outdoor Lighting Standard and Glare Prohibition.

1. 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.

Finding: Not Applicable. No new lighting or changes to existing lighting is proposed as part of this development application.

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

Finding: Not Applicable. No new lighting or changes to existing lighting is proposed as part of this development application.

3. Lighting levels:

Table 1-17.62.065. Foot-candle Levels

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

4. *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.

Finding: Not Applicable. No new lighting or changes to existing lighting is proposed as part of this development application. The proposed parking lot does not include designated pedestrian walkways or bicycle parking areas.

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

6. *Lighting on outdoor canopies* shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.

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

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

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

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

Finding: Not Applicable. No new lighting or changes to existing lighting is proposed as part of this development application.

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

Finding: Not Applicable. The subject site is not a wireless site.

12. *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.

Finding: Not Applicable. The development does not include recreational uses.

17.62.080 - *Special development standards along transit streets.*

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

Finding: Not Applicable. The subject site is not located on a transit street.

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

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

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

C. Fully enclosed and visually screened;

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

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

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

G. Maintained by the property owner;

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

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

Finding: Not Applicable. No new refuse and recycling enclosures or changes to existing refuse and recycling enclosures are proposed as part of this development application.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.015 - *Planning commission adjustment of parking standards.*

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

minimum or maximum parking standard may be approved based on a determination by the planning commission that the adjustment is consistent with the purpose of this Code, and the approval criteria can be met.

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

Finding: Applicable. This land use application includes an application for a Type III Parking Adjustment, which requests approval to exceed the maximum parking allowance onsite. The maximum parking allowance for this building is 15 spaces based on the parking requirements for medical/dental clinics, and retail uses in OCMC 17.52.020. The existing parking lot contains 21 parking stalls. The applicant has proposed an additional 18 parking stalls for a total of 39 parking stalls.

The purpose of the maximum parking allowance is to avoid overabundance of parking which encourages single occupancy auto use and creates vast areas of pavement which create greater stormwater impacts, urban heat island impacts, and contribute to suburban sprawl. The maximum parking code also exists to encourage efficient use of land and utility and transportation infrastructure, and avoid the creation of parking lots that are sized to handle parking needs that only occur one or a few times a year, such as retail parking lots sized for holiday shopping seasons, which are less than half full most days of the year.

The purpose of the parking adjustment provisions is to provide flexibility to those uses which may be extraordinary or unique. The applicant has provided a detailed description of the uses and staffing levels required. The applicant has also submitted a parking analysis of on-street parking in the vicinity, and details on the parking needed by the Milner Veterinary Clinic staff and clients.

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.

Finding: Does not Comply. The reductions alluded to in this section are not relevant to this application, as the applicant has proposed to exceed the maximum parking, not to reduce the minimum. Therefore, this standard should be read to require that the applicant demonstrate that the parking needs for the project are greater than the maximum number of off-street parking allowed by the code.

The applicant submitted a parking occupancy study showing the amount of parking that Milner Veterinary Clinic staff and clients occupy. The study was conducted over thirteen separate days, which included both weekends and weekdays, at varying times throughout the day. The parking study has demonstrated that the Milner Veterinary Clinic requires an amount of parking different than the maximum allowed by the code, due to the number of staff members. The applicant's study showed that on average there are 13 staff members in need of parking and as many as 18 at one time.

The applicant's study showed that at any given time, there were on average 23 total visitors and employees utilizing both the clinic's parking lot and on-street parking on Warner Street and Prospect Street. The lowest number of total employees and clients documented during the parking study was 16, and the highest number of total employees and clients documented during the parking study was 32.

Results of Parking Study

	Number of Parking Stalls Needed
Lowest No. of Employees and Visitors Needing Parking	16
Average No. of Employees and Visitors Needing Parking	23
Highest No. of Employees and Visitors Needing Parking	32

The maximum number of off-street parking spaces allowed by the code is 15 spaces for the clinic and retail (self-service dog wash) use, but the site currently contains 21 parking stalls. There is also an opportunity to park within the right-of-way. Aside from the 10 on-street parking spaces in front of the clinic's property, there are approximately 120 additional on-street parking spaces within 600 feet of the site along Warner Street, Prospect Street, Beverly Drive, May Street, Hughes Street, and Harris Lane. The applicant has demonstrated that due to the clinic's staffing needs, the clinic requires more parking than the maximum allowed by the Oregon City Municipal Code (15 stalls), however, the applicant has not provided adequate justification for why the 21 stalls on the site are inadequate given the 10 adjacent on-street stalls, and the approximately 120 additional on-street parking spaces within 600 feet.

The applicant did not demonstrate why the 39 stalls proposed are needed. No shared parking agreement is proposed under this application, so the 39 proposed off-street parking stalls would serve only the Milner Veterinary Clinic and would exceed even the highest number of parked cars that were documented during the parking study for clinic. Without even taking into consideration available on-street parking, the requested number of stalls would provide more than one and a half times the amount of parking of the average number of needed stalls documented during the parking study, and more than double the amount of parking needed during the lowest parking occupancy period documented during the study.

As part of the justification for the additional parking, the applicant identified that there are plans to expand the clinic in the future, which would result in a need for more parking due to the additional building square footage and a loss in parking to accommodate the expansion footprint. Though an expansion of the building would increase the maximum number of parking stalls allowed, adequacy of the amount of available parking would be evaluated at the time of the expansion, because at this time details of the size of the expansion are unknown and there is no way to guarantee that an expansion will be approved or built. Except for master plan developments which are built through multiple phases, parking stall demand is calculated based on existing conditions, not future plans for development. Though the applicant has shown that the clinic requires more parking than the 15 maximum parking stalls allowed by the Oregon City Municipal Code, justification for the total 39 requested parking stalls has not been provided.

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.

Finding: Does not Comply. 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 the minimum requirement, therefore the inverse of the criteria applies.

In addition to the parking analysis of Milner Veterinary Clinic staff and clients, the applicant submitted a separate parking study evaluating overall on-street parking availability along the clinic property's frontage by providing parking counts showing how many of the parking stalls along the clinic's frontage were occupied on different days at various times throughout the day. This study takes into consideration not only parked vehicles associated with Milner Veterinary Clinic, but also on-street parking along the property's frontage occupied by neighborhood residents, visitors, and staff and clients of the dental clinic at 1104 Molalla Avenue. Detailed information is provided in the applicant's parking study in Exhibit 4.

This section allows for on-street parking within up to 600 feet of the site to be considered within the parking study, however, the analysis submitted by the applicant only evaluates on-street parking availability along the property's frontage. Aside from the 10 on-street parking spaces in front of the clinic's property, there are approximately 120 additional on-street parking spaces within 600 feet of the site along Warner Street, Prospect Street, Beverly Drive, May Street, Hughes Street, and parts of Harris Lane. Though Bullard Street and Molalla Avenue are within 600 feet of the site, there is no on-street parking on Molalla Avenue, and Bullard Street is not wide enough to allow for on-street parking, therefore, these streets were not considered when calculating the number of on-street parking spaces in the vicinity of the site. Driveway curb cuts and areas where parking is prohibited were also excluded when calculating the approximate number of on-street parking stalls in the vicinity of the veterinary clinic (Figure 5).

Figure 5: On-street Parking within 600 feet of Milner Veterinary Clinic



Because the applicant did not submit a parking analysis of on-street parking within 600 feet of the subject site, staff utilized aerial photographs from the past five years, the most recent Google aerial images, the most recent Bing aerial images, and the most recent Google Streetview images to demonstrate that on-street parking in the area is consistently available. Of the approximately 130 on-street parking spots within 600 feet of the site, an average of 23 on-street stalls were occupied between the different mapping sources used, meaning that approximately 107 on-street parking stalls were consistently available within 600 feet of the subject site (Exhibit 5).

On-street parking in the area is a valuable shared public amenity that already exists and can be efficiently utilized to serve neighborhood residents, employees and patrons of neighborhood businesses, and the general public. Utilization of available on-street parking allows for efficient use of both private property and public right-of-way. In addition, on-street parking can also act as a traffic-calming measure, by narrowing the width of the driving lane and causing drivers to slow down, pay attention to their surroundings and drive more cautiously.

Though the applicant has demonstrated that the clinic requires more parking than the 15 maximum parking stalls allowed by the code, the applicant has not provided justification for a total of 39 parking stalls, and it appears that any additional parking needs can be accommodated with the ample on-street parking in the vicinity of clinic.

Staff finds that the applicant has not demonstrated that the clinic's parking needs cannot be met with the existing on-street parking in the vicinity of the clinic, therefore, this standard has not been met.

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.

Finding: Complies as Proposed. The additional parking will result in an increase in impervious surface which contributes to the urban heat island effect and stormwater runoff, however, these impacts are offset by proposed stormwater management and parking lot landscaping. The applicant submitted several letters of support from neighboring residents and businesses, and a petition from clients of Milner Veterinary Clinic identifying support for the proposed parking lot. Additionally, public notice for the proposed project was provided via signs on the subject site, mailed notice to properties within 300 feet, and in the newspaper, and no comments identifying that the project would significantly impact use or function of the site were received.

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

Finding: Complies as Proposed. The surrounding neighborhood is located near the Molalla Avenue corridor and includes a mix of residential and commercial uses. The area includes several parking lots for businesses located on Molalla Avenue, and the proposed parking lot would be consistent with the neighborhood's character, scale and uses. The applicant submitted several letters of support from neighboring residents and businesses, and a petition from clients of Milner Veterinary Clinic identifying support for the proposed parking lot. Additionally, public notice for the proposed project was provided via signs on the subject site, mailed notice to properties within 300 feet, and in the newspaper, and no comments identifying that the project is incompatible with the neighborhood were received.

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

Finding: Complies as Proposed. The parking lot is designed in conformance with City standards, ensuring that turning, maneuvering and egress routes are adequately configured for safe use. The applicant submitted several letters of support from neighboring residents and businesses, and a petition from clients of Milner Veterinary Clinic identifying support for the proposed parking lot. Additionally, public notice for the proposed project was provided via signs on the subject site, mailed notice to properties within 300 feet, and in the newspaper, and no comments identifying safety concerns were received.

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

Finding: Complies as Proposed. The proposed parking lot 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 new structures are proposed as part of this development. Public notice for the proposed project was provided via signs on the subject site, mailed notice to properties within 300 feet, and in the newspaper, and no comments identifying concerns about impacts to public services were received. Additionally, no comments were received from Clackamas Fire District.

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

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

<i>Light Industrial, Industrial Park</i>	<i>1.3</i>	<i>1.60</i>
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1. *Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.*

Finding: Complies as Proposed. The existing use is a veterinary clinic with approximately 3,800 square feet of net leasable area. Approximately 900 SF of the building is a self-service dog wash, and the remaining 2,900 SF is the veterinary clinic area. Based on the parking requirements for medical or dental clinic, a minimum of 8 parking stalls are required, and a maximum of 10 parking stalls are allowed for the clinic. Using the parking requirements for a retail use, a minimum of 4 parking stalls, and a maximum of 5 parking stalls are allowed for the self-service dog wash. In total, the building requires a minimum of 12 parking stalls and a maximum of 15 parking stalls. The existing parking lot is developed with 21 parking stalls and the applicant has proposed an additional parking lot with 18 spaces for a total of 39 parking stalls. Because the proposal exceeds the maximum number of parking stalls allowed by the code, the applicant has requested a Planning Commission parking adjustment in accordance with 17.52.015. Please refer to the analysis in Section 17.52.015 of this report.

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

Finding: Complies as Proposed. The existing use is a veterinary clinic which is not listed in the Table 17.52.020, however, the use is substantially similar to medical or dental clinics and offices which are listed in Table 17.52.020 and require a minimum of 2.7 parking stalls and a maximum of 3.33 parking stalls. The building also includes a self-service dog wash, which is not a listed use in Table 17.52.020. The self-service dog wash use is more similar to a retail use rather than a clinic because visitors can drop in at anytime unlike a clinic use where clients are regulated by appointment times.

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

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

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

Finding: Complies as Proposed. The applicant has requested a Planning Commission parking adjustment for additional parking for visitors, customers and employees. The applicant has not proposed to utilize the minimum number of parking stalls for any other purpose.

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

Finding: Not Applicable. The subject site is not located within the MUD Design District or the Willamette Falls Downtown District, therefore, this standard is not applicable.

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

1. *Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or*

at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the community development director.

2. *Shared Parking.* Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.

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

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

1. Parallel parking, each [twenty-two] feet of uninterrupted and available curb;
2. [Forty-five/sixty] degree diagonal, each with [fifteen] feet of curb;
3. Ninety degree (perpendicular) parking, each with [twelve] feet of curb.

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

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

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

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

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

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

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

b. Transportation demand management (TDM) program has been developed for approval by, and is approved by the city engineer. The plan will contain strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the

city determines the plan is not successful, the plan may be revised. If the city determines that no good-faith effort has been made to implement the plan, the city may take enforcement actions.

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

Finding: Not Applicable. The applicant has not requested a reduction to the number of automobile spaces required, therefore, this standard is not applicable.

17.52.030 - Standards for automobile parking.

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

Finding: Complies with Condition. The access point shown on the engineering plans by kpff is acceptable as shown. All driveways, proposed and existing, shall be made ADA compliant. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as Proposed. The materials shown within the application are acceptable.

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

Finding: Complies with Condition. The development shall comply with the current version of the Oregon City Stormwater and Grading Design Standards. While the plan proposes pervious asphalt, the applicant will still need to show that all standards are met. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

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

Finding: Complies with Condition. The applicant has proposed 18 new parking stalls. The proposed stalls are 90-degree standard-sized stalls. The stalls are in compliance with the stall width and length requirements, however, the proposed aisle widths exceed 24 feet. The aisle width on the east side of the parking lot is 29 feet in width in order to accommodate the maneuvering of cars parked in the corner stalls, however, the drive aisle adjacent to the driveway is 32 feet in width exceeding the aisle width for standard-sized 90-degree stalls. Prior to issuance of a permit associated with the development, the applicant shall submit a revised parking lot layout in which the drive aisle adjacent to the driveway does not exceed 24 feet in width. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Not Applicable. The development does not include seventy-five or more parking spaces or any of the uses identified within this section as requiring carpool or vanpool parking, therefore, this section is not applicable.

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.

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

Required Bicycle Parking Spaces*

USE	MINIMUM BICYCLE PARKING	MINIMUM BICYCLE PARKING - COVERED
Office	1 per 20 auto spaces (min. of 2)	50% (min. of 1)
Medical and Dental Clinic	1 per 20 auto spaces (min. of 2)	50% (min. of 1)

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

Finding: Complies as Proposed. The proposal includes a total of 39 parking stalls requiring two bicycle parking spaces ($39/20 = 1.95$). The existing veterinary clinic is developed with a bicycle parking rack which accommodates two bicycles, therefore, no additional bicycle parking is required.

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

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.

Finding: Not Applicable. No new bicycle parking or changes to existing bicycle parking are proposed or required as part of this development application.

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.

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.

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.

4. Accessibility.

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

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

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

Finding: Not Applicable. The clinic has existing bicycle parking which complies with minimum bicycle parking requirements. No new bicycle parking or changes to existing bicycle parking are proposed or required as part of this development application.

17.52.060 - Parking lot landscaping.

A. Development Standards.

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

Finding: Complies as Proposed. The proposed landscaping throughout the parking lot is uniformly distributed.

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

Finding: Complies with Condition. The parking lot includes a drive aisle that is wider than required. The additional drive aisle width is not required for maneuvering or circulation. Prior to issuance of a permit associated with the proposed development, the applicant shall provide a revised parking lot layout in which the drive aisle adjacent to the driveway is no more than 24 feet in width and all areas in the parking lot not used for parking, maneuvering, or circulation are landscaped. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as Proposed. The landscape plan includes a mix of deciduous and coniferous trees spread 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;

Finding: Complies as Proposed. The landscape plan identifies that all parking lot trees will be a minimum of two inches in caliper and planted according to American Nurseryman standards.

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

Finding: Complies as Proposed. The applicant submitted an irrigation plan demonstrating compliance with this criterion.

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

Finding: Complies with Condition. The landscaping plan includes Otto Luyken English Laurel (*Prunus laurocerasus*) which is listed on the Oregon City Nuisance Plant List. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised landscaping plan which does not include Otto Luyken English Laurel (*Prunus laurocerasus*) or any other species on the Oregon City Nuisance Plant List. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as Proposed. The parking lot landscaping does not obstruct lines of sight or impede safe traffic operation.

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

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

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

Finding: Complies as Proposed. The landscaping plan includes a five-foot wide perimeter parking lot landscaping buffer where the proposed parking lot abuts the right-of-way or adjacent properties.

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

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

Finding: Complies as Proposed. The perimeter parking lot landscaping includes trees spaced no more than 35 feet apart, and includes one tree on either side of the entryway.

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

Finding: Complies with Condition. The perimeter parking lot includes ground cover spaced a maximum of 16-inches on center, however the landscaping plan did not identify that the groundcover will cover one hundred percent of the exposed ground within three years or that no bark mulch shall be allowed under the canopy of shrubs and within two feet of the base of trees. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised landscaping plan which identifies that no bark mulch will be allowed except under the canopy of shrubs and within two feet of the base of trees, and that ground cover will cover one hundred percent of the exposed ground in the perimeter parking area within three years of planting. **Staff has determined that it is possible likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as Proposed. The landscaping plan includes shrubs spaced no more than 4 feet on center on average.

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

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

Finding: Not Applicable. The proposed parking lot is located on a separate property from the building, therefore, parking area/building buffer landscaping for the new parking lot is not required.

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 stormwater runoff, and provide pavement shade. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site landscaping required by Section 17.62.050(1) unless otherwise permitted by the dimensional standards of the underlying zone district. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Interior parking lot landscaping shall include.

Finding: Complies as Proposed. The gross area of the parking lot is approximately 6,150 square feet in size, and the applicant has proposed approximately 850 square feet of interior parking lot landscaping resulting in approximately 13.8% landscaping of the interior of the gross area of the parking lot ($850/6150 = 0.1382$).

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

Finding: Complies as Proposed. The parking lot includes 18 parking stalls, therefore, 3 interior parking lot trees are required. The applicant has proposed four trees within the interior parking lot area, therefore, the standard is met.

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

Finding: Complies with Condition. The interior parking lot landscaping includes ground cover spaced a maximum of 16-inches on center, however the landscaping plan did not identify that the groundcover will cover one hundred percent of the exposed ground within three years or that no bark mulch shall be allowed under the canopy of shrubs and within two feet of the base of trees. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised landscaping plan which identifies that no bark mulch will be allowed except under the canopy of shrubs and within two feet of the base of trees, and that ground cover will cover one hundred percent of the exposed ground in the interior parking lot landscaping area within three years of planting. **Staff has determined that it is possible likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies with Condition. The interior parking lot landscaping in the southeast corner of the parking lot includes shrubs spaced more than four feet apart on average. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised landscaping plan which includes shrubs spaced no more than four feet apart on average within the interior parking lot

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

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

Finding: Complies as Proposed. The proposed parking lot layout does not include more than eight contiguous parking stalls without an interior landscape strip between them.

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

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

Finding: Not Applicable. The proposed parking lot layout does not include pedestrian walkways within the parking lot.

E. Installation.

1. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.

2. The site, soils and proposed irrigation systems shall be appropriate for the healthy and long-term maintenance of the proposed plant species.

3. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the city, such as the posting of a surety.

Finding: Complies with Condition. The landscaping plan identified that all proposed plants will comply with American Nurseryman Standards, and provided an irrigation plan to ensure proper irrigation for the proposed parking lot landscaping. There is no certificate of occupancy associated with a parking lot, therefore, within 120 days of construction onsite commencing, all landscaping shall be planted per the approved landscaping plan or other arrangements, such as the posting of a surety, shall be made in order to ensure the planting of parking lot landscaping. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.52.070 - Alternative landscaping plan.

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

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

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

Finding: Not Applicable. The applicant did not propose an alternative landscaping plan.

17.52.080 - Maintenance.

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

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

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

Finding: Complies as Proposed. The applicant's narrative identified that the property owner acknowledges responsibility for the maintenance of all parking areas.

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.

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.

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

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

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

Finding: Not Applicable. No loading areas are proposed.

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

12.04.003 - *Applicability.*

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

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

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

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

Finding: Applicable. This project falls under a Type II review, site plan and design review; therefore, public improvements and street trees are required where appropriate.

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

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

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

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

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

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

Finding: Complies with Condition. The City has jurisdiction over Warner Street and the development exists within the City Limits. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.007 - Modifications.

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

A. The modification meets the intent of the standard;

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

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

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

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

Finding: Not Applicable. No modification has been requested.

12.04.010 - Construction specifications—Improved streets.

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

Finding: Complies with Condition. The plans propose work on Warner Street. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the current 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.020 - Construction specifications—Unimproved streets.

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

Finding: Complies with Condition. The plans are adding sidewalk where none currently exists on Warner Street. The workmanship and materials for any work performed under permits issued by Oregon City Public Works 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.025 - Street design—Driveway curb cuts.

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

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

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

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

Figure 12.04.025: Example Driveway Curb Cut

Finding: Complies with Condition. One new driveway access point is proposed. The width is acceptable as shown in the application. In the event the width needs to change, All driveways (curb cuts), new and existing, shall meet the minimum and maximum driveway width standards identified in Table

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

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

- 1. To provide adequate space for on-street parking;*
- 2. To facilitate street tree planting requirements;*
- 3. To assure pedestrian and vehicular safety by limiting vehicular access points; and*
- 4. To assure that adequate sight distance requirements are met.*

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

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

Finding: Complies as Proposed. The access location meets the minimum number of curb cuts allowed for the site. It will allow for street tree planting and adequate safety and site distance. The location should remain directly across from the existing access into the main parking lot.

D. For all driveways, the following standards apply.

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

Finding: Complies with Condition. The driveway as proposed is acceptable. All driveways, proposed and existing, shall be made ADA compliant. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Not applicable. No exceptions have been requested.

12.04.032 - Required sidewalk repair.

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

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

C. The public works director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the public works director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

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

Finding: Not Applicable. No sidewalk is being repaired.

12.04.050 - Retaining walls—Required.

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

Finding: Not Applicable. No retaining walls are required.

12.04.060 - Retaining walls—Maintenance.

When a retaining wall is necessary to keep the earth from falling or sliding onto the sidewalk or into a public street and the property owner or person in charge of that property fails or refuses to build such a wall, such shall be deemed a nuisance. The violation of any provision of this chapter is subject to the code enforcement procedures of Chapters [1.16](#), [1.20](#) and [1.24](#).

Finding: Not Applicable. No retaining walls require maintenance.

12.04.170 - Street design—Purpose and general provisions.

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

Finding: Complies with Condition. Public Works has many policies and design standards that should be adhered to. The applicant shall provide construction plans, stamped and signed by a professional

engineer licensed in the State of Oregon, containing street, grading, stormwater, sanitary sewer and water infrastructure improvements that conforms to all current Oregon City Public Works standards, specifications, codes, and policies for review and approval by the City. The property owner shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property. The applicant shall pay all fees associated with processing and recording the Non-Remonstrance Agreement. The development's contractor(s) and engineer(s) shall attend a pre-construction meeting with Oregon City staff prior to beginning construction work associated with the project. As-builts conforming to City standards shall be provided within 90 days of completion of the public improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.175 - Street design—Generally.

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

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

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

Finding: Complies with Condition. The street widening, curb, and sidewalk as proposed is acceptable. A number of design standards are required. The location, widths, and grades of the proposed street system provides for the continuation or appropriate projection of existing principal streets in the surrounding area and gives access for future development of adjoining land. The development has provided a convenient street system for the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. Although the veterinary clinic property is also part of this project, all proposed construction will take place on the vacant lot across Warner Street from the veterinary clinic. Due to the area of proposed development and consideration for proportionality between improvement requirements and impacts of the proposed development, improvements on the veterinary clinic's frontage are not required as part of this application. Half Street Improvements to Warner Street shall consist of a pavement to achieve 18 feet of pavement from centerline to face of curb, a 0.5' curb, 5 foot sidewalk and 0.5' behind the sidewalk. The applicant shall provide a 10-foot-wide public utility easement along all property lines fronting existing or proposed right-of-way. The applicant shall make all necessary arrangements with utility companies to ensure underground lines are not placed within the roadway. The applicant shall ensure existing street lights along Warner Street are in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). The applicant shall submit a photometric plan for verification. If standards are not met, new street lights shall be proposed. The engineering plans shall provide a local benchmark onsite using the NAVD88 datum. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.180 - Street design.

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

Table 12.04.180 Street Design

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

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

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

1. Pavement width includes, bike lane, street parking, travel lanes and median.

2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.

3. A 0.5 foot curb is included in landscape strip or sidewalk width.

4. Travel lanes may be through lanes or turn lanes.

5. The 0.5 foot public access provides access to adjacent public improvements.

6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.

Finding: Complies with Condition. The submitted plan appears to address the requirements of the section. The location, widths, and grades of the proposed street system provides for the continuation or appropriate projection of existing principal streets in the surrounding area and gives access for future development of adjoining land. The development has provided a convenient street system for the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. Although the veterinary clinic property is also part of this project, all proposed construction will take place on the vacant lot across Warner Street from the veterinary clinic. Due to the area of proposed development and consideration for proportionality between improvement requirements and impacts of the proposed development, improvements on the veterinary clinic's frontage are not required as part of this application. Half Street Improvements to on the southern side of Warner Street shall consist of a pavement to achieve 18 feet of pavement from centerline to face of curb, a 0.5' curb, 5 foot sidewalk and 0.5' behind the sidewalk. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.185 - Street design—Access control.

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

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

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

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

Finding: Complies as Proposed. The one access point as proposed meets the standards.

12.04.190 - Street design—Alignment.

The centerline of streets shall be:

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

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

Finding: Complies as Proposed. The new access to the new parking lot aligns with the existing access to the existing parking lot and is acceptable as proposed.

12.04.194 - Traffic sight obstructions.

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

Finding: Not Applicable. No new streets are proposed.

12.04.195 - Spacing standards.

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

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

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

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

Finding: Complies as Proposed. The one access point as proposed meets the standards.

12.04.205 - Mobility standards.

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

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

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

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

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

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

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

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

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

1. For signalized intersections:

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

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

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

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

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

I-205/OR 99E Interchange

I-205/OR 213 Interchange

OR 213/Beavercreek Road

State intersections located within or on the Regional Center Boundaries

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

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

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

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

Finding: Not Applicable. No intersections are affected by this 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.

Finding: Not Applicable. No new streets are proposed.

12.04.215 - Street design—Off-site street improvements.

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

Finding: Complies with Condition. The submitted plan appears to address the requirements of the section. The location, widths, and grades of the proposed street system provides for the continuation or appropriate projection of existing principal streets in the surrounding area and gives access for future development of adjoining land. The development has provided a convenient street system for the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. Although the veterinary clinic property is also part of this project, all proposed construction will take place on the vacant lot across Warner Street from the veterinary clinic. Due to the area of proposed development and consideration for proportionality between improvement requirements and impacts of the proposed development, improvements on the veterinary clinic's frontage are not required as part of this application. Half Street Improvements to Warner Street shall consist of a pavement to achieve 18 feet of pavement from centerline to face of curb, a 0.5' curb, 5 foot sidewalk and 0.5' behind the sidewalk. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.220 - Street design—Half street.

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

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

Finding: Complies with Condition. Numerous pavement cuts are proposed. All pavement cuts and restoration shall comply with the City of Oregon City Pavement Cut Standards. Pavement cuts and restoration for Warner Street shall be to T-cut Standard in accordance with the City of Oregon City Pavement Cut Standards. The submitted plan appears to address the requirements of the section. The location, widths, and grades of the proposed street system provides for the continuation or appropriate projection of existing principal streets in the surrounding area and gives access for future development of adjoining land. The development has provided a convenient street system for the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. Half Street Improvements to Warner Street shall consist of a pavement to achieve 18 feet of pavement from centerline to face of curb, a 0.5' curb, 5 foot sidewalk and 0.5' behind the sidewalk. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

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

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

Finding: Not Applicable. No cul-de-sacs or dead end streets are proposed.

12.04.230 - Street design—Street names.

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

Finding: Not Applicable. No new streets are proposed.

12.04.235 - Street design—Grades and curves.

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

Finding: Not Applicable. No new streets are proposed.

12.04.240 - Street design—Development abutting arterial or collector street.

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

abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

Finding: Not Applicable. No new streets are proposed.

12.04.245 - Street design—Pedestrian and bicycle safety.

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

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

Finding: Not Applicable. No new streets are proposed.

12.04.255 - Street design—Alleys.

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

Finding: Not Applicable. No new streets are proposed.

12.04.260 - Street design—Transit.

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

Finding: Not Applicable. No new streets are proposed.

12.04.265 - Street design—Planter strips.

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

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

Finding: Complies as Proposed. The planter strip proposed on sheet C2.0 of the plans shall be provided with the final engineering plans.

12.04.270 - Standard construction specifications.

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

Finding: Complies with Condition. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. The workmanship and materials for any work performed under permits issued by Oregon City Public Works 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Chapter 12.08 - PUBLIC AND STREET TREES^[2]

12.08.015 - Street tree planting and maintenance requirements.

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

Finding: Complies as Proposed. The applicant submitted a street tree plan which included trees placed in a planter strip along the frontages of the development.

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

Finding: Complies as Proposed. The subject site includes 107 feet of frontage, requiring 3 street trees ($107/35 = 3.057$). The applicant has proposed three street trees along the property's frontage. Although the veterinary clinic property is also part of this project, all proposed construction will take place on the vacant lot across Warner Street from the veterinary clinic. Due to the area of proposed development and consideration for proportionality between improvement requirements and impacts of the proposed development, improvements on the veterinary clinic's frontage, including street trees, are not required as part of this application.

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

- 1. Fifteen feet from streetlights;*
- 2. Five feet from fire hydrants;*

3. Twenty feet from intersections;
4. A minimum of five feet (at mature height) below power lines.

Finding: Complies as Proposed. The applicant submitted a street tree plan with preliminary locations of street trees which demonstrates compliance with clearance requirements within this section.

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

Finding: Complies as Proposed. The applicant's landscaping plan identified that all proposed trees will be a minimum of two inches in caliper.

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

Finding: Complies as Proposed. The applicant's narrative identified that the owner will be responsible for maintenance, pruning, and trimming of street trees and will comply with clearance requirements within this section.

12.08.020 - Street tree species selection.

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

Finding: Complies as Proposed. There is no established street tree scheme along the property's frontage. The proposed street trees are Pink Flair Cherries which are on the Oregon City Adopted Street Tree List.

12.08.025 - General tree maintenance.

Abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

Finding: Complies as Proposed. The applicant's narrative identified that the owner will be responsible for maintenance of street trees in accordance with this section.

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](#)

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

Finding: Not Applicable. The applicant has not proposed removal of a public tree.

12.08.040 - Heritage Trees and Groves.

Finding: Not Applicable. The applicant did not propose to designate or remove a heritage tree or grove.

Chapter 13.12 - STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

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

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

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

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

Finding: Applicable. The development shall comply with the current version of the Oregon City Stormwater and Grading Design Standards. The applicant shall provide an updated engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items, where applicable, from the Section 9 of the Public Works Stormwater and Grading Design Standards. While the plan proposes pervious asphalt, the applicant will still need to show that all standards are met.

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

- 1. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment*

project. These square footage measurements will be considered cumulative for any given five-year period; or

- 2. Activities that create or replace more than five thousand square feet of impervious surface per parcel or lot, cumulated over any given five-year period.*

Finding: Applicable. The development shall comply with the current version of the Oregon City Stormwater and Grading Design Standards. The applicant shall provide an updated engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items, where applicable, from the Section 9 of the Public Works Stormwater and Grading Design Standards. While the plan proposes pervious asphalt, the applicant will still need to show that all standards are met.

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

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

Finding: Not Applicable. The proposed development does not meet the criteria for exemption; however, the criteria for stormwater management may not be triggered. The development shall comply with the current version of the Oregon City Stormwater and Grading Design Standards. The applicant shall provide an updated engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items, where applicable, from the Section 9 of the Public Works Stormwater and Grading Design Standards. While the plan proposes pervious asphalt, the applicant will still need to show that all standards are met.

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

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

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

13.12.080 - Submittal requirements.

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

Finding: Complies with Condition. The development shall comply with the current version of the Oregon City Stormwater and Grading Design Standards. The applicant shall provide an updated engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items, where applicable, from the Section 9 of the Public Works Stormwater and Grading Design Standards. While the plan proposes pervious asphalt, the applicant will still need to show that all standards are met. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

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

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

Finding: Complies with Condition. The development shall comply with the current version of the Oregon City Stormwater and Grading Design Standards. The applicant shall provide an updated engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and

signed by a licensed engineer addressing all items, where applicable, from the Section 9 of the Public Works Stormwater and Grading Design Standards. While the plan proposes pervious asphalt, the applicant will still need to show that all standards are met. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

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

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

13.12.120 - Standard construction specifications.

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

Finding: Complies with Condition. The development shall comply with the current version of the Oregon City Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.140 - Maintenance of public stormwater facilities.

A. A stormwater facility that receives stormwater runoff from a public right-of-way shall be a public facility. Upon expiration of the warranty period and acceptance by the city as described below, the city shall be responsible for maintenance of those public stormwater facilities. Access for maintenance of the stormwater facilities shall be provided to the city through the granting of a stormwater easement or other means acceptable to the city.

B. Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the city a separate two-year landscaping maintenance bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of stormwater conveyance systems shall occur when the city accepts the stormwater conveyance system.

C. The city will perform an inspection of the development's entire publicly maintained stormwater system approximately forty-five days before the two-year warranty period expires. The stormwater system must be found to be in a clean, functional condition by the city engineer before acceptance of maintenance responsibility by the city.

Finding: Not Applicable. No public facilities are proposed.

13.12.145 - Maintenance of private stormwater facilities.

A. An applicant shall submit an operation and maintenance plan for each proposed stormwater facilities, unless exempted in the Public Works Stormwater and Grading Design Standards. The information in the operation and maintenance plan shall satisfy the requirements of the Public Works Stormwater and Grading Design Standards.

B. Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. A maintenance log is required to document facility inspections and specific maintenance activities. The log shall be available to city inspection staff upon request.

C. Failure to operate or maintain a stormwater facility according to the operation and maintenance plan may result in an enforcement action under [Section 13.12.150](#).

Finding: Complies with Condition. The development shall prepare a Stormwater Operations and Maintenance Plan for the porous asphalt pavement parking lot and have it recorded with a Stormwater Access and Maintenance Covenant. The applicant shall execute a “Maintenance Covenant and Access Easement For Privately Owned Stormwater Management Facilities” and pay associated recording fees. The covenant shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The Maintenance Covenant and Access Easement shall be reviewed and accepted by the City prior to recording. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

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

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

Finding: Applicable. The site engineering plans will be used in lieu of a grading plan for approval of the project. A building permit will be issued for all work completed onsite based on the approved engineering plans.

15.48.090 Submittal requirements.

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

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

1. No portion of the proposed site is within the flood management area overlay district pursuant to Chapter 17.42, the unstable soils and hillside constraints overlay district pursuant to Chapter 17.44, or a water quality resource area pursuant to Chapter 17.49; and

2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.

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

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

1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;

2. When an embankment for a stormwater pond is created by the placement of fill;

3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.

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

Finding: Complies as Proposed. The site engineering plans will be used in lieu of a grading plan for approval of the project. A building permit will be issued for all work completed onsite based on the approved engineering plans.

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

17.47.070 Erosion and sediment control plans.

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

Finding: Complies with Condition. The applicant shall obtain an Erosion control permit prior to commencement of any earth disturbing activities. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan prior to issuance of an erosion control permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.41 - TREE PROTECTION STANDARDS

17.41.020 - Tree protection—Applicability.

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

2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.

3. Tree canopy removal greater than twenty-five percent on sites greater than twenty-five percent slope, unless exempted under Section 17.41.040, shall be subject to these standards.

4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter 12.08.050 shall be subject to the standards of this section.

Finding: Applicable. The proposed development includes a Site Plan and Design Review application, therefore, Chapter 17.41 is applicable.

17.41.030 - Tree protection—Conflicting code provisions.

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

Finding: Not Applicable. The trees within the boundaries of the property or associated with the proposed development onsite are regulated under this section of code and do not fall under any other protections within the City's development codes.

17.41.040 - Same—Exemptions.

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

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

17.41.050 - Same—Compliance options.

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

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

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

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

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

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

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

1. Preclude achieving eighty percent of minimum density with reduction of lot size; or

2. Preclude meeting minimum connectivity requirements for subdivisions.

Finding: Complies as Proposed. The applicant has proposed removal of two trees. The applicant provided an arborist letter prepared by Certified Arborist, Justin Keane (ISA #1551) identifying that both trees are in poor health and hazardous and recommending removal of both trees onsite.

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.

Finding: Complies as Proposed. The applicant has proposed removal of two trees. The applicant provided an arborist letter prepared by Certified Arborist, Justin Keane (ISA #1551) identifying that both trees are hazardous and in poor health and recommending removal of both trees. In accordance with this section, trees that are dead, diseased, or hazardous do not require mitigation, therefore, no mitigation is required for the trees proposed to be removed.

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.

Finding: Not Applicable. Mitigation trees are not required because the trees being removed have been deemed hazardous by a certified arborist.

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](#).

Finding: Not Applicable. The applicant has not proposed an alternative mitigation plan in accordance with this section.

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.

Finding: Not Applicable. This mitigation option is only available to subdivision or minor partition applications, therefore, this section is not applicable.

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.

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.

Finding: Not Applicable. Mitigation trees are not required because the trees being removed have been deemed hazardous by a certified arborist.

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.

Finding: Not Applicable. Mitigation trees are not required because the trees being removed have been deemed hazardous by a certified arborist.

17.41.130 - Regulated tree protection procedures during construction.

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

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

1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.

2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the community development director.

3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.

4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.

5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.

6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the community development director.

7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.

8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.

9. The city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.

10. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.

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

Finding: Complies with Condition. Though the applicant has proposed to remove all trees onsite, there are trees located near the property line of the adjacent properties to the south, west, and east. Prior to issuance of a permit associated with the proposed development, the applicant shall provide a tree protection plan demonstrating compliance with regulated tree protection procedures during construction in OCMC 17.41.030. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

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

Finding: Complies as Proposed. The proposed Site Plan and Design Review and Planning Commission Parking Adjustment application is being reviewed pursuant with the Type III process. Notice was posted

onsite, online, mailed to property owners within 300 feet of the proposed development, and posted in the paper.

17.50.050 Preapplication Conference

A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

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

Finding: Complies as Proposed. The applicant held a pre-application conference (file PA 18-44) on December 19, 2018. The land use application was submitted within six months of the pre-application conference on April 30, 2019. The application was deemed incomplete on May 23, 2019, and after the submittal of additional information on July 30, 2019, the application was deemed complete on August 15, 2019.

17.50.055 Neighborhood Association Meeting

Finding: Complies as Proposed. The applicant attended the Barclay Hills Neighborhood Association general membership meeting on March 12, 2019 to present the proposed project.

17.50.060 Application Requirements.

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

17.50.070 Completeness Review and 120-day Rule.

Finding: Complies as Proposed. This land use application was submitted on April 30, 2019. The application was deemed incomplete on May 23, 2019, and after the submittal of additional information on July 30, 2019, the application was deemed complete on August 15, 2019. The City has until December 13, 2019 to make a final determination, however, the applicant has provided a 34-day extension to the 120-day deadline extending the timeline until January 16, 2020.

17.50.080 Complete Application--Required Information.

Finding: Complies as Proposed. This land use application was submitted on April 30, 2019. The application was deemed incomplete on May 23, 2019, and after the submittal of additional information, the application was deemed complete on August 15, 2019.

17.50.090 Public Notices.

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

17.50.100 Notice Posting Requirements.

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

17.50.140 - Performance guarantees.

When conditions of permit approval require a permittee to construct certain improvements, the city may, in its discretion, allow the permittee to submit a performance guarantee in lieu of actual construction of the improvement. Performance guarantees shall be governed by this section.

A. Form of Guarantee. Performance guarantees shall be in a form approved by the city attorney. Approvable methods of performance guarantee include irrevocable standby letters of credit to the benefit of the city issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the city. The form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city shall be reviewed and approved by the city attorney. The guarantee shall be filed with the city engineer.

B. Timing of Guarantee. A permittee shall be required to provide a performance guarantee as follows.

1. After Final Approved Design by The City: A permittee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the remaining public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer.

2. Before Complete Design Approval And Established Engineered Cost Estimate: A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the city engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. This scenario applies for a fee-in-lieu situation to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. In this case, the fee-in-lieu must be submitted as cash, certified check, or other negotiable instrument as approved to form by the city attorney.

C. Duration of the Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the city. Once the city has inspected and accepted the improvement, the city shall release the guarantee to the permittee. If the improvement is not completed to the city's satisfaction within the time limits specified in the permit approval, the city engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the city in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the city, any remaining funds shall be refunded to the permittee. The city shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the city, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the city may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.

Finding: Complies with Condition. This development is required to provide public improvements. All developments with public improvements require performance and maintenance guarantees. The applicant shall provide a performance guarantee which is equal to 120% of the estimated cost to construct all public improvements shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. The applicant shall provide a Maintenance Guarantee in the amount of fifteen percent of the cost to construct all public improvements as shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.54.100 - FENCES

Finding: Not Applicable. The applicant indicated that no fences or walls are proposed with this development.

CHAPTER 17.58 LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS

17.58.015 Applicability.

The regulations of this chapter apply only to those nonconforming situations that were lawfully established or that were approved through a land use decision. All nonconforming structures, uses or lots shall have been maintained over time. These situations have lawful nonconforming status. Nonconforming situations that were not allowed when established or have not been maintained over time have no lawful right to continue.

Finding: Applicable. The subject site is non-conforming with various criteria of the Oregon City Municipal Code, including siting of the building, building orientation, landscaping, and parking lot design, therefore, this chapter is applicable.

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

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

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

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

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

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

a. Thresholds triggering compliance. The standards of subparagraph C.2.b. below shall be met when the value of the proposed exterior alterations or additions to the site, as determined by the community development director, is more than seventy-five thousand dollars. The following alterations and improvements shall not be included in the threshold calculation:

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

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

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

c. Area of required improvements.

1. Generally. Except as provided in C.2.c.2. below, required improvements shall be made for the entire site.

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

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

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

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

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

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

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

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

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

- A Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in Subparagraph C.2.b.

- A covenant, in a form approved by the city attorney, executed by the property owner that meets the requirements of 17.50.150. The covenant shall identify development on the site that does not meet the standards listed in Subparagraph C.2.b., and require the owner to bring that development fully into compliance with this title. The covenant shall also specify the date by which the owner will be in conformance. The date must be within the compliance periods set out in Table 17.58 — 1.

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

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

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

Table 17.58—1

Compliance Periods for Option 2

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

Finding: Not Applicable. The parking lot is considered an expansion of a non-conforming structure, however, the applicant indicated that the project cost does not exceed \$75,000, therefore, the project is under the threshold for compliance with non-conforming upgrades.

CONCLUSION AND DECISION:

Based on the analysis and findings as described above, Staff concludes that the proposed Site Plan and Design Review for a site located at 1034 Molalla Avenue, Oregon City, and identified as Clackamas County Map 3-2E-05BC, Tax Lot 2300 and 3600, cannot meet the requirements as described in the Oregon City Municipal Code. Therefore, the Community Development Director recommends denial of GLUA-19-00017/SP-19-00053/PARK-19-00002 based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Vicinity Map
2. Applicant's Narrative and Plans (On File)
3. Public Comments
4. Applicant's Parking Analysis and Justification for Adjustment
5. On-street Parking Availability Analysis Prepared by Staff