



TYPE III STAFF REPORT AND RECOMMENDATION

June 8, 2020

FILE NUMBER: GLUA-20-00012/SP-20-00022/CU-20-00001: Oregon City Christian Church
Conditional Use Permit

APPLICANT: Iselin Architects
Todd Iselin
1307 7th Street
Oregon City, OR 97045

Submitted: February 24, 2020
Complete: March 20, 2020
120 Day Deadline: July 17, 2020
PC Hearing: June 8, 2020

OWNER: James L. Warnock
1179 South End Road
Oregon City, OR 97045

REPRESENTATIVE: Brent Brelje
1179 South End Road
Oregon City, OR 97045

REQUEST: The applicant has requested approval of a 14,800 SF recreational building for church and community use connected to the existing church via a breezeway, and associated parking and landscaping.

LOCATION: 1179 South End Road, Oregon City, OR 97045
Clackamas County Map 3-1E-01DD, Tax Lot 100

REVIEWER: Diliانا Vassileva, Assistant Planner
Jeremy Tamargo, Development Engineer

RECOMMENDATION: Approval with Conditions.

PROCESS: 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. Applications evaluated through this process include conditional use permits. 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 and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed.

Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

Conditions of Approval
Planning File GLUA-20-00012/CU-20-00001/SP-20-00022

(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 following conditions of approval shall be met to the satisfaction of the City during the process of design to issuance of public improvement permit through construction in association with the proposed land use application.

1. The development shall comply with all current Oregon City Public Works design standards, specifications, codes and policies. (DS)

The following conditions of approval shall be met to the satisfaction of the City prior to issuance of public improvement permit for construction in association with the proposed land use application.

2. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. (DS)
3. The developer and engineer for the project shall execute a "Developer/Engineer Agreement for Public Works Improvements" and commit to the responsibilities outlined in the agreement. (DS)
4. The developer 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 prior to receiving a permit and beginning construction. (DS)
5. 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. Permitted hours of construction shall be set forth by the City Engineer in the pre-construction meeting. (DS)
6. An approved fire access and water supply plan for the site shall be included on engineering plans and a document providing approval from Clackamas Fire District No. 1 shall be provided prior to receiving a permit and beginning construction. (DS)
7. The existing driveway approach on South End Road, which intersects with a public sidewalk, shall be made Americans with Disabilities Act (ADA) compliant. An approved curb ramp design will need included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. (DS)

8. The developer shall submit a traffic control plan for review and approval by the city. The traffic control may either be included on engineering plans or provided as a separate document prior to receiving construction permits. (DS)
9. The developer shall provide updated engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards prior to receiving a permit and beginning construction. (DS)
10. The development shall comply with the current version of the Oregon City Stormwater and Grading Design Standards. For sizing of the applicant's proposed stormwater management facility, the pre-development condition of the site shall be modeled as forest in the BMP Sizing Tool. An approved stormwater design will need included on engineering plans prior to receiving a permit and beginning construction. (DS)
11. If the applicant intends to use the existing sanitary sewer service line, it shall be at least 6" in diameter and the applicant shall provide a video inspection report to the City and Public Works will confirm if the lateral is in usable condition. Otherwise, the development shall install a new 6" service lateral. The applicant will be required to provide a two-way cleanout per City standards for the existing sanitary sewer lateral if none exists. An approved sanitary sewer connection design will need included on engineering plans prior to receiving a permit and beginning construction. (DS)
12. If the applicant intends to use the existing water service line, it shall be at least 1" in diameter and the applicant shall perform inspections to confirm that it is in usable condition to the satisfaction of the City. Otherwise, the development shall install, at a minimum, a new 1" water service line and meter to serve the development. An approved water connection design will need included on engineering plans prior to receiving a permit and beginning construction. (DS)
13. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards prior to receiving a permit and beginning construction. (DS)
14. A city issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. (DS)
15. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. (DS)
16. The developer shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) for construction activities one acre or greater prior to receiving a permit and beginning construction. (DS)

The following conditions of approval shall be met to the satisfaction of the City prior to building permit issuance except as noted.

17. In the event that onsite trees are removed as part of this development, the applicant shall submit a tree removal and mitigation plan prior to building permit issuance, utilizing any of the compliance options in OCMC 17.41.050 and demonstrating compliance with tree removal and replanting standards in OCMC 17.41, including requirements for size, species, planting and number of mitigation trees. (P)
18. The applicant shall submit a plan for tree protection during construction for any trees impacted by construction of the proposed development. (P)
19. The applicant shall submit a revised parking lot layout which:

- a. Includes parking stalls and drive aisles which comply with the parking dimensional requirements in OCMC 17.52.030.D. (P)
 - b. Identifies the location of required carpool/vanpool parking stalls and demonstrates compliance with location requirements for carpool/vanpool parking in OCMC 17.52.030.E. (P)
 - c. All areas in the parking lot not used for parking, maneuvering or circulation shall be landscaped, including decreasing drive aisle widths and parking stall dimensions to comply with the dimensional standards in OCMC 17.52.030.D, and eliminating the paved triangular areas between landscaping planter strips and the 45-degree parking stalls. (P)
20. The applicant shall submit details of the proposed bicycle parking facilities, demonstrating compliance with all bicycle parking design standards in OCMC 17.52.040.C. (P)
21. The applicant shall submit a revised landscaping plan:
- a. In which all areas in the parking lot not used for parking, maneuvering or circulation shall be landscaped, including decreasing drive aisle widths and parking stall dimensions to comply with the dimensional standards in OCMC 17.52.030.D, and eliminating the paved triangular areas between landscaping planter strips and the 45-degree parking stalls. (P)
 - b. Which includes trees spaced no more than 30 feet apart in the perimeter parking lot landscaping of the new parking area in the northeast portion of the parking lot. (P)
 - c. Which includes parking area/building buffer landscaping between the parking lot and the proposed recreation building in accordance with one of the options in OCMC 17.52.060.D. (P)
 - d. Which includes 31 interior parking lot landscaping trees within the new and reconfigured interior parking lot landscaping areas. In the event that the additional trees cannot be accommodated within the new and reconfigured interior parking lot landscaping areas, the applicant may plant the additional trees within existing interior parking lot landscaping areas. (P)
 - e. Which includes 186 interior parking lot landscaping shrubs within the new and reconfigured parking areas. In the event that the additional shrubs cannot be accommodated within the new and reconfigured interior parking lot landscaping areas, the applicant may plant the additional shrubs within existing interior parking lot landscaping areas. (P)
 - f. Which identifies that within three years the landscaping will cover one hundred percent of the landscape 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.
22. If a fence or retaining wall is proposed, the applicant shall demonstrate compliance with fence/wall height and location requirements in OCMC 17.54.100. (P)
23. In order to provide a more interactive site and pedestrian friendly environment, the applicant shall provide a revised plaza design prior to building permit issuance, which incorporates three of the following elements within the plaza (P):
- Pedestrian-scale lighting
 - Outdoor café
 - Bench seating for a minimum of 20 people assuming 2 feet of lineal seating area per person
 - 200 SF of landscaping planters or planter strips (not to be double-counted as building buffer/parking area landscaping)
 - Water feature

- Community bulletin/announcement board
 - Art feature
 - Children's interactive play area
 - Cobbled, patterned or paved stone or enhanced concrete
24. The applicant shall provide a revised building design which includes additional design elements or architectural features on the northern façade, such that the façade does not include a blank uninterrupted wall exceeding 30 feet in length in accordance with OCMC 17.62.055.I. (P)
 25. The applicant shall submit a revised photometric plan which demonstrates compliance with maximum lighting levels at the southern property line, and includes lighting at the proposed recreational building's entrance and in the plaza and new pedestrian circulation areas. (P)
 26. The applicant shall pay the review fees for the modifications requested (P).

The following conditions of approval shall be met to the satisfaction of the City prior to occupancy except as noted.

27. All pavement cuts and restoration within South End Road shall comply with the City of Oregon City Pavement Cut Standards. At the time of the application, the pavement restoration requirement for South End Road is the Full Standard. However, specific pavement cut standard requirements are determined at the time of construction. (DS)
28. All new franchise utilities shall be placed underground prior to occupancy. (DS)
29. The public improvements shall be constructed according to approved final engineering plans prior to occupancy. (DS)
30. The development shall provide a 10-foot-wide public utility easement (PUE) along all property lines fronting existing or proposed right-of-way prior to occupancy. (DS)
31. Improvements shall be constructed under the inspection and approval of the City. Expenses incurred thereby shall be borne by the developer and paid prior to final approval. The developer's project engineer also shall inspect construction. A certificate of completion is required prior to providing a punch list for the contractor. The punch list must be completed prior to occupancy. (DS)
32. 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. (DS)
33. The applicant shall provide a 15-foot-wide easement for the existing 8-inch public water main which traverses through the site. The approved easement shall be provided to the City prior to occupancy. (DS)
34. The property owner(s) 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 and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid prior to occupancy. (DS)
35. The property owner(s) shall execute an agreement providing access to and maintenance of 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 occupancy. (DS)

36. The applicant shall establish a good neighbor agreement with property owners within 300 feet of the property in order to ensure that the development will not result in a disturbance to surrounding neighbors. The applicant shall provide a copy of the good neighbor agreement to the city, and the good neighbor agreement shall contain, at a minimum, the following items (P):
- a. A primary contact person for the recreational center to facilitate timely communications and address concerns from neighbors as they occur.
 - b. An invitation to a meeting for property owners within 300 feet of the subject property to discuss any concerns they may have with the use and establish a positive and productive relationship between the neighbors and the church/recreational center operators and staff.

The following conditions of approval shall be met to the satisfaction of the City within 90 days of occupancy.

37. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing required public improvements. (DS)

The following conditions of approval shall be met prior to issuance of a building permit for future development on the subject site:

38. Future new buildings onsite shall be constructed near the street in accordance with building location and site frontage requirements within the Oregon City Municipal Code. Future expansions of the church may be permitted provided that the pedestrian plaza/courtyard is not demolished and the church and recreational building remain connected. (P)

I. BACKGROUND:

1. Existing Conditions

The subject site is located just south of the intersection of Warner Parrott Road and South End Road and is approximately 8.5 acres in size. The property has R-10 zoning and is developed with the Oregon City Christian Church and associated parking and landscaping. Surrounding properties are zoned R-10 and R-8 and are developed with single-family residential homes.

Figure 1. Vicinity Map

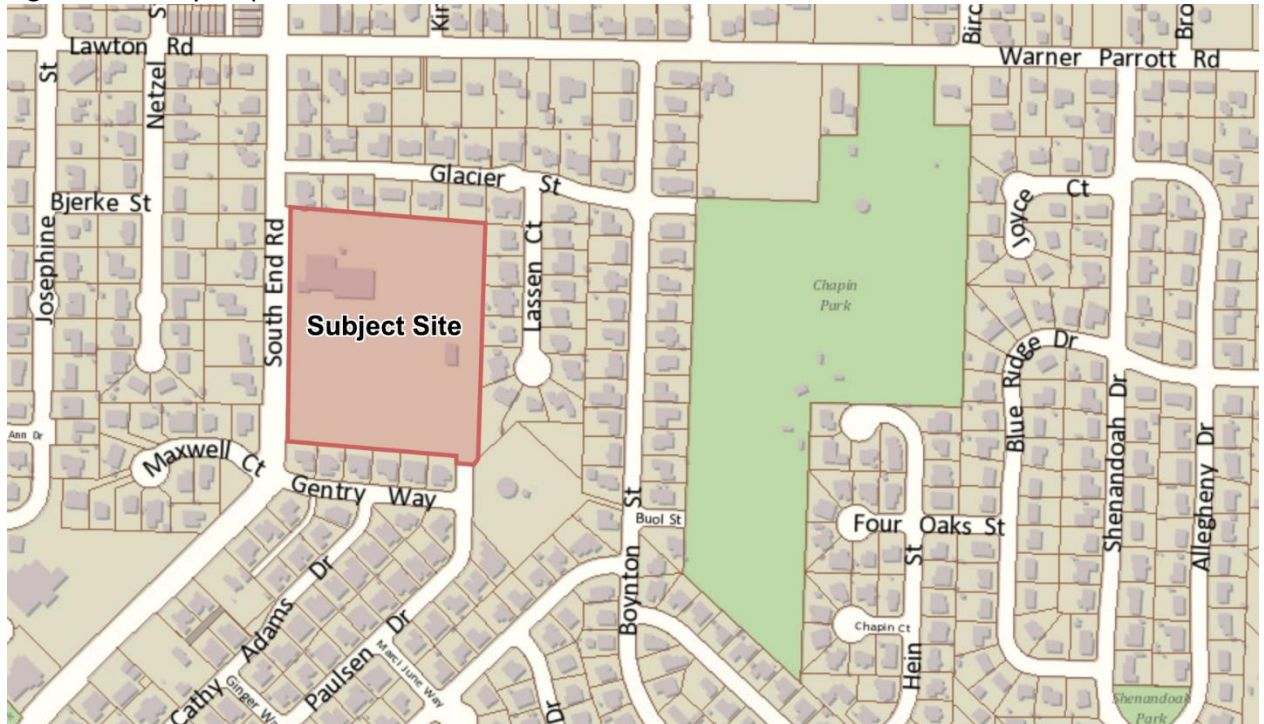


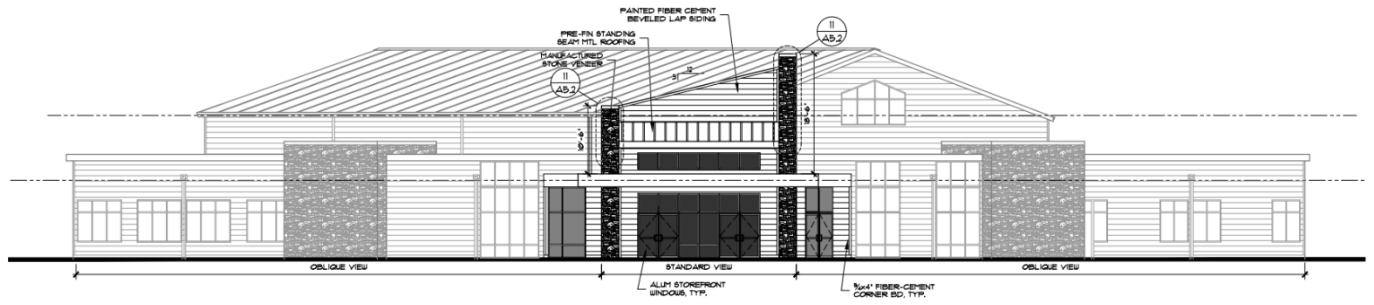
Figure 2: Existing Conditions – Aerial Image



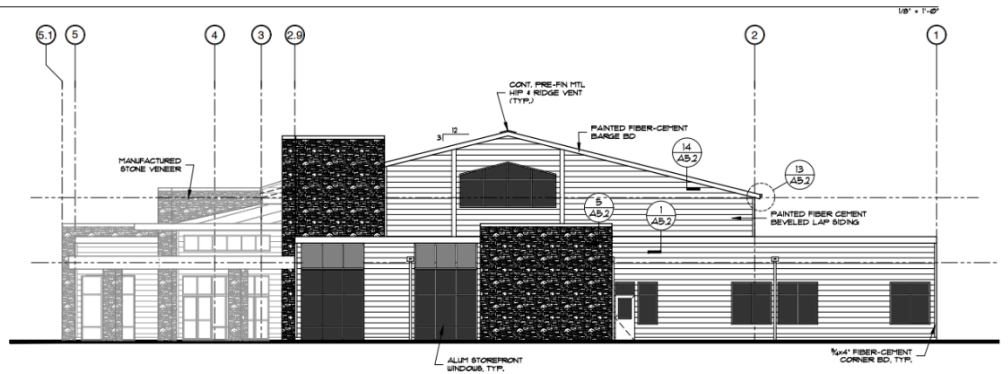
2. Project Description

The applicant has proposed a 14,800 SF recreation building for church and community use, which includes a community meeting rooms, gymnasium and, youth group meeting spaces. The building is proposed to be used by the Oregon City Christian Church as well as local youth sports and recreational organizations. The building is proposed to be located behind the church and connected the church via breezeway with a courtyard/plaza located between the two buildings. The proposal includes a 124 new parking stalls and associated landscaping.

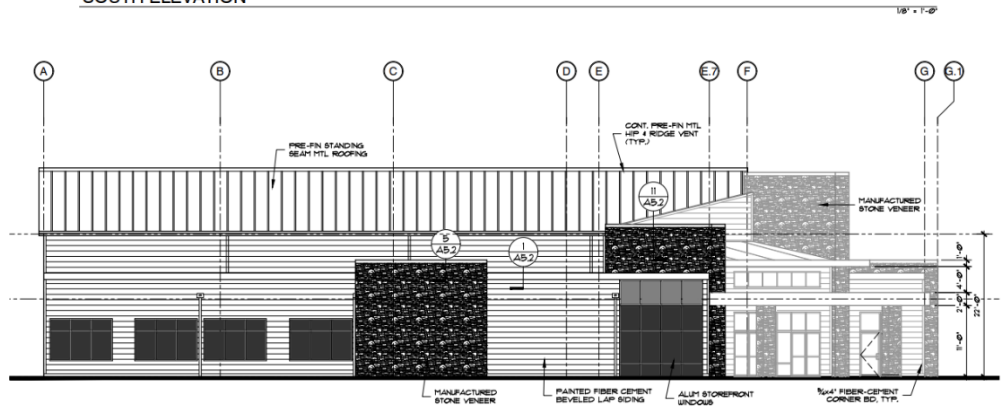
Figure 3: Proposed Site Plan



SOUTHWEST ELEVATION



SOUTH ELEVATION



WEST ELEVATION- SOUTH END RD

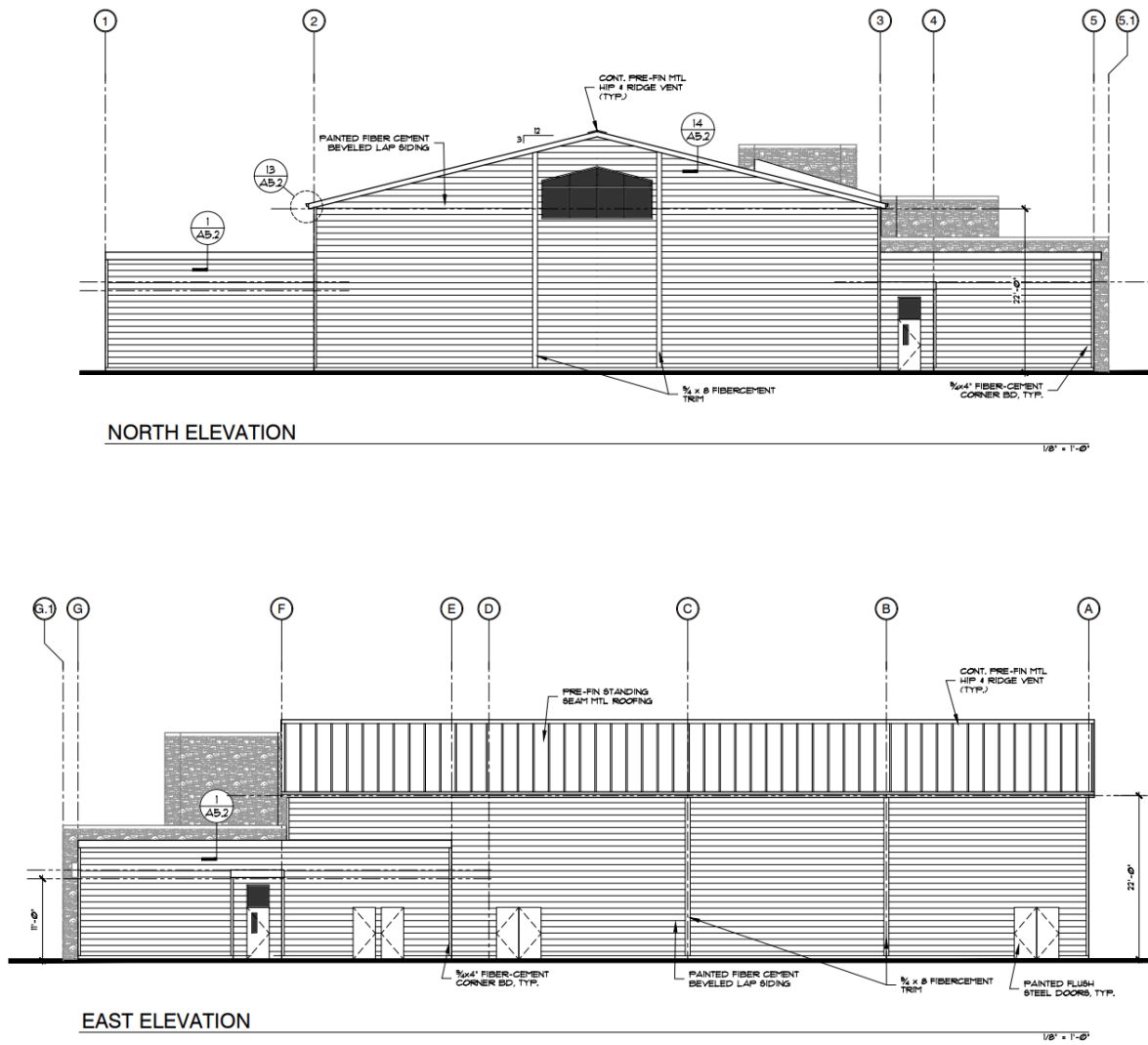
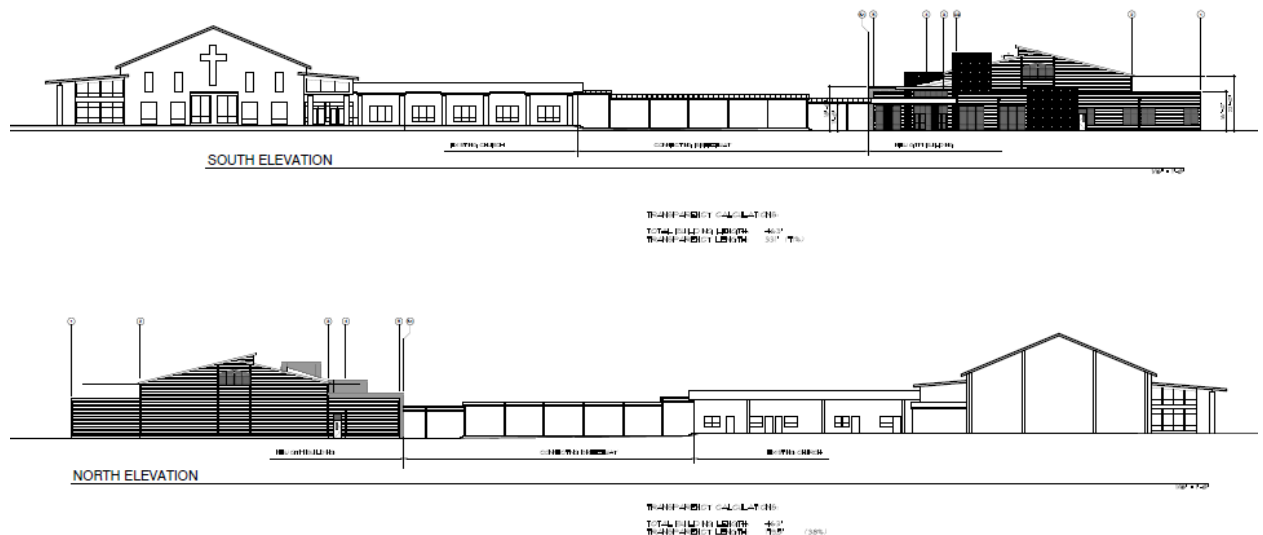


Figure 5: Proposed Building Elevations with Breezeway



3. 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.

4. Public Comment

Public comments submitted include (Exhibit 3):

- A comment from Sandra Schaffer identifying concern about the expanded parking area which is proposed to encroach much closer to the neighborhood to the south than the current parking area. The comment specifically identified concerns about events, gatherings or other recreational activities, such as concerts or games, being held in the new parking area, and noise these events would generate being a disturbance to the neighborhood.

Staff Response: The application does not indicate that the parking area will be used for any gatherings or events. As conditioned within this report, the applicant is required to establish a good neighbor agreement with property owners within 300 feet in order to ensure that the development will not result in a disturbance to surrounding neighbors. The document is intended to identify sustainable and meaningful communication between the site and the neighborhood and may provide a basis to resolve any problems that may arise.

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:

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

CHAPTER

CHAPTER 12.04 STREETS, SIDEWALKS, AND PUBLIC PLACES

CHAPTER 12.08 - PUBLIC AND STREET TREES

CHAPTER 13.12 STORMWATER MANAGEMENT

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

CHAPTER 16.12 MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

CHAPTER 17.08 LOW DENSITY RESIDENTIAL DISTRICTS

CHAPTER 17.41 TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

CHAPTER 17.56 CONDITIONAL USES

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

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

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.

REQUIRED CODE RESPONSES:

CHAPTER 12.04 STREETS, SIDEWALKS, AND PUBLIC PLACES

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 as Proposed. The applicant acknowledges the City's jurisdiction and management of the public right-of-way. The applicant shall receive all necessary approvals from the City prior to installation of any public improvements within the adjacent right-of-way.

12.04.025 - Driveways.

Driveways shall be reviewed in accordance with OCMC 16.12.035. Driveway requirements may be modified through the procedures in OCMC 16.12.013.

Finding: Please see findings in Section 16.12.035 of this report.

12.04.030 - Maintenance and repair.

The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.

Finding: Applicable. The applicant is responsible for maintaining said existing sidewalk and abutting curb during construction and maintain all new sidewalk and curb after construction.

12.04.031 - Liability for sidewalk injuries.

A. The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.

B. If the City is required to pay damages for an injury to persons or property caused by the failure of an owner or occupant to perform the duty that this ordinance imposes, the owner or occupant shall compensate the City for the amount of the damages paid. The City may maintain an action in a court of competent jurisdiction to enforce this section.

Finding: Not Applicable. This is not a criterion for this development.

12.04.032 - Required sidewalk repair.

A. When the Public Works Director determines that repair of a sidewalk is necessary, written notice shall be provided to the owner of property adjacent to the defective 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.

1. 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 and OCMC 16.12. Sidewalks and curbs are to be constructed according to plans and specifications provided by the City Engineer.

2. Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the City Engineer. On unimproved streets, curbs do not have to be constructed.

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. This is not a criterion for this development because no sidewalk repair is required.

12.04.033 - City may do work.

If repair of the sidewalk is not completed within ninety days after the service of notice, the Public Works Director shall carry out the needed work on the sidewalk. Upon completion of the work, the Public Works

Director shall submit an itemized statement of the cost of the work to the finance director. The City may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the Public Works Director for the health, safety and general welfare of the residents of the City.

Finding: Not Applicable. This is not a criterion for this development because no sidewalk repair is required.

12.04.034 - Assessment of costs.

Upon receipt of the report, the Finance Director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.

Finding: Not Applicable. This is not a criterion for this development because no sidewalk repair is required.

12.04.040 – Sidewalks—Enforcement.

Any person whose duty it is to maintain and repair any sidewalk, as provided by this chapter, and who fails to do so shall be subject to the enforcement procedures of OCMC 1.16, 1.20 and 1.24. Failure to comply with the provisions of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

Finding: Not Applicable. This is not a criterion for this development.

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. Applicant is not proposing construction of a retaining wall.

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 OCMC 1.16, 1.20 and 1.24.

Finding: Not Applicable. Applicant is not proposing construction of a retaining wall.

12.04.070 - Removal of sliding dirt.

It shall be the duty of the owner of any property as mentioned in OCMC 12.04.050, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.

Finding: Not Applicable. The applicant has not proposed and is not required to remove sliding dirt with this application.

12.04.080 - Excavations—Permit required.

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

Finding: Complies as Proposed. The applicant has indicated that permits will be obtained from the City prior to any work being conducted within the right-of-way.

12.04.090 - Excavations—Permit restrictions.

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

Finding: Complies as Proposed. The applicant has indicated that permits will be obtained from the City prior to any work being conducted within the right-of-way.

12.04.100 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

Finding: Complies with Condition. The applicant has proposed utility work in the public right-of-way within South End Road. All pavement cuts and restoration within South End Road shall comply with the City of Oregon City Pavement Cut Standards. At the time of the application, the pavement restoration requirement for South End Road is the Full Standard. However, specific pavement cut standard requirements are determined at the time of construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.110 - Excavations—Nuisance—Penalty.

Any excavation in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

Finding: Complies as Proposed. All excavations shall comply with this Chapter via the conditions of approval.

12.04.120 - Obstructions—Permit required.

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

1. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.

2. The applicant shall submit at least the following information in the permitting process in order to allow the City Commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:

- a. Site plan showing right-of-way, utilities, driveways as directed by staff;*
- b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;*
- c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);*
- d. Alternative routes if necessary;*

- e. *Minimizing obstruction area; and*
- f. *Hold harmless/maintenance agreement.*
- 3. *If the City Commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the City Engineer shall issue a right-of-way permit with any conditions deemed necessary by the City Commission.*
- B. *Temporary Obstructions.*
 - 1. *A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.*
 - 2. *The City Engineer, or designee, is authorized to grant a permit for a temporary obstruction.*
 - 3. *The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.*
 - 4. *The applicant shall submit, and the City Engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the City Engineer:*
 - a. *Site plan showing right-of-way, utilities, driveways as directed by staff;*
 - b. *Sight distance per OCMC 10.32, Traffic Sight Obstructions;*
 - c. *Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);*
 - d. *Alternative routes if necessary;*
 - e. *Minimizing obstruction area; and*
 - f. *Hold harmless/maintenance agreement.*
 - 5. *In determining whether to issue a right-of-way permit to allow a temporary obstruction, the City Engineer may issue such a permit only after finding that the following criteria have been satisfied:*
 - a. *The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;*
 - b. *The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;*
 - c. *No alternative locations are available that would not require use of the public right-of-way; and*
 - d. *Any other factor that the City Engineer deems relevant.*
 - 6. *The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.*
- C. *Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the City Commission.*

Finding: Not Applicable. The applicant has not proposed any obstructions in the right-of-way.

12.04.130 - Obstructions—Sidewalk sales.

- A. *It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.*
- B. *The City Commission may, in its discretion, designate certain areas of the City to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided.*

Finding: Not Applicable. The applicant has not proposed a sidewalk sale with this application.

12.04.140 - Obstructions—Nuisance—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

Finding: Not Applicable. The applicant has not proposed an obstruction in the right-of-way.

12.04.150 - Street and alley vacations—Cost.

At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by City Commission resolution shall be paid to the City. The City Commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.

Finding: Not Applicable. The applicant has not proposed a street or alley vacation with this application.

12.04.170 - Street design—Purpose and general provisions.

All development shall be in conformance with the city's public facility master plans, public works policies, standard drawings and engineering specifications. All streets shall be reviewed and approved by the city engineer prior to construction. All streets and driveway connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat or site planning and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Finding: Not Applicable. No new streets or driveways are proposed with this application.

12.04.194 - Traffic sight obstructions.

All streets shall comply with the Traffic Sight Obstructions in OCMC 10.32.

Finding: Not Applicable. There will be no new street intersections created by this development.

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 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 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 Standard Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Standard Drawings shall control. 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 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.**

12.04.280 - Violation—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

Finding: Applicable. Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

CHAPTER 12.08 - PUBLIC AND STREET TREES

12.08.015 - Street tree selection, planting and maintenance requirements.

All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the metropolitan region, or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the Public Works Department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

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 to meet the clearance distances required in subsection (B) below. The Community Development Director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.

Finding: Not Applicable. The application is for Site Plan and Design Review, therefore, this chapter is applicable. However, the site's frontage is already developed with street trees that are in compliance with this chapter. The applicant has not proposed removal of any street trees and they are not required to be removed to accommodate street improvements.

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. Connection to a public stormwater conveyance system is required to serve this development.

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 OCMC 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the NROD or will disturb more than one thousand square feet of existing impervious surface within the NROD 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, cumulated over any given five-year period.*

Finding: Applicable. The proposed development will create or replace more than five thousand square feet of impervious surface.

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 OCMC 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. No exemptions apply to the proposed development.

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 development has not proposed use of the land that requires additional management practices as defined in the Public Works Stormwater and Grading Design Standards.

13.12.060 - Abrogation and greater restrictions.

Where the provisions of this chapter are less restrictive or conflict with comparable provisions of other portions of this code, regional, state or federal law, the provisions that are more restrictive shall govern. Where this chapter imposes restrictions that are more stringent than regional, state or federal law, the provisions of this chapter shall govern. However, nothing in this chapter shall relieve any party from the obligation to comply with any applicable federal, state or local regulations or permit requirements. Compliance with this chapter and the minimum requirements, minimum standards, and design procedures as set forth in the City adopted Public Works Stormwater and Grading Design Standards does not relieve the designer, owner, or developer of the responsibility to apply conservative and sound professional judgment to protect the health, safety and welfare of the public. It is not the intent of this chapter to make the City a guarantor or protector of public or private property in regard to land development activity.

Finding: Applicable. Findings from the provision of this chapter do not relieve the development from the obligation to comply with any applicable federal, state or local regulations or permit requirements.

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 applicant's preliminary drainage plan and report shows conceptual compliance with the current version of the Oregon City Stormwater and Grading Design Standards. The applicant has proposed an expansion of the existing onsite stormwater facility to meet water quality and water quantity requirements for the new impervious area. Requirements of this code section can be met by meeting approval criteria outlined in section 13.12.090 of this report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 OCMC 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 applicant's preliminary drainage plan and report shows conceptual compliance with the current version of the Oregon City Stormwater and Grading Design Standards. The applicant has proposed an expansion of the existing onsite stormwater facility to meet water quality and water quantity requirements for the new impervious area. However, the applicant's proposed stormwater management facility for treatment and flow control is insufficiently sized. For the

purposes of hydrologic modeling, the pre-developed conditions of the site shall be modeled as the historic vegetation which existed prior to the urban settlement. According to Appendix G of the Stormwater Grading and Design Standards (SGDS), the pre-development condition of the site is forest. For sizing of the applicant's proposed stormwater management facility, the pre-development condition of the site shall be modeled as forest in the BMP Sizing Tool.

The development shall comply with the current version of the Oregon City Stormwater and Grading Design Standards. The applicant shall provide an engineered drainage plan, signed by a professional engineer in the State of Oregon, for review and approval to full address all applicable Stormwater and Grading Design Standards. The applicant's engineer shall submit a completed Site Assessment and Planning Checklist, found in Appendix B of the 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.**

13.12.100 - 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 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.

13.12.110 - Transfer of engineering responsibility.

Project drainage plans shall always have a project engineer. If the project engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the City within seventy-two hours of accepting the position as project engineer.

Finding: Complies with Condition. The development has not identified a project engineer for the project. The developer and engineer for the project shall execute a "Developer/Engineer Agreement for Public Works Improvements" and commit to the responsibilities outlined in the agreement. (Also written in the findings of section 16.12.014). **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.120 - Standard construction specifications.

The workmanship and materials shall be in accordance with the current 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 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.**

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 surety 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 shall be found to be in a clean, functional condition by the City engineer before acceptance of maintenance responsibility by the City.

Finding: Not Applicable. The applicant has not proposed any public stormwater facilities.

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 property owner(s) 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. Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.150 - Penalties and enforcement.

A. The City is authorized to make inspections and take such actions as required to enforce the provisions of this chapter. The City has the authority to enter onto land for the purpose of inspecting site development activities or resulting improvements. City staff will make an effort to contact the property owner before entering onto that property.

B. If the City Engineer determines a site has any unpermitted or illegal facilities placed, constructed or installed on the site, then the City Engineer shall notify the owner in writing directing the owner to submit a written plan (with construction drawings completed by a professional engineer, if otherwise required by this chapter) within ten calendar days. This plan (and drawings, if required) shall depict the restoration or stabilization of the site or correct the work that has adversely impacted adjacent or downstream property owners. The City Engineer shall review the plan (and drawings, if required) for compliance with City standards and issue comments for correction, if necessary, or issue an approval to the owner. The City shall establish a fee by resolution for such review, with all costs borne by the owner. If the required corrective work constitutes a grading permit, then the City shall collect the appropriate grading permit fee.

C. Any person, firm, corporation or entity violating any of the provisions of this chapter, whether they be the property owner, the applicant, the contractor or any other person acting with or without the authorization of the property owner or applicant, shall be subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

Finding: Applicable. The City is authorized to make inspections and take such actions as required to enforce the provisions of this chapter.

13.12.160 - Hazardous conditions.

A. *Determination and Notification.* If the City Engineer determines that any excavation, embankment, erosion/sedimentation control or drainage facility is a safety hazard; endangers property; or adversely affects the safety, use or stability of a public way, water quality resource areas (pursuant to OCMC 17.49) or drainage course, the owner(s) of the subject property and/or the person or agent in control of the property shall be required to repair or eliminate the hazard in conformance with the requirements of this chapter and the Public Works Stormwater and Grading Design Standards. At the time that the City Engineer makes the determination that a hazardous condition exists, the property owner and/or person or agent in control of the property will be notified in writing that the hazard exists.

B. *Order to Correct.* The City Engineer will order the specific work to be undertaken or will order that an engineering design be submitted for review and approval by the City Engineer, and will specify the time periods within which the hazardous conditions be repaired or eliminated. In the event that the owner and/or the person or agent in control of the property fails to comply with this order, that person shall be subject to the code enforcement procedures of OCMC 1.16, 1.20, and 1.24.

Finding: Applicable. If the City Engineer determines that a drainage facility is a safety hazard, the property owner shall be notified in writing and the City Engineer will order the specific work to be undertaken to correct the hazardous condition.

13.12.170 - Permits from other jurisdictions.

A. The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES 1200-C permits for projects that cover areas of one acre or greater. No permit shall be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DEQ representatives.

Finding: Complies with Condition. The project does cover one acre or greater; therefore, the developer does require issuance of a NPDES 1200-C permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Projects may require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits. If such permits are required, no permission to construct will be granted until such a time as a copy of such permit is on file with the City or notice is received from those agencies that a permit is not required. DSL/USACE is responsible for enforcing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DSL/USACE representatives.

Finding: Not Applicable. DSL and USACE permits are not required with this proposed development based on the application provided.

C. Projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. When ODFW permits are required, no work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate ODFW representatives.

Finding: Not Applicable. ODFW permits are not required with this proposed development based on the application provided.

13.12.180 - Violation—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

Finding: Applicable. Any act or omission in violation of this chapter shall be deemed a nuisance.

Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

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: Complies with Condition. The applicant provided a preliminary grading plan demonstrating general compliance with the City's Public Works requirements for grading standards. The preliminary plan presents grading activities in excess of ten cubic yards of earth, thus triggering the requirements of Chapter 15.48. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading

Design Standards. City standards for grading, fill and excavation are found in Chapter 3 of the Oregon City Public Works 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.**

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 with Condition. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works 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.**

CHAPTER 16.12 MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

16.12.010 - 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 plans 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 shall 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 shall 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: Applicable. 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 plans and City design standards and specifications.

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

The City has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within 12.04 of the Oregon City Municipal Code.

Finding: Applicable. The city has exercised its regulatory management authority by providing findings within this staff report with conditions to be met by the applicant prior to working within all public rights-of-way.

16.12.013 - Modifications.

The applicant may request and the review body may consider modification of the standards in this chapter 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, except for adjustments approved by the City Engineer for tree preservation purposes pursuant to 16.12.013.A, 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 transportation or utility 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 to this chapter has been requested.

16.12.014 - Administrative provisions.

An applicant shall submit the following items to the City and complete the following tasks prior to proceeding with construction of proposed development plans. These items include the following:

- A. Pre-Design Meeting;*
- B. Final Engineering Plans, Stamped and Signed by an Oregon Licensed Professional Engineer;*
- C. Stormwater Report, Stamped and Signed by an Oregon Licensed Professional Engineer;*
- D. Geotechnical Report, Stamped and Signed by an Oregon Licensed Professional Engineer (if applicable);*
- E. Engineer's Preliminary and Final Cost Estimates (also may be known as engineer's opinion of probable construction cost);*
- F. Plan Check and Inspection Fees (as set by City resolution);*
- G. Certificate of Liability Insurance for city funded public projects contracted by the City (not less than one million dollars single incident and two million dollars aggregate);*
- H. Preconstruction Meeting Notes;*
- I. Financial Guarantee(s) per OCMC 17.50.140;*
- J. Applicable Approvals/Permits from other agencies or entities;*
- K. Developer/Engineer Agreement for public works improvements.*

An applicant shall submit the following additional items to the City and complete the following tasks prior to completing construction of proposed development plans. These items include the following:

- L. Project Engineer's Certificate of Completion;*
- M. Stormwater Operation and Maintenance Easement (if applicable);*
- N. Deed of Dedication (Bargain and Sale Deed);*
- O. Recorded Plat and/or Easements (if applicable);*
- P. Recorded Non-Remonstrance Covenant Agreement;*
- Q. Land Division Compliance Agreement (if applicable);*
- R. Permanent Stabilization and/or Restoration of the impact from the development;*
- S. Fulfillment of all Conditions of Approval;*
- T. Payment of all Outstanding Fees;*
- U. Maintenance Guarantee(s). per OCMC 17.50.141;*
- V. Indemnity Agreement (if applicable);*
- W. Completed Punchlist;*
- X. As-Built Drawings;*

Details on individual items required by this subsection can be obtained by contacting Public Works. Many items, such as the engineer's cost estimate and plan check and inspection fee, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

Finding: Complies with Condition. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. The developer and engineer for the project shall execute a "Developer/Engineer Agreement for Public Works Improvements" and commit to the responsibilities outlined in the agreement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.015 - Street design—Generally.

Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the Transportation System Plan, Trails Master Plan, and/or Parks and Recreation Master Plan and this chapter, subject to constitutional limitations. 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 OCMC 16.12.017 shall be required to preserve the objectives of street extensions.*

C. 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 System Plan. 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.

Finding: Complies as Proposed. Frontage improvements were completed in 2006 under SP 06-01 for the Oregon City Christian Church development project. Based on the development pattern and future needs of the area, additional frontage improvements along South End Road are not required at this time. See Findings for 16.12.016 for the existing street section along South End Road.

16.12.016 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the standards in Table 16.12.016 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 table implements the adopted Transportation System Plan and illustrates the maximum design standards. These standards may be reduced with an alternative street design which may be approved based on the modification criteria in OCMC 16.12.013. The steps for reducing the street design are found in the Transportation System Plan.

Table 16.12.016 Street Design

Table 16.12.016 Street Design. To read the table 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 for lands 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
Major Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
Road Classification	Comprehensive Plan Designation	Right-of-	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median

		<i>Way Width</i>								
<i>Minor Arterial</i>	<i>Mixed Use, Commercial or Public/Quasi Public</i>	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	<i>Industrial</i>	118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	<i>Residential</i>	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.

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

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

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

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

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

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

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

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

7. *A raised concrete median or landscape median shall be utilized for roads identified to have access restrictions.*

Finding: Complies as Proposed. Frontage improvements were completed in 2006 under SP 06-01 for the Oregon City Christian Church development project. Based on the development pattern and future needs of the area, additional frontage improvements along South End Road are not required at this time.

As constructed per COA #15 under SP 06-01, the existing frontage improvements on the applicant's side of the centerline consist of approximately 40' right-of-way width, consisting of a 24' roadway, a 6-7' sidewalk, a 7' landscape strip and curb. The roadway on the applicant's side of the centerline along South End Road consists of an 11' travel, a 6' bike lane, and a 7' parking lane.

A. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the development. Both sidewalks and curbs are to be constructed to City standards and at widths set forth above, and according to plans and specifications provided by the City Engineer. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a development without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the development application. Applicants for partitions may be allowed to meet this requirement by providing the City with a financial guarantee per OCMC 16.12.110.

B. Pedestrian and Bicycle Accessways Routes. If deemed appropriate to extend pedestrian and bicycle routes, existing or planned, the decision-maker may require the installation of separate pedestrian and bicycle facilities.

Finding: Complies as Proposed. Frontage improvements were completed in 2006 under SP 06-01 for the Oregon City Christian Church development project. Based on the development pattern and future needs of the area, additional frontage improvements along South End Road are not required at this time. See Findings for 16.12.016 for the existing street section along South End Road.

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

Finding: Not Applicable. Installation of street signs and traffic control devices is not anticipated for the proposed development.

D. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all City regulations.

Finding: Complies as Proposed. Frontage improvements, including street lighting, were completed in 2006 under SP 06-01 for the Oregon City Christian Church development project.

E. Any new street proposed with a pavement width of less than thirty-two feet shall be processed through OCMC 16.12.013 and meet minimum life safety requirements, which may include fire suppression devices as determined by the Fire Marshall to assure an adequate level of fire and life safety. The modified street shall have no less than a twenty-foot wide unobstructed travel lane.

Finding: Not Applicable. No new streets are proposed or required as part of this development.

F. All development shall include vegetated planter strips that are five feet in width or larger and located between the sidewalk and curb unless otherwise approved pursuant to this chapter. All development shall utilize the vegetated planter strip for the placement of street trees or place street trees in other acceptable locations, as prescribed by OCMC 12.08. Development proposed along a collector, minor arterial, or major arterial roads may place street trees within tree wells within a wider sidewalk in lieu of a planter strip. In addition to street trees per OCMC 12.08, vegetated planter strips shall include ground cover and/or shrubs spaced four feet apart and appropriate for the location. No invasive or nuisance plant species shall be permitted.

Finding: Complies as Proposed. Frontage improvements were completed in 2006 under SP 06-01 for the Oregon City Christian Church development project. Based on the development pattern and future needs of the area, additional frontage improvements along South End Road are not required at this time. See Findings for 16.12.016 for the existing street section along South End Road.

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

Finding: Not Applicable. The decision maker has not approved access easements in lieu of streets nor has dedication of a street been deemed impracticable.

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

Finding: Not Applicable. No vehicular or pedestrian easements are proposed.

16.12.017 - 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.

Finding: Not Applicable. No new streets with dead ends are proposed for this development.

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

Finding: Not Applicable. No new streets with dead ends are proposed for this development.

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)."

Finding: Not Applicable. No new streets with dead ends are proposed for this development.

D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the

acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Finding: Not Applicable. No new streets with dead ends are proposed for this development.

16.12.018 - 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 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.*
- C. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.*

Finding: Not Applicable. The applicant has not proposed any new streets.

16.12.019 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Finding: Not Applicable. The applicant has not proposed any new streets.

16.12.020 - Street design—Intersection angles.

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

Finding: Not Applicable. The applicant has not proposed any new streets.

16.12.021 - Street design—Grades and curves.

Grades and center line radii shall conform to standards approved by the City Engineer.

Finding: Not Applicable. The applicant has not proposed any new streets.

16.12.022 - 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. The development abuts an arterial, however, the applicant has not proposed any new driveways for access to South End Road.

16.12.023 - 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.

The City Engineer may require that crosswalks include a large vegetated 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 City Engineer may approve an alternative design that achieves the same standard for constrained sites.

Finding: Not Applicable. The applicant has not proposed any new streets.

16.12.024 - 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 shall 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 shall construct a half street with at least twenty feet of pavement width and provide signage prohibiting street parking so as to make the half street safe 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 completed 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 "Pavement Cut Standards" or as approved by the City Engineer.

Finding: Not Applicable. The applicant has not proposed any new streets.

16.12.025 - 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, pre-existing dedicated open space, pre-existing development patterns, arterial access restrictions or similar situation as determined by the decision maker. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

A. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units.

B. Cul-de-sacs and permanent dead-end streets shall include pedestrian/bicycle accessways to meet minimum block width standards as prescribed in OCMC 16.12.030.

C. 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.

D. Permanent dead-end streets shall provide public street right-of-way/easements sufficient to provide a sufficient amount of turn-around space complete with appropriate no-parking signs or markings to accommodate waste disposal, sweepers, emergency and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker.

E. 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. A dead-end street shall include signage or barricade meeting Manual on Uniform Traffic Control Devices (MUTCD).

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

16.12.026 - Street design—Alleys.

Alleys with public access easements on private property shall be provided in the Park Place and South End concept plan areas for 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. All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the City Engineer. Access easements and maintenance agreements shall be recorded on affected properties.

Finding: Not Applicable. Alleys are not proposed or required for this development.

16.12.027 - 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 applicable 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: Not Applicable. Off-site street improvements are not proposed or required for this development.

16.12.028 - 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 OCMC 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary 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: Complies as Proposed. No new streets are required or proposed and the existing streets adjacent to the development are laid out in a manner that promotes pedestrian and bicycle circulation.

16.12.029 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standards in effect at the time the permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

Finding: Complies with Condition. The applicant has proposed utility work in the public right-of-way within South End Road. All pavement cuts and restoration within South End Road shall comply with the City of Oregon City Pavement Cut Standards. At the time of the application, the pavement restoration requirement for South End Road is the Full Standard. However, specific pavement cut standard

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

16.12.030 - Blocks—Width.

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed. The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in the current adopted Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines except in zones GI, CI, MUE, I, and WFDD where determining the appropriate street spacing will be determined by the City Engineer. If the maximum block size is exceeded, pedestrian accessways shall be provided every 330 feet. The spacing standards within this section do not apply to alleys.

Finding: Not Applicable. Though the block length is exceeded between Gentry Way and Glacier Street, there is not an opportunity for an additional connection to the east due to existing residential development. Properties to the east are already developed and a connection to Lassen Court located behind the church could not be made.

16.12.031 - 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 or required as part of this development.

16.12.032 – Public off-street pedestrian and bicycle accessways.

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding 330 feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

Finding: Not Applicable. Public off-street pedestrian and bicycle accessways are not proposed or required as part of this development.

16.12.033 - 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 E 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 (TSP) or as otherwise identified by the City 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. For the intersection of OR 213 & Beavercreek Road, the following mobility standards apply:*
1. During the first, second & third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.
- E. 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*
- 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 OCMC 16.12.033 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: Complies as Proposed. The applicant's submittal included a Traffic Impact Study (TIS) dated September 20, 2018, prepared by Matt Bell, Russ Doubleday, and Chris Brehmer of Kittleson & Associates. Though the TIS submitted evaluates multiple phases of development of the property, the current development is roughly equivalent to the first two phases evaluated in the TIS. The City's Traffic Consultant, John Replinger of Replinger and Associates identified that with some adjustments due to the phasing identified in the TIS, the TIS provides a basis upon which the development proposal can be evaluated for transportation impacts. The City's Traffic Consultant reviewed the applicant's Traffic Impact Analysis and found the following:

"The TIS presents information on trip generation using the trip rates developed for the existing church facility during 2018. Trip generation rates were developed on the building square footage and applied to each individual phase of the applicant's project. For Phase 1, the engineer calculated the new building would generate 6 PM peak hour trips and 72 peak hour trips on Sunday mornings. For Phase 2, the engineer calculated the new building would generate 2 PM peak hour trips and 32 peak hour trips on Sunday mornings. Because of the difference in building size, the actual trips are about one-quarter higher than previously calculated for Phases 1 and 2 combined.

Based on the new building size and the trip rates developed by the engineer, I calculated the new building would generate 116 weekday trips; 15 weekday PM peak hour trips; 404 Sunday trips; and 131 peak hour trips on Sunday mornings. These values, rather than the ones in the TIS, should be used for calculating Systems Development Charge fees.

Traffic volumes were calculated for the intersections described in #1, above. At each location, the level of service (LOS) and delay calculations and the volume-to-capacity (v/c) ratios were provided to assess traffic operations relative to the city's operational standards. The analysis was undertaken for the PM peak hour for mid-mornings on Sundays. All intersections described in #1 were analyzed for Sundays. For weekdays, only the South End Road at Warner Parrott Road/Lawton Road intersection and the site access were analyzed. The volumes at the other intersections did not reach the threshold level requiring analysis during the weekday PM peak hour. Since the current proposal approximates a combination of Phase 1 and Phase 2, my analysis focused on assessing operations for 2022.

For Sunday morning conditions, the site access points and all of the study area intersections were predicted to easily meet city operational standards in 2022 with or without the proposed church expansion. The increase in trips from the new proposal do not alter the conclusions about the adequacy of the transportation system in 2022 with the 14,800-square foot church expansion.

Under current conditions, the intersection of South End Road at Warner Parrott Road/Lawton Road is currently operating at LOS D with a v/c ratio of 0.79 during the PM peak hour. In 2022, with regional growth and the church expansion, the weekday PM peak hour conditions are calculated to degrade to LOS E and a v/c ratio of 0.89. This meets the city's operational standard for unsignalized intersections. Most of degradation in intersection performance can be attributed to regional growth.

Site driveways are also predicted to operate acceptably with plenty of space for on-site queues, which are predicted to be minimal.

According to the TIS, the intersection of South End Road at Warner Parrott Road/Lawton Road will likely meet traffic signal warrants within a few years after 2022 with additional regional growth. Transportation System Plan Project D32, the planned upgrade of this intersection with additional turn lanes and signalization, will provide long-term operational improvement. The intersection improvement is not planned or funded. The TIS serves as a reminder that the need for it is approaching.

The engineer does not recommend mitigation for the church expansion for Phase 1 or 2. Since the current proposal is mostly consistent with that level of traffic, I concur with the conclusion that traffic from the proposal does not cause city operational standards to be exceeded.

I find that the TIS provides an adequate basis upon which to assess the impacts of the proposed development.

It is evident from the analysis that regional traffic growth will cause deterioration in the performance of the intersection of South End Road at Warner Parrott Road/Lawton Road and that traffic signal warrants will be met in the not-to-distant future. TSP Project D32 provides a means for satisfying the city's operational standards for the intersection. Based on the TIS, it appears the need for this project is approaching.

I do not recommend any off-site actions to mitigate for safety or traffic impacts of the proposed development."

16.12.035 - Driveways.

A. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 16.12.035.A.

<i>Table 16.12.035.A Minimum Driveway Spacing Standards</i>		
<i>Street Functional Classification</i>	<i>Minimum Driveway Spacing Standards</i>	<i>Distance</i>
<i>Major Arterial Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings</i>	<i>175 ft.</i>
<i>Minor Arterial Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings</i>	<i>175 ft.</i>
<i>Collector Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings</i>	<i>100 ft.</i>
<i>Local Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings</i>	<i>25 ft.</i>

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (on the same side of the road) 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 with Condition. There is an existing driveway located along the property's frontage on South End Road. No driveway modifications are required per the applicant's traffic analysis.

However, the existing driveway approach on South End Road, which intersects with a public sidewalk,

shall be made Americans with Disabilities Act (ADA) compliant. An approved curb ramp design will need included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Nonresidential or multi-family residential driveways that generate high traffic volumes shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.

Finding: Complies with Condition. There is an existing driveway located along the property's frontage on South End Road. No driveway modifications are required per the applicant's traffic analysis. However, the existing driveway approach on South End Road, which intersects with a public sidewalk, shall be made Americans with Disabilities Act (ADA) compliant. An approved curb ramp design will need included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. One driveway may be allowed per frontage, unless otherwise restricted. In no case shall more than two driveways be allowed for any single-family attached or detached residential property, duplex, 3-4 plex, or property developed with an ADU or internal conversion with multiple frontages, unless otherwise approved by the City Engineer.

Finding: Complies as Proposed. There is one existing driveway located along the property's frontage on South End Road. No additional driveways are proposed as part of this development.

D. When a property fronts multiple roads, access shall be provided from the road with the lowest classification in the Transportation System Plan whenever possible to minimize points of access to arterials and collectors. At the discretion of the City Engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:

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

Finding: Complies with Condition. There is an existing driveway located along the property's frontage on South End Road. No driveway modifications are required per the applicant's traffic analysis. However, the existing driveway approach on South End Road, which intersects with a public sidewalk, shall be made Americans with Disabilities Act (ADA) compliant. An approved curb ramp design will need included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Table 16.12.035.D Driveway Approach Size Standards		
<i>Property Use</i>	<i>Minimum Driveway Approach Width</i>	<i>Maximum Driveway Approach Width</i>
<i>Single-Family Attached</i>	<i>10 feet</i>	<i>12 feet</i>

<i>Single-Family Detached in R-5 & R-3.5</i>	<i>10 feet</i>	<i>12 feet</i>
<i>Single-Family Detached in R-10, R-8, & R-6</i>	<i>12 feet</i>	<i>24 feet</i>
<i>Duplexes</i>	<i>12 feet</i>	<i>24 feet</i>
<i>3-4 Plexes</i>	<i>12 feet</i>	<i>24 feet</i>
<i>Multi-Family</i>	<i>18 feet</i>	<i>30 feet</i>
<i>Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential</i>	<i>One-Way 12 feet</i>	<i>Two-Way 20 feet</i> <i>40 feet</i>

Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.

Finding: Complies with Condition. There is an existing driveway located along the property's frontage on South End Road. No driveway modifications are required per the applicant's traffic analysis. However, the existing driveway approach on South End Road, which intersects with a public sidewalk, shall be made Americans with Disabilities Act (ADA) compliant. An approved curb ramp design will need included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. The City Engineer reserves the right to require a reduction in the number and size of driveway approaches 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.

Finding: Complies with Condition. There is an existing driveway located along the property's frontage on South End Road. No driveway modifications are required per the applicant's traffic analysis. However, the existing driveway approach on South End Road, which intersects with a public sidewalk, shall be made Americans with Disabilities Act (ADA) compliant. An approved curb ramp design will need included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

G. 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 back into the property as measured from the current edge of sidewalk or 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. Any driveway approach built within public right-of-way shall be built and permitted per City requirements as approved by the City Engineer.
3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the City Engineer.

Finding: Complies with Condition. There is an existing driveway located along the property's frontage on South End Road. No driveway modifications are required per the applicant's traffic analysis. However, the existing driveway approach on South End Road, which intersects with a public sidewalk, shall be made Americans with Disabilities Act (ADA) compliant. An approved curb ramp design will need included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

H. Exceptions. The City Engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.

Finding: Complies with Condition. There is an existing driveway located along the property's frontage on South End Road. No driveway modifications are required per the applicant's traffic analysis. However, the existing driveway approach on South End Road, which intersects with a public sidewalk, shall be made Americans with Disabilities Act (ADA) compliant. An approved curb ramp design will need included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.065 - Building site—Grading.

Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Title 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of OCMC 13.12, 15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of OCMC 17.47.

Finding: Complies with Condition. See Sections 13.12, 15.48, 16.12 and 17.47 for findings.

16.12.085 - Easements.

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

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

Finding: Complies with Condition. There is an existing public water main that traverses the applicant's property. The applicant shall provide a 15-foot-wide easement for the existing 8-inch public water main which runs through the site. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the

preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.

Finding: Not Applicable. The applicant has not proposed unusual facilities.

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

Finding: Not Applicable. The development is not traversed by a watercourse.

D. Access. When easements are used to provide vehicular access to lots within a development, the construction standards, but not necessarily width standards, for the easement shall meet City specifications. The minimum width of the easement shall be 20 feet. The easements shall be improved and recorded by the applicant and inspected by the City Engineer. Access easements may also provide for utility placement.

Finding: Not Applicable. The applicant has not proposed any access easements as part of this development.

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

Finding: Not Applicable. The development is not traversed by a significant natural feature or features of historic significance.

16.12.090 - Minimum improvements—Procedures.

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

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

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

C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of OCMC 17.47, 17.49 and the Public Works Erosion and Sediment Control Standards.

D. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities,

such as, storm, water and sanitary sewer shall be placed beyond the ten-foot wide franchise utility easement within private property.

E. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.

F. The City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

Finding: Complies with Condition. The applicant indicated that construction plans for all required improvements will be presented to the city for review and approval prior to the commencement of any construction activities on the site. As required by these standards and city policy, inspections will occur during construction of these improvements. Erosion control measures will be provided and are depicted in conceptual form on the attached preliminary grading plans.

The development shall comply with all current Oregon City Public Works design standards, specifications, codes and policies. The development's engineer(s) may schedule a pre-design meeting with Oregon City staff prior to official review of the development construction plans. 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 engineering plans shall provide a local benchmark onsite using the NAVD88 datum. 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.

Improvements shall be constructed under the inspection and approval of the City. Expenses incurred thereby shall be borne by the developer and paid prior to final approval. The developer's project engineer also shall inspect construction. Underground utilities, waterlines, sanitary sewers and storm drains proposed within streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the franchise utility easement within private property.

Furthermore, the applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through 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.**

16.12.095 - Minimum improvements—Public facilities and services.

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

A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the City's planned level of service on all public streets, including alleys within the development and those portions of public streets adjacent to but only partially within development. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-

made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points or curvature and points of tangency of their center line, and at such other points as directed by the City Engineer.

Finding: Complies with Condition. The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. The applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points or curvature and points of tangency of their center line, and at such other points as directed by the city engineer. See 16.12.016 for findings related to existing frontage improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Stormwater Drainage System. Applicants shall design and install drainage facilities within a development and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with City drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards.

Finding: Complies with Condition. See findings from section 13.12 for the design of stormwater management facilities to serve the development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a development in accordance with the City's sanitary sewer design standards, and shall connect those lots or parcels to the City's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. Applicants are responsible for extending the City's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the City Engineer before construction begins.

Finding: Complies with Condition. An 18-inch sanitary sewer main exists within South End Road with manholes located at the along the property frontage. There is an existing sanitary sewer service lateral within South End Road. If the applicant intends to use an existing sanitary sewer service line, it shall be at least 6" in diameter and the applicant shall provide a video inspection report to the City and Public Works will confirm if the lateral is in usable condition. Otherwise, the development shall install a new 6" service lateral. The applicant will be required to provide a two-way cleanout per City standards for the existing sanitary sewer lateral if none exists. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a development in accordance with the City public works water system design standards, and shall connect those lots or parcels to the City's water system. Applicants are responsible for extending the

City's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

Finding: Complies with Condition. There is an existing 8-inch ductile iron water main that runs within South End Road that appears to be sufficient to serve the proposed development. There is an existing water service line which serves the property. If the applicant intends to use the existing water service line, it shall be at least 1" in diameter and the applicant shall perform inspections to confirm that it is in usable condition to the satisfaction of the City. Otherwise, the development shall install, at a minimum, a new 1" water service line and meter to serve the development. See findings for 16.12.085.A for the required onsite water line easement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Street Trees. Refer to OCMC 12.08, Street Trees.

Finding: See findings from section 12.08.

F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.

Finding: Not Applicable. No new streets are proposed with this development. Therefore, no new benchmarks are required

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

Finding: Complies with Condition. All new franchise utilities shall be placed underground. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Not Applicable. The applicant is not required to oversize facilities.

I. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of OCMC 17.47 with regard to erosion control.

Finding: Applicable. See findings from section 17.47 of this report.

16.12.100 - Same—Road standards and requirements.

A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of this Chapter. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:

1. *The establishment of the public street is initiated by the City Commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;*
2. *The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.*

Finding: Not Applicable. The conditions outlined in 16.12.100 do not exist for this proposed development.

B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the Community Development Director and City Engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.

Finding: Not Applicable. The applicant has not proposed the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions.

16.12.105 - Same—Timing requirements.

A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with OCMC 17.50.140.

Finding: Not Applicable. The city has only afforded the applicant the option to construct the public improvements according to approved final engineering plans and all applicable requirements of this Code. Improvements are required to be completed and accepted by the City Engineer prior to final plat approval per findings from section 16.12.090 of this report.

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

Finding: Applicable. Improvements are required to be completed and accepted by the City Engineer before approval of the preliminary plat; see findings from section 16.12.090 of this report.

16.12.110 -Public improvements—Financial guarantees.

A. To ensure construction of required public improvements, the applicant shall provide the City with a performance guarantee in accordance with OCMC 17.50.140.

Finding: Applicable. Please see findings from Section 17.50.140 of this report.

B. After satisfactory completion of required public improvements and facilities, all public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period as prescribed in OCMC 17.50.141.

Finding: Applicable. Please see findings from Section 17.50.141 of this report.

16.12.120 Waiver of Remonstrance

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

CHAPTER 17.08 LOW DENSITY RESIDENTIAL DISTRICTS

17.08.020 - Permitted uses.

Permitted uses in the R-10, R-8 and R-6 districts are:

- A. Single-family detached residential units;*
- B. Accessory uses, buildings and dwellings;*
- C. Internal conversions;*
- D. Corner duplexes;*
- E. Cluster housing;*
- F. Residential homes;*
- G. Parks, playgrounds, playfields and community or neighborhood centers;*
- H. Home occupations;*
- I. Family day care providers;*
- J. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);*
- K. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;*
- L. Transportation facilities.*

Finding: Not Applicable. Though the applicant has proposed a recreational facility which is permitted under 17.08.020.G, the proposed recreational facility is associated with a church use which requires a conditional use permit.

17.08.025 - Conditional uses.

The following uses are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;*
- B. Bed and breakfast inns/boarding houses;*
- C. Cemeteries, crematories, mausoleums and columbariums;*
- D. Child care centers and nursery schools;*
- E. Emergency service facilities (police and fire), excluding correctional facilities;*
- F. Residential care facilities;*
- G. Private and/or public educational or training facilities;*
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);*
- I. Religious institutions;*
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients;*

Finding: Applicable. The applicant has proposed a recreational facility associated with a church which is a conditional use per OCMC 17.08.025.I.

17.08.030 - Master plans.

The following are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.65.

A. Single-family attached residential units.

Finding: Not Applicable. The applicant has not proposed a master plan for this development.

17.08.035 - Prohibited uses.

Prohibited uses in the R-10, R-8 and R-6 districts are:

A. Any use not expressly listed in OCMC 17.08.020, 17.08.025 or 17.08.030;

B. Marijuana businesses.

Finding: Not Applicable. No prohibited uses have been proposed.

17.08.040 - Dimensional standards.

Dimensional standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.040

Standard	R-10	Finding:
Minimum lot size	10,000 sq. ft.	Not Applicable. No new lots have been proposed as part of this Conditional Use Permit and Site Plan and Design Review application.
Maximum height	35 ft.	Complies as Proposed. The proposed building is approximately 32 feet in height.
Maximum building lot coverage With ADU	40%, except 45%	Complies as Proposed. The total site coverage of the new recreational building, the existing church and the connecting breezeway is approximately 35,467 SF, equating to approximately 9% lot coverage (35,467/372,627= 0.9518).
Minimum lot width	65 ft.	Not Applicable. No new lots have been proposed as part of this Conditional Use Permit and Site Plan and Design Review application.
Minimum lot depth	80 ft.	Not Applicable. No new lots have been proposed as part of this Conditional Use Permit and Site Plan and Design Review application.
Minimum front yard setback	20 ft., except 15 ft. - Porch	Not Applicable. The front setback of the existing church will not change as a result of this development. The proposed recreational building is connected to the church via a breezeway.
Minimum interior side yard setback	8 ft.	Complies as Proposed. The proposed building is approximately 106 feet from the northern property line, and more than 425 feet from the southern property line. The minimum required interior side yard setback is met.
Minimum corner side yard setback	10 ft.	Not Applicable. The subject site is not a corner lot.

<i>Minimum rear yard setback</i>	<i>20 ft, except 15 ft - Porch 10 ft - ADU</i>	Complies as Proposed. The proposed building is approximately 68 feet from the rear property line.
<i>Garage setback</i>	<i>20 ft. from ROW, except 5 ft. Alley</i>	Not Applicable. No garages are proposed as part of this application.

Notes:

For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.

Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.

Finding: Not Applicable. The applicant has not proposed a land division.

17.08.045 - Exceptions to setbacks.

A. Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.

B. Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.

Finding: Not Applicable. The proposed building does not project into required setbacks, and the subject site is not a through lot.

17.08.050 - Density standards.

A. Density standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.050

<i>Standard</i>	<i>R-10</i>	<i>R-8</i>	<i>R-6</i>
<i>Minimum net density</i>	<i>3.5 du/acre</i>	<i>4.4 du/acre</i>	<i>5.8 du/acre</i>
<i>Maximum net density</i>	<i>4.4 du/acre</i>	<i>5.4 du/acre</i>	<i>7.3 du/acre</i>

B. Exceptions.

1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.08.050.

2. Corner duplexes shall count as a single dwelling unit for the purposes of calculating density.

3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.08.050; see OCMC 17.20.020.

Finding: Not Applicable. The applicant has not proposed a subdivision or residential development, therefore, density standards are not applicable.

CHAPTER 17.41 TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS

17.41.010 - Protection of trees—Intent.

The intent of this chapter is to ensure that new development is designed in a manner that preserves trees to the maximum extent practicable. As a requirement of any Type II land use application, the siting of structures, roadways and utility easements, shall provide for the protection of tree resources to the maximum extent practicable. This chapter applies to all Land Division and Site Plan and Design Review applications.

17.41.020 - Tree protection—Applicability.

1. Applications for development subject to OCMC 16.08 (Land Divisions) or OCMC 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments. Compliance with this chapter is required from the date a land use application is filed until a land division is recorded or other development approval is final.
2. For public capital improvement projects, the City Engineer shall demonstrate compliance with these standards pursuant to a Type I process.
3. Tree canopy removal greater than twenty-five percent on areas with greater than twenty-five percent slope, unless exempted under OCMC 17.41.040, shall be subject to these standards.
4. A heritage tree or grove which has been designated pursuant to the procedures of OCMC 12.32 shall be subject to the standards of this section.
5. A tree that has been planted pursuant to this section shall remain or shall be replaced with a new tree if removed.

Finding: Applicable. The proposal includes a site plan and design review application, therefore, this chapter 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 OCMC 17.04, shall govern.

Finding: Not Applicable. No conflicting code requirements have been identified.

17.41.040 - 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 OCMC 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930, for farm or forestlands. These regulations do not apply to the removal of trees that are considered invasive species. 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 exemptions within this section do not apply to this development.

17.41.050 - 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 OCMC 17.41.060.
- B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to OCMC 17.41.080; or
- C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to OCMC 17.41.110; or
- D. Option 4—Cash-in-lieu of planting pursuant to OCMC 17.41.120.

Finding: Complies with Condition. It is unclear whether or not any tree removal is proposed. In the event that onsite trees are removed as part of this development, the applicant shall submit a tree removal and mitigation plan utilizing any of the compliance options in OCMC 17.41.050 and

demonstrating compliance with tree removal and replanting standards in OCMC 17.41, including requirements for size, species, planting and number of mitigation trees. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 Community Development Director 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. The applicant did not submit a plan for tree protection during construction. Prior to issuance of a building permit, the applicant shall submit a plan for tree protection during construction for any trees impacted by construction of the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

17.47.030 - Applicability.

A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.

B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

Finding: Applicable. The applicant has proposed construction activities for a new recreational building that may cause visible or measurable erosion.

17.47.060 - Permit required.

The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other city-issued permit that may cause visible or measurable erosion.

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

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.

B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:

- 1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;*
- 2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.*

- C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.*
- D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.*
- E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.*
- F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.*
- G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).*

Finding: Complies with Condition. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval. **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

17.50.010 - Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

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

Finding: The application is being reviewed pursuant to the Type III process.

17.50.040 - Development review in overlay districts and for erosion control.

*For any development subject to regulation of Geologic Hazards Overlay District under OCMC 17.44; Natural Resource Overlay District under OCMC 17.49; Willamette River Greenway Overlay District under OCMC 17.48; Historic Overlay District under OCMC 17.40, and Erosion and Sediment Control under OCMC 17.47, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site. **17.50.050 – Pre-application conference.***

A Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application 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.

To schedule a pre-application 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 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 pre-application conference.

B. A pre-application 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 shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.

C. Notwithstanding any representations by City staff at a pre-application 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.

Finding: Complies as Proposed. The applicant held a pre-application conference on September 10, 2019 (PA 19-51). The land use application was submitted within 6 months of the pre-application conference on February 24, 2020.

17.50.055 - Neighborhood association meeting.

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

A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.

C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.

D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.

E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

Finding: Complies as Proposed. Neighborhood association meetings are required for a Conditional Use Permit and Site Plan and Design Review applications. This section requires the applicant to submit a copy of the email correspondence with the neighborhood association, meeting sign-in sheet, and a summary of issues discussed. This is a submittal requirement, rather than an approval criterion. The South End Neighborhood Association is not currently active, therefore the applicant had scheduled a meeting with the Citizen Involvement Committee, however the meeting was cancelled after this application was deemed complete. The purpose of neighborhood association meetings is for the applicant to establish a dialogue with the neighborhood association, and to answer any questions about their development, however, there is no approval criteria tied to the neighborhood association meeting. The application was transmitted to the South End neighborhood association during the public notice period and no comments from the neighborhood association were received in response to the development. Though a neighborhood association meeting was not held, all applicable approval criteria have been met or can be met through the Conditions of Approval.

17.50.070 - Completeness review and one hundred twenty-day rule.

C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:

- 1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
- 2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
- 3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*
- 4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.*

D. A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:

- 1. The project includes five or more residential units, including assisted living facilities or group homes;*
- 2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and*
- 3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.*

E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.

F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

Finding: Complies as Proposed. This land use application was submitted on February 24, 2020, and deemed complete on March 20, 2020. The City has until July 17, 2020 to make a final decision.

17.50.090 - Public notices.

All public notices issued by the City announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

A. Notice of Type II Applications. Once the Community Development Director has deemed a Type II application complete, the City shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the City shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. The City's Type II notice shall include the following information:

- 1. Street address or other easily understood location of the subject property and city-assigned planning file number;*
- 2. A description of the applicant's proposal, along with citations of the approval criteria that the City will use to evaluate the proposal;*
- 3. A statement that any interested party may submit to the City written comments on the application during a fourteen-day comment period prior to the City's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;*
- 4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the City to respond to the issue;*
- 5. A statement that the application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;*
- 6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application.*
- 7. The notice shall state that a City-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.*

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any City-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080H., the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:

- 1. The time, date and location of the public hearing;*
- 2. Street address or other easily understood location of the subject property and city-assigned planning file number;*
- 3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;*

4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
5. A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;
6. The notice shall state that a City-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290C. must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.
7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the Planning Division offices during normal business hours; and
8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.

C. Notice of Public Hearing on a Legislative Proposal. At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the City's land use regulations or Comprehensive Plan is to be considered, the Community Development Director shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published on the City website. Notice issued under this subsection shall include the following information:

1. The time, date and location of the public hearing;
2. The City-assigned planning file number and title of the proposal;
3. A description of the proposal in sufficient detail for people to determine the nature of the change being proposed;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing; and
5. The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information.

Finding: Complies as Proposed. Notice was posted onsite, sent to property owners within 300 feet, posted on the City website, and transmitted to all neighborhood associations, affected departments and agencies, and the Natural Resource Committee.

17.50.100 - Notice posting requirements.

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

A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.

B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and

motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

Finding: Complies as Proposed. The subject site was posted with the land use notice signs longer than the minimum requirement.

17.50.140 – Financial guarantees.

When conditions of permit approval require a permittee to construct certain public improvements, the City shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.

- A. Form of Guarantee. Guarantees shall be in a form approved by the City Attorney. Approvable forms of 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. Performance Guarantees. A permittee shall be required to provide a performance guarantee as follows.*
 - 1. After Final Approved Design by The City: The City may request the Permittee to submit a Performance Guarantee for construction of certain public improvements. 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 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: The City may request a permittee to submit a Performance Guarantee for construction of certain public improvements. 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.*
- C. Release of 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.*

- D. *Fee-in-lieu. When conditions of approval or the City Engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee 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 percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City Attorney.*

Finding: Not Applicable. The scope of the required public improvements for this application does not warrant the provision of a performance bond from the applicant.

17.50.141 – Public improvements – Warranty

All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City Engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

- A. *Duration of Warranty. Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.*
- B. *Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, 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.*
- C. *Amount of Warranty. The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two year maintenance period), and shall be supported by a verified engineering estimate and approved by the City Engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.*
- D. *Transfer of Maintenance. The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two year warranty period.*

Finding: Not Applicable. The scope of the required public improvements for this application does not warrant the provision of a warranty bond from the applicant.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.010 - Applicability.

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

Finding: Applicable. The applicant has proposed construction of a new building and expansion of the existing parking lot, therefore, this chapter applies.

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. Adjustments provide flexibility to those uses which may be extraordinary, unique, or 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 parking standard may be approved based on a determination by the Planning Commission that the adjustment is consistent with the purpose of this Code, and the approval criteria can be met.

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

C. Approval criteria for the adjustment are as follows:

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

2. Parking analysis for surrounding uses and on-street parking availability: The applicant shall 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 OCMC 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the Community Development Director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the Community Development Director.

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

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

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

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

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

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

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

Finding: Not Applicable. The applicant has not requested a Planning Commission Parking Adjustment.

17.52.020 - Number of automobile spaces required.

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

Table 17.52.020		
LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Elementary/Middle School	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High School, College, Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater,	.25 per seat	0.5 per seat
Retail Store, Shopping Center, Restaurants	4.10	5.00
Office	2.70	3.33
Sports Club, Recreation Facilities	Case Specific	5.40

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

2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Community Development Director, based upon the requirements of comparable uses listed.

Finding: Complies as Proposed. The existing church includes classrooms as well as a religious assembly space, and the proposed recreation building includes classrooms and a gymnasium. Though the code provides a maximum requirement for recreation facilities, this figure is meant for uses such as gyms and does not account for bleacher seating. Because the proposed building includes classrooms and bleacher seating within the gymnasium, the auditorium/meeting room/stadium/religious assembly parking numbers are being used for the church and the gymnasium, and the elementary school parking requirements are being used for the classrooms within the church and the recreational building. The applicant's narrative identified that 215 parking stalls are proposed, however, based on the site plan, it appears that only 213 parking stalls are proposed. The minimum number of parking spaces required is 122 and the maximum number of parking spaces allowed is 232, therefore, the applicant is in compliance with the minimum and maximum number of parking stalls.

LAND USE	PARKING REQUIREMENTS			
	MINIMUM	MAXIMUM	MINIMUM REQ'D	MAXIMUM ALLOWED
Elementary/Middle School	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per	12	12

		seat in auditorium/assembly room/stadium		
Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater, (300 seats in church, 140 seats in gymnasium)	.25 per seat	0.5 per seat	110	220
TOTAL			122	232

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 requirement.

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's narrative identified compliance with this standard.

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 within the MUD Design District or the Willamette Falls Downtown District.

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

1. *Parking may be located on the same site as the associated use which it is supporting.*

2. *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.*

3. *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.*

4. *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 shall 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: twenty-two feet of uninterrupted and available curb;

2. Forty-five and/or sixty-degree diagonal parking: Fifteen feet of curb;

3. Ninety-degree (perpendicular) parking: 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. All parking is provided onsite. The applicant has not proposed to utilize any of the off-site parking options withing this section.

C. Reduction of the Number of the Minimum Automobile Spaces Required. Any combination of the reductions below is permitted unless otherwise noted.

1. Downtown Parking Overlay. The minimum required number of parking stalls is reduced within the Downtown Parking Overlay by fifty percent.

2. Transit Oriented Development. For projects not located within the Downtown Parking Overlay District, the minimum required number of parking stalls is reduced up to twenty-five percent when:

a. In a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred foot radius) or

b. When adjacent to multi-family development with over eighty units or

c. Within 1,320 feet of an existing or planned public transit street and within 1,320 feet of the opposite use (commercial center or multi-family development with over eighty units).

3. Tree Preservation. The Community Development Director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a designated heritage tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition.

4. Transportation Demand Management. The Community Development Director shall reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer demonstrates 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.

A transportation demand management (TDM) program shall be developed to include 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.

5. The minimum required number of stalls may be reduced by up to ten percent when the subject property is adjacent to an existing or planned fixed public transit route or within one thousand feet of an existing or planned transit stop

Finding: Not Applicable. The applicant has not requested a reduction in accordance with this section.

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 and meet requirements of OCMC 16.12.035. 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.

Finding: Not Applicable. The existing parking lot includes access from South End Road and Paulsen Drive. Though the parking lot is expanding, no changes to access are proposed as part of this development.

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 proposed parking lot will be paved with asphaltic concrete, and the applicant's narrative identified that the parking lot surfaces will be adequately maintained.

C. Drainage. Drainage shall be designed in accordance with the requirements of OCMC 13.12 and the City public works stormwater and grading design standards.

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

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.

Finding: Complies with Condition. The applicant has proposed both 90 degree parking stalls and 45 degree parking stalls. The 90 degree stalls are in compliance with stall width and curb length requirements, but exceed the stall to curb and aisle width requirements. The 45 degree stalls exceed all of the dimensional requirements. Prior to issuance of a building permit, the applicant shall submit a revised parking plan with parking stalls and drive aisles which comply with the parking dimensional requirements in OCMC 17.52.030.D. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

2. Alternative parking/plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the Community Development Director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.

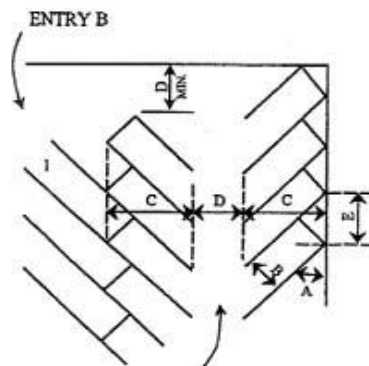
Finding: Not Applicable. The applicant has not proposed an alternative parking plan.

PARKING STANDARD

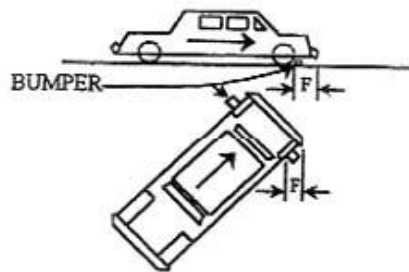
PARKING ANGLE SPACE DIMENSIONS

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

All dimensions are to the nearest tenth of a foot.



TYPICAL PARKING LAYOUT
ENTRY A



NOTE: SPACE 1 CONTINGENT UPON ENTRY B
OVERHANG

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

Finding: Please refer to the analysis in OCMC 17.52.030.D.1.

E. Carpool and Vanpool Parking. New developments with seventy-five or more parking spaces, excluding projects where seventy-five percent or more of the total floor area is residential, 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: Complies with Condition. A total of 114 new parking stalls are proposed, therefore, at least 6 carpool/vanpool parking stalls are required ($114 \times .05 = 5.7$). The applicant's narrative identified that the development will include nine carpool/vanpool parking stalls, however, they were not identified on the site plan and compliance with location requirements for carpool/vanpool parking stalls could not be confirmed. Prior to issuance of a building permit associated with the proposed development, the applicant shall provide a revised parking lot layout which identifies the location of required carpool/vanpool parking stalls and demonstrates compliance with location requirements for carpool/vanpool parking in OCMC 17.52.030.E. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.52.040 - Bicycle parking standards.

A. Purpose-Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than exclusively residential use with less than five dwellings onsite (excluding cluster housing).

Finding: Applicable. The development includes a new building and expansion of a parking lot. Bicycle parking standards are 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 OCMC 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

TABLE A Required Bicycle Parking Spaces*

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

USE	MINIMUM BICYCLE PARKING	MINIMUM BICYCLE PARKING - COVERED - The following percentage of bicycle parking is required to be covered
Religious institutions, movie theater, auditorium or meeting room	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)
Swimming pools, gymnasiums, ball courts	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)

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

Finding: Complies as Proposed. 114 parking stalls are proposed as part of the new development. Therefore, using the bicycle parking requirements for religious institutions and gymnasiums, a total of 11 bicycle parking stalls are required, three of which must be covered bicycle parking. The applicant has proposed 16 new bicycle parking stalls with the new building, and eight of them are undercover. The requirement has been satisfied.

C. Design Standards.

1. Bicycle parking facilities shall be in the form of a lockable enclosure onsite, secure room in a building onsite, a covered or uncovered rack onsite, or within the adjacent right-of-way.

Finding: Complies with Condition. The applicant's narrative identified compliance with this standard, however, details of the proposed bicycle parking fixtures were not included. Prior to issuance of a building permit with the proposed development, the applicant shall submit details of the proposed bicycle parking facilities, demonstrating compliance with all bicycle parking design standards in OCMC 17.52.040.C. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 shall be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings.

Finding: Complies as Proposed. The existing bicycle parking near the church is visible from the street. The new bicycle parking proposed under this development will be located near the main entrance of the new building which is located behind the existing church. The bicycle parking onsite is distributed in a way to efficiently serve both buildings.

3. All bicycle racks shall be designed so that:

- a. The bicycle frame is supported horizontally at two or more places.*
- b. The frame and at least one wheel of the bicycle can be locked to the rack with a standard U-type lock.*
- c. The user is not required to lift the bicycle onto the bicycle rack.*
- d. Each bicycle parking space is accessible without moving another bicycle.*
- e. It is a minimum of thirty inches tall and eighteen inches wide between the two points of contact.*
- f. Provides an area of six feet by two feet per bicycle.*
- g. All bicycle racks and lockers shall be securely anchored to the ground or to a structure.*

Finding: Complies with Condition. The applicant's narrative identified compliance with this standard, however, details of the proposed bicycle parking fixtures were not included. Prior to issuance of a building permit with the proposed development, the applicant shall submit details of the proposed bicycle parking facilities, demonstrating compliance with all bicycle parking design standards in OCMC 17.52.040.C. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.52.060 - Parking lot landscaping.

Purpose. The purpose of this code section includes the following:

- 1. To enhance and soften the appearance of parking lots;*
- 2. To limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas;*
- 3. To shade and cool parking areas;*
- 4. To reduce air and water pollution;*
- 5. To reduce storm water impacts and improve water quality; and*
- 6. To establish parking lots that are more inviting to pedestrians and bicyclists.*

A. Applicability. Unless otherwise specified, construction of new parking lots and alterations of existing parking lots shall comply with parking lot landscaping standards. Parking lot landscaping requirements within this section do not apply to parking structures or parking garages, except landscaping as required in OCMC 17.62.

Finding: Applicable. The applicant has proposed an expansion of a parking lot which includes new parking lot landscaping, therefore, compliance with parking lot landscaping standards is required.

B. Development Standards.

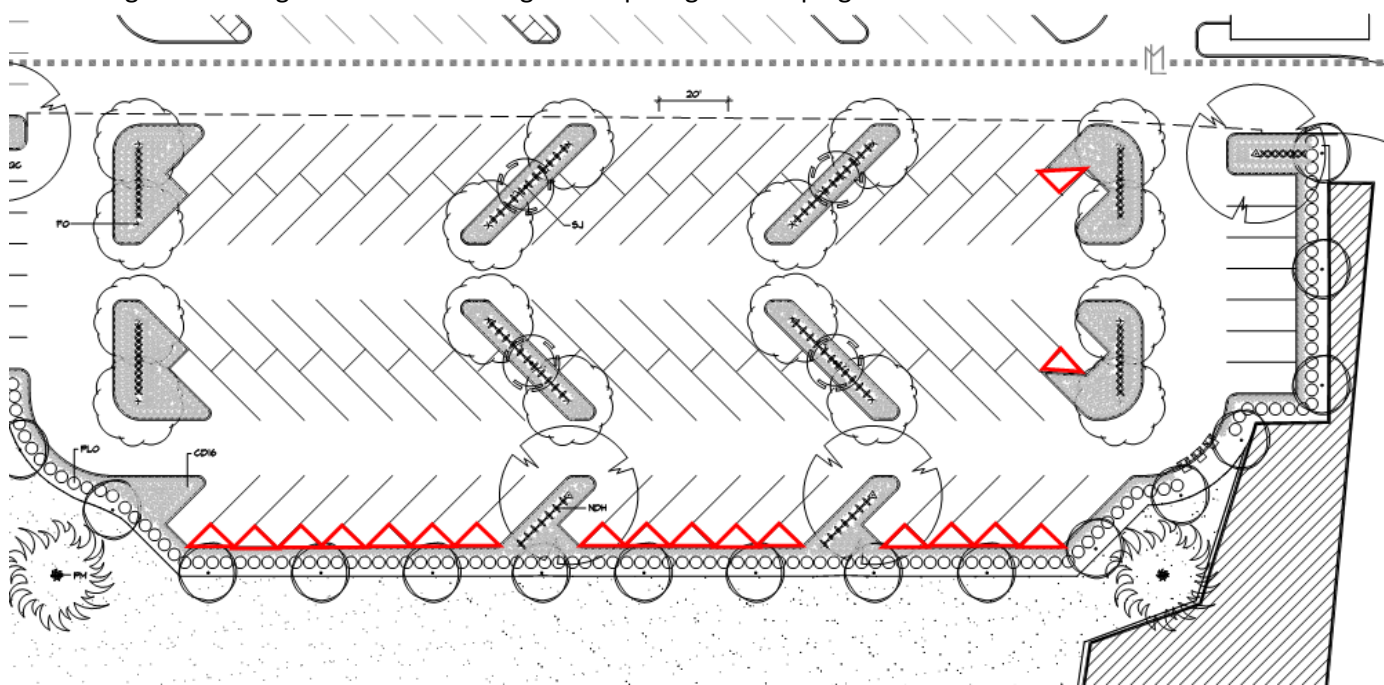
1. *The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.*

Finding: Complies as Proposed. The applicant has proposed defined landscaping areas that are uniformly distributed throughout the parking lot.

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

Finding: Complies with Condition. The applicant has proposed drive aisles which are wider than the drive aisle widths allowed by OCMC 17.52.030.D, as well as parking stalls exceeding the dimensional standards in OCMC 17.52.030.D. Additionally, there are paved triangular areas between landscaping planter strips and the 45-degree parking stalls which are not used for parking, maneuvering and circulation (Figure 6).

Figure 6. Triangular Areas in Parking Lot Requiring Landscaping



Prior to issuance of a building permit, the applicant shall submit a revised parking lot layout in which all areas in the parking lot not used for parking, maneuvering or circulation shall be landscaped, including decreasing drive aisle widths and parking stall dimensions to comply with the dimensional standards in OCMC 17.52.030.D, and eliminating the paved triangular areas between landscaping planter strips and the 45-degree parking stalls. **Staff has determined that it is possible, likely and reasonable that the applicant can comply with 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.*

Finding: Complies as Proposed. The parking lot landscaping plan includes deciduous and coniferous trees evenly distributed 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 or approved by an arborist;*

Finding: Complies as Proposed. The parking lot landscaping plan includes two-inch caliper landscaping trees planted according to American Nurseryman Standards. The landscaping plan was prepared by a Registered Landscape Architect.

5. *At maturity, all of the landscaped area shall be planted in ground cover plants, which includes grasses. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.*

Finding: Complies with Condition. The applicant submitted a landscaping plan prepared by a Registered Landscape Architect, however, the plan did not specify that mulch will only be utilized underneath plants at full growth and within two feet of the base of trees. Prior to issuance of a building permit, the applicant shall submit a revised landscaping plan which identifies that no mulch will be used except underneath plants at full growth 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.**

6. *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's landscaping plan includes an irrigation plan and the applicant's narrative identified that the subject landscaping and irrigation system will be adequately maintained.

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

Finding: Complies as Proposed. The applicant's landscaping plan identified that all landscaping will be installed in accordance with American Nurseryman Standards.

C. 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 parking lot includes a five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties.

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

a. *Trees spaced a maximum of thirty 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 with Condition. The perimeter parking lot area includes trees though in some locations the spacing exceeds 30 feet. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised landscaping plan which includes trees spaced no more than 30 feet apart in the perimeter parking lot landscaping of the new parking area in the northeast

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

b. 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 applicant has proposed shrubs spaced no more than four feet apart on average in all new or modified perimeter parking lot landscaping areas.

D. Parking Area/Building Buffer. *Except for parking lots with fewer than five parking stalls, 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) meeting the standards for perimeter parking lot area landscaping; or:*
- 2. Minimum seven foot sidewalks with shade trees spaced a maximum of thirty feet apart in three-foot by five-foot tree wells.*

Finding: Complies with Condition. The proposed development does not comply with parking area/building buffer landscaping standards for the area between the parking lot and the recreation building proposed under this application. Since the proposed breezeway does not include an exterior wall and is just a covered walkway, parking area/building buffer landscaping is not required between the breezeway and the parking lot. Prior to issuance of a building permit, the applicant shall submit a revised landscaping plan which includes parking area/building buffer landscaping between the parking lot and the proposed recreation building in accordance with one of the options in OCMC 17.52.060.D. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Interior Parking Lot Landscaping.

Surface parking lots with more than five parking stalls shall include at least forty-five square feet of interior parking lot landscaping per parking stall to improve the water quality, reduce storm water runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Fractions shall be rounded up when calculating the required number of plantings. Interior parking lot landscaping shall include:

Finding: Complies as Proposed. The parking lot includes a total of 213 parking stalls, requiring a total of 9,585 SF of interior parking lot landscaping. The proposed parking lot provides over 25,000 SF of interior parking lot landscaping, therefore, the standard is met.

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

Finding: Complies with Condition. The parking lot includes a total of 213 parking stalls, however 89 of these spaces are existing and not being changed, and there are 124 new or reconfigured parking stalls requiring a total of 31 trees within the new and reconfigured interior parking lot landscaping area. The applicant has proposed 26 interior parking lot landscaping trees within the new and reconfigured parking area. Prior to issuance of a building permit, the applicant shall submit a revised landscaping plan which includes 31 interior parking lot landscaping trees within the new and reconfigured parking areas. In the event that the additional trees cannot be accommodated within the new and reconfigured interior parking lot landscaping areas, the applicant may plant the additional trees within existing

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

b. A minimum of 1.5 shrubs per parking space.

Finding: Complies with Condition. The parking lot includes a total of 213 parking stalls, however 89 of these spaces are existing and not being changed, and there are 124 new or reconfigured parking stalls requiring a total of 186 shrubs within the new interior parking lot landscaping area. The applicant has proposed 136 interior parking lot landscaping shrubs within the new and reconfigured interior parking lot landscaping areas. Prior to issuance of a building permit, the applicant shall submit a revised landscaping plan which includes 186 interior parking lot landscaping trees within the new and reconfigured parking areas. In the event that the additional shrubs cannot be accommodated within the new and reconfigured interior parking lot landscaping areas, the applicant may plant the additional shrubs within existing interior parking lot landscaping areas. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

c. 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 applicant has not proposed more than eight contiguous parking stalls without a landscaping strip which meets the dimensional requirements of this section between them.

F. 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 OCMC 17.52.060 in accordance with A and/or B below.

1. General Review Standard. The alternative shall meet the standards in OCMC 17.62.015- Modifications that will better meet design review requirements.

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

Finding: Not Applicable. The applicant has not proposed an alternative landscaping plan.

17.52.080 - Maintenance.

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

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

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

Finding: Complies as Proposed. The applicant's narrative identifies compliance with maintenance requirements within this section.

17.52.090 - Loading areas.

A. Purpose.

The purpose of this section is to provide adequate loading areas for commercial, office, retail and industrial uses that do not interfere with the operation of adjacent streets.

B. Applicability.

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

Finding: Not Applicable. The applicant's narrative identified that no regularly scheduled deliveries by vehicles with a forty-foot wheelbase are anticipated for the church property, therefore, these standards are not applicable.

CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

17.54.100 Fences, Hedges, Walls, and Retaining Walls.

A. A fence, hedge, wall, retaining wall, or combination thereof may be located on real property, not within the right-of-way, subject to all of the following:

1. A fence, hedge, wall, retaining wall, or combination thereof located in front of a building may be up to 3.5-feet in total height as measured from the finished grade at any point on the fence.

2. A fence, hedge, wall, located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less may be up to:

a. Six feet in total height for residential properties with less than five units as measured from the finished grade at any point on the fence; or

b. Eight feet in total height for all other uses as measured from the finished grade at any point on the fence.

3. A retaining wall or combination of a fence, hedge, wall located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less, may be up to (as measured from the finished grade) 8.5 feet in height from the finished grade.

4. Fences, hedges, and/or walls located within two feet above a retaining wall, as measured on a horizontal plane, shall be measured together for the purposes of determining height.

5. Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.

Finding: Complies with Condition. The applicant did not identify whether or not a fence is proposed. If a fence or retaining wall is proposed, the applicant shall demonstrate compliance with fence/wall height and location requirements in OCMC 17.54.100. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.56 CONDITIONAL USES

17.56.010 - Permit—Authorization—Standards—Conditions.

A conditional use listed in this title may be permitted, enlarged or altered upon authorization of the Planning Commission in accordance with the standards and procedures of this title. Any expansion to, alteration of, or accessory use to a conditional use shall require Planning Commission or City Commission approval of a modification to the original conditional use permit unless authorized in this chapter.

Finding: Applicable. The existing church has a conditional use permit (CU 06-01), however, the existing conditional use permit does not allow for a recreational facility and a new conditional use permit application and review is required.

A. Conditional uses, because of their public convenience and necessity and their effect upon the neighborhood shall be permitted only upon the approval of the Planning Commission or City Commission after due notice and public hearing, according to procedure as provided in OCMC 17.50. The applicant shall provide evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrate that the proposed use also satisfies the following criteria:

1. The use is listed as a conditional use in the underlying district;

Finding: Complies as Proposed. Though recreational facilities are listed as a permitted use in the R-10 District, the recreational facility is associated with the church, therefore a conditional use permit is required because religious institutions are a conditional use in the R-10 District.

2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;

Finding: Complies as Proposed. The subject site is more than 8.5 acres in size and is rectangular in shape without any dramatic topography or natural features. The existing church is centrally located within the community it serves and utility infrastructure is adequate to serve the proposed development.

3. Development shall demonstrate compliance with OCMC 16.12;

Finding: Please refer to the findings within Chapter 16.12 of this report.

4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;

Finding: Complies with Condition. The proposed recreational building will be consistent with the existing church use. The applicant submitted several letters of support from community members for the proposed recreational building. During the public comment period for this application, staff received a comment identifying concern about the expanded parking area which is proposed to encroach much closer to the neighborhood to the south than the current parking area. The comment specifically identified concerns about events, gatherings or other recreational activities, such as concerts or games, being held in the new parking area, and noise these events would generate being a disturbance to the neighborhood. Though the applicant has not identified that any activities or gatherings would take place in the parking lot, the applicant shall establish a good neighbor agreement with property owners within 300 feet of the property, in order to ensure that the development will not result in a disturbance to surrounding neighbors. The document is intended to identify sustainable and meaningful communication between the site and the neighborhood and may provide a basis to resolve any problems that may arise. Prior to issuance of an occupancy permit for the recreational building, the applicant shall establish a good neighbor agreement with property owners within 300 feet of the property in order to ensure that the development will not result in a disturbance to surrounding neighbors. The applicant shall provide a copy of the good neighbor agreement to the city, and the good neighbor agreement shall contain, at a minimum, the following items:

a. A primary contact person for the recreational center to facilitate timely communications and address concerns from neighbors as they occur.

b. An invitation to a meeting for property owners within 300 feet of the subject property to discuss any concerns they may have with the use and establish a positive and productive relationship between the

neighbors and the church/recreational center operators and staff. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

5. The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.

Finding: Complies with Conditions. The proposal satisfies the applicable goals and policies of the comprehensive plan as detailed below.

Comprehensive Plan Goals and Policies

Section 2 – Land Use

Goal 2.4 Neighborhood Livability: Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

Policy 2.4.2: Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.

Finding: Complies with Condition. Though the proposed recreational center is for the church, it will also be used by youth sports leagues providing an activity center and point of interest within the neighborhood which will contribute to the neighborhood's vibrancy and sense of place. During the public comment period for this application, the Planning Division received a comment raising concerns about events, gatherings or other recreational activities, such as concerts or games, being held in the new parking area, and noise these events would generate being a disturbance to the neighborhood. As conditioned within this report, the applicant must establish a good neighbor agreement to ensure that the proposed recreational center will not negatively impact neighborhood livability and to provide a point of contact for neighborhood residents should any issues arise. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Section 6 – Quality of Air, Water and Land Resources

Goal 6.1 Promote the conservation, protection and improvement of the quality of the air in Oregon City.

Policy 6.1.1: Promote land use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

Finding: Complies as Proposed. Collocating the recreation center at the church property will reduce the need for distance travel by vehicles because church members that would otherwise have had to travel to an offsite location for recreational events following a church event would only need to make a single trip to the church property.

Goal 6.4 Noise: Prevent excessive noise that may jeopardize the health, welfare and safety of the citizens or degrade the quality of life.

Finding: Complies with Condition. During the public comment period for this application, the Planning Division received a comment raising concerns about events, gatherings or other recreational activities, such as concerts or games, being held in the new parking area, and noise these events would generate being a disturbance to the neighborhood. Although the applicant has not indicated that any such events would be taking place, as conditioned within this report, the applicant must establish a good neighbor agreement to ensure that the proposed recreational center will not result in a disturbance to surrounding neighbors and to provide a point of contact for neighborhood residents should any issues

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

Goal 6.3 Nightlighting: Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while providing for nightlighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, to reduce light trespass onto neighboring properties, to conserve energy, and to reduce light pollution via use of night-friendly lighting.

Policy 6.3.1: Minimize light pollution and reduce glare from reaching the sky and trespassing onto adjacent properties.

Policy 6.3.2: Encourage new developments to provide even and energy-efficient lighting that ensures safety and discourages vandalism. Encourage existing developments to retrofit when feasible.

Finding: Complies with Condition. Policies pertaining to light pollution and adequate lighting are implemented through the lighting standards in OCMC 17.62.065. As conditioned within this report, the applicant shall provide a revised photometric plan demonstrating compliance with lighting levels at the property line, and providing adequate lighting at building entrances and parking areas. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Section 14: Urbanization

Goal 14.2 Orderly redevelopment of existing city areas. Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.

Policy 14.2.1: Maximize public investment in existing public facilities and services by encouraging redevelopment as appropriate.

Finding: Complies as Proposed. The subject site is currently underdeveloped as it is more than 8.5 acres in size but is only developed with the existing church. Public facilities and services to support the proposed recreation center are available, and development on the property is an efficient use of land and existing public infrastructure.

B. Permits for conditional uses shall stipulate restrictions or conditions which may include, but are not limited to, a definite time limit to meet such conditions, provisions for a front, side or rear yard greater than the minimum dimensional standards of the zoning ordinance, suitable landscaping, off-street parking, and any other reasonable restriction, condition or safeguard that would uphold the spirit and intent of the zoning ordinance, and mitigate adverse effect upon the neighborhood properties by reason of the use, extension, construction or alteration allowed as set forth in the findings of the Planning Commission.

Finding: Complies with Condition. During the public comment period for this application, staff received a comment identifying concern about the expanded parking area which is proposed to encroach much closer to the neighborhood to the south than the current parking area. The comment specifically identified concerns about events, gatherings or other recreational activities, such as concerts or games, being held in the new parking area, and noise these events would generate being a disturbance to the neighborhood. Though the applicant has not identified that any activities or gatherings would take place in the parking lot, the applicant shall establish a good neighbor agreement with property owners within 300 feet of the property, in order to ensure that the development will not result in a disturbance to surrounding neighbors. The document is intended to identify sustainable and meaningful communication between the site and the neighborhood and may provide a basis to resolve any problems that may arise. Prior to issuance of an occupancy permit for the recreational building, the

applicant shall establish a good neighbor agreement with property owners within 300 feet of the property in order to ensure that the development will not result in a disturbance to surrounding neighbors. The applicant shall provide a copy of the good neighbor agreement to the city, and the good neighbor agreement shall contain, at a minimum, the following items:

a. A primary contact person for the recreational center to facilitate timely communications and address concerns from neighbors as they occur.

b. An invitation to a meeting for property owners within 300 feet of the subject property to discuss any concerns they may have with the use and establish a positive and productive relationship between the neighbors and the church/recreational center operators and staff. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Any conditional use shall meet the dimensional standards of the zone in which it is to be located pursuant to subsection B. of this section unless otherwise indicated, as well as the minimum conditions listed below.

Finding: Complies as Proposed. Please refer to the findings in OCMC 17.08.040 of this report. All dimensional standards of the R-10 zoning district have been met.

D. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change of use expansion of lot area or expansion of structure shall conform with the requirements for conditional use.

Finding: Not Applicable. The subject site has a prior conditional use permit (CU-06-01) and does not predate the effective date of this ordinance.

E. The Planning Commission may specifically permit, upon approval of a conditional use, further expansion to a specified maximum designated by the Planning Commission without the need to return for additional review.

Finding: Not Applicable. The applicant has not requested the Planning Commission approve a future expansion to the conditional use at this time.

17.56.020 - Permit—Application.

A. A property owner or authorized agent shall initiate a request for a conditional use by filing an application with the city recorder. The applicant shall submit a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The application shall be accompanied by the filing fee listed in OCMC 17.50.080 to defray the costs of publication, investigation and processing.

Finding: Complies as Proposed. The applicant submitted all required application materials and the application was deemed complete on March 20, 2020.

B. Before the Planning Commission or City Commission may act on a conditional use application, it shall hold a public hearing thereon, following procedure as established in OCMC 17.50.

Finding: Complies as Proposed. The application has been noticed in accordance with the requirements in OCMC 17.50 and a public hearing will be held on June 8, 2020.

17.56.025 - Minor modifications to legal conditional uses.

Minor modifications to an approved conditional use permit may be permitted. If permitted, the modification shall be reviewed as a minor site plan and design review. A minor modification to an approved conditional use permit is considered one of the following:

A. Modification to a structure for the purpose of enhancing the aesthetics of the building and there is no increase in the interior usable space;

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

C. Revisions to parking alignment and/or related vehicle circulation patterns.

Finding: Not Applicable. Though the church has an existing conditional use permit, the proposed recreational building surpasses the thresholds for minor modifications to existing conditional uses identified in this section and requires a separate conditional use permit.

17.56.040 - Criteria and standards for conditional uses.

In addition to the standards listed herein in OCMC 17.56.010, which are to be considered in the approval of all conditional uses and the standards of the zone in which the conditional use is located, the following additional standards shall be applicable:

A. Building Openings. *The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the Planning Commission.*

Finding: Not Applicable. No portion of the proposed building is located within 50 feet of a residential property.

B. Additional Street Right-of-Way. *The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.*

Finding: Not Applicable. The subject site's frontage is adequately improved and the city has not identified a need for additional right-of-way dedication or increased street width.

C. Public Utility or Communication Facility. *Such facilities as a utility substation, water storage tank, radio or television transmitter, tower, tank, power transformer, pumping station and similar structures shall be located, designed and installed with suitable regard for aesthetic values. The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure. Hydroelectric generation facilities shall not exceed ninety megawatts of generation capacity.*

Finding: Not Applicable. The proposed development does not include a public utility or communication facility.

D. Schools. *The site shall be located to best serve the intended area, shall be in conformance with the city plan, shall have adequate access, and shall be in accordance with appropriate State standards.*

Finding: Not Applicable. The proposed development does not include a school.

E. Helipad Landing Facility.

Finding: Not Applicable. The proposed development does not include a helipad landing facility.

F. Residential Care Facilities.

Finding: Not Applicable. The proposed development does not include a residential care facility.

G. Bed and Breakfast Inns.

Finding: Not Applicable. The proposed development does not include a bed and breakfast.

H. Shelters.

Finding: Not Applicable. The proposed development does not include a shelter.

17.56.060 - Revocation of conditional use permits.

The Planning Commission or the City Commission may initiate administrative action under Chapter 17.50 to revoke any conditional use permit previously issued by the city or, with regard to lands annexed by the city, those such permits issued by the county. The Planning Commission or, on review, the City Commission, may revoke such permit upon determining:

A. One or more conditions attached to the grant of the conditional use permit have not been fulfilled; and

B. The unfulfilled condition is substantially related to the issuance of the conditional use permit.

Finding: Not Applicable. The previous conditional use permit is not being revoked with this application.

17.56.070 - Periodic review of conditional use permits.

A. The City Commission may provide for the periodic review of some or all of the conditional use permits previously issued by the city, or, with regard to lands annexed by the city, those such permits issued by the county. In providing for such review, the City Commission may designate classes of such previously issued permits for which periodic review shall be undertaken.

B. Such review shall be accomplished as an administrative action under Chapter 17.50 and shall be limited to the question of whether additional conditions should be imposed on a conditional use in the light of changing circumstances and more efficient implementation of the city's comprehensive plan.

C. Notwithstanding the provisions of Chapter 17.58, any additional conditions shall be met as a requirement for continued operation of the conditional use.

Finding: Not Applicable. Staff has not identified a need for period review of this conditional use permit.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW.

17.62.015 - Modifications that will better meet design review requirements.

The review body shall consider modification of certain site related development standards of this Chapter specified below. These modifications may be approved as part of a Type II design review process.

A. Applicability.

1. This process shall apply to modifications to:

a. Landscaping in OCMC 17.62.050.A;

b. Vehicular Connections to Adjoining Properties in OCMC 17.62.050.B.2;

c. On-site pedestrian circulation in OCMC 17.62.050.C;

d. Utility Undergrounding Requirements in OCMC 16.12.095.G;

e. Building location in OCMC 17.62.055.D;

f. Building Details in OCMC 17.62.055.I;

g. Windows in OCMC 17.62. 055.J

h. Parking Lot Landscaping in OCMC 17.52.060.

Finding: Complies with Condition. The applicant has requested the modifications identified below, however, the modification review fees have not been paid.

1. Building location in OCMC 17.62.055.D

2. Windows in OCMC 17.62.055.J

Prior to issuance of a building permit associated with the proposed development, the applicant shall pay the review fees for the modifications requested. **Staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions of Approval.**

2. Modifications that are denied through Type II design review may be requested as a variance through the Variance process pursuant to OCMC 17.60.020 or Master Plan Adjustment pursuant to OCMC 17.65.070 as applicable.

3. Rather than a modification, applicants may choose to apply for a Variance through the Variance process pursuant to OCMC 17.60.020 or Master Plan Adjustment pursuant to OCMC 17.65.070 as applicable.

Finding: Not Applicable. The applicant has requested a modification to building location requirements and window requirements through the modification process within 17.62.015. If the Planning Commission denies the modification, the applicant may submit a Type III variance application.

B. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

1. The modification will result in a development that better meets the applicable design guidelines; and
Modification for Building Location in OCMC 17.62.055.D

Finding: Complies with Condition. The applicant has requested a modification to the building location requirements in OCMC 17.62.055.D. This section requires that institutional buildings are located no further than 5 feet from the street/front property line, and that on sites with more than one hundred feet of frontage, 60% of the frontage is occupied by buildings no more than five feet from the property line. The existing church occupies approximately 15% of the property frontage (100 feet of the property's 670-foot frontage), and the church is setback more than 5 feet from the property line, though there is a pedestrian plaza between the church and the street in order to provide mitigation for the increased setback. Because the property is not in compliance with the maximum building setback and building frontage percentage requirements, new buildings should be located near the street in order to bring the property closer to compliance with these requirements. Instead the applicant has proposed to connect the proposed recreational building to the existing church via a breezeway and locate the building behind the church and away from the street. Therefore, a modification is required.

The proposed recreational building includes a gymnasium with bleacher seating and several classrooms which requires a building footprint of more than 14,500 SF. There is not adequate space to place the building near the street and to the north of the church without being reconfigured. Given that the building is a recreational building where people are expected to gather and sporting events will take place, the facility will likely exceed noise levels expected of a typical single-family residential neighborhood and may cause a disturbance to the neighbors to the north if it is located so close to those properties.

Though there is adequate space to locate the recreational building south of the existing parking lot while maintaining a sufficient buffer between the recreational building and houses to the south, this location would preclude the building from being connected to the existing church. Though the recreational building will occasionally be used by local youth sports leagues not affiliated by the church, it will primarily be used by the church youth groups who may be going back and forth between the church building and the recreational building. The breezeway allows for church visitors to easily and safely go back and forth between the church and the recreational building without having to cross the parking lot or drive aisles resulting in a more walkable development, while still providing an adequate buffer of approximately 68 feet between the recreational building and residential properties to the east. Additionally, the applicant has proposed a plaza between the two buildings north of the breezeway. In order to provide a more interactive site and pedestrian friendly environment, the applicant shall incorporate three of the following elements within the plaza:

- Pedestrian-scale lighting

- Outdoor café
- Bench seating for a minimum of 20 people assuming 2 feet of lineal seating area per person
- 200 SF of landscaping planters or planter strips (not to be double-counted as building buffer/parking area landscaping)
- Water feature
- Community bulletin/announcement board
- Art feature
- Children's interactive play area
- Cobbled, patterned or paved stone or enhanced concrete

Overall, the building location provides a development that better can meet design guidelines by creating a walkable development with easy and safe access between the church and the recreational building, as well as direct pedestrian access from the recreational building to South End Road. Additionally, the proposed building location will create an opportunity for a plaza between the two buildings providing additional site interest and a pedestrian-friendly and interactive gathering space, while maintaining an adequate buffer between residential properties to the east.

The recommendation for approval of this modification is based on the recreational building being connected to the church via the breezeway and the creation of the pedestrian plaza which contributes to a pedestrian friendly environment and interactive site. These site elements shall not be demolished to accommodate future site development, and future additions to the church or new buildings onsite shall be constructed near the street in accordance with building location and site frontage requirements within the Oregon City Municipal Code. **Staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Modification for Windows in OCMC 17.62.055.J

Finding: Complies as Proposed. The applicant has requested a modification to the window requirement for the north façade of the building. The façade is a side façade which requires that 30% of the façade includes windows. The applicant has proposed only 19% of windows (63 feet of the 333.5-foot façade). Though the proposal is approximately 33 feet of windows short of meeting the requirement, the other side façade of the building provides 184.5 feet of windows or approximately 55% of the façade, exceeding the 30% requirement significantly. Between the two side facades, there is a total of 247.5 feet of windows on a total of 667 feet of façade length or approximately 37% of windows. The additional windows on the south side façade make up for the shortage of windows on the north side façade and result in a better development by providing an average of 37% of windows between the two side facades which exceeds the minimum 30% standard for side facades.

2. 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.

Modification for Building Location in OCMC 17.62.055.D

Finding: Complies with Condition. The purpose of building location requirements is to create interaction between public and private space and create more walkable and pedestrian-friendly streets and developments which encourage alternative modes of transportation. Due to the location of the existing church, there is not an alternative building location onsite where the proposed recreational building could be connected to the church while maintaining an adequate buffer between the building and adjacent residential properties. This layout still provides a walkable development as the building will

have direct pedestrian access to South End Road and will allow for church visitors to easily go back and forth between the church and the recreational building without having to cross the parking lot or drive aisles, while still providing an adequate buffer of approximately 68 feet between the recreational building and residential properties to the east. Additionally, the applicant has proposed a plaza between the two buildings north of the breezeway. In order to provide a more interactive site and pedestrian friendly environment, the applicant shall incorporate three of the following elements within the plaza:

- Pedestrian-scale lighting
- Outdoor café
- Bench seating for a minimum of 20 people assuming 2 feet of lineal seating area per person
- 200 SF of landscaping planters
- Water feature
- Community bulletin/announcement board
- Art feature
- Children's interactive play area
- Cobbled, patterned or paved stone or enhanced concrete

Though the building is set further back from the street, the addition of an interactive pedestrian plaza and a connecting breezeway will result in a development that is pedestrian friendly given the constraints of the site, and meets the intent of building location standards.

The recommendation for approval of this modification is based on the recreational building being connected to the church via the breezeway and the creation of the pedestrian plaza which contributes to a pedestrian friendly environment and interactive site. These site elements shall not be demolished to accommodate future site development, and future additions to the church or new buildings onsite shall be constructed near the street in accordance with building location and site frontage requirements within the Oregon City Municipal Code. **Staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Modification for Windows in OCMC 17.62.055.J

Finding: Complies as Proposed. The purpose of window requirements in OCMC 17.62.055.J is to provide building interest and interaction between activities within the building and pedestrians walking the site. Typically side facades would face a pedestrian walkway, however, in this case the north side façade does not include a walkway for pedestrians onsite, and the façade functions more like a rear façade since it is not readily accessible to visitors of the site. Since pedestrians would not be walking along the north façade, windows are not as essential as they are on facades adjacent to pedestrian walkways where windows are key to providing building interest and interaction between pedestrians and activities within the building. There is no requirement for windows on rear facades. Since the north façade effectively functions as a rear façade due to the lack of access to pedestrians onsite, the intent of the standard is met.

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the low and medium density residential 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, cluster housing developments, multi-family uses, and non-residential uses in all zones. Site Plan and Design

Review does not apply to activities occurring within the right-of-way except for communication facilities pursuant to OCMC 17.80.

Site plan and design review is required for a change in use between the uses in Table 17.62.030:

Table 17.62.030

<i>Existing Use</i>	<i>Proposed Use</i>
<i>Residential</i>	<i>Nonresidential use, including but not limited to: commercial, office, industrial, retail, or institutional</i>
<i>Single-family or duplex</i>	<i>3 or more dwellings</i>

Site plan and design review shall not alter the type and category of uses permitted in the underlying zoning districts.

Finding: The applicant has proposed a new building and parking lot expansion, therefore site plan and design review is also 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 17.62.035.A., subject to administrative proceedings described in OCMC 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 subject development is not eligible for the Minor Site Plan and Design Review application.

17.62.050 - General Standards

All development shall comply with the following standards:

A. Landscaping.

1. Existing native vegetation is encouraged to be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.

Finding: Not Applicable. The applicant's narrative identified that the site does not include any nuisance plant species.

2. Except as allowed elsewhere in Title 16 or 17 of this Code, all areas to be credited towards landscaping shall be installed with growing plant materials.

Finding: Complies as Proposed. All areas being counted towards minimum site landscaping include growing plant materials.

3. Pursuant to OCMC 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 is not within the Natural Resource Overlay District.

4. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. 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 five hundred 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. Plant species listed on the Oregon City Nuisance Plant list are prohibited and native species are encouraged. 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.

Finding: Complies with Condition. The applicant submitted a landscape plan prepared by a registered landscape architect which includes vertical and horizontal elements, however, the plan does not identify that within three years the landscaping will cover one hundred percent of the landscaped area or that no mulch, bark chips, or similar materials will be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit a revised landscaping plan identifying that within three years the landscaping will cover one hundred percent of the landscape 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.**

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

Finding: Complies as Proposed. Proposed landscaping is visible from public thoroughfares as much as practicable.

6. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of OCMC 10.32, Traffic Sight Obstructions.

Finding: Complies as Proposed. The landscaping in parking areas is located in appropriate locations and does not interfere with lines of traffic for safe traffic operations.

B. Vehicular Access and Connectivity.

1. Parking areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings.

Complies as Proposed. The applicant has proposed a new parking area which is located to the side of and behind the existing church.

2. Existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements which provide connection from the right-of-way to the adjoining property shall be provided.

3. Parcels larger than three acres shall provide streets as required in OCMC 16.12.

Finding: Not Applicable. The church property includes an existing vehicular connection to Paulsen Drive and residences in the subdivisions to the south. All of the properties in the neighborhood to the east are developed with single-family residences and there is not an opportunity for a pedestrian or vehicular connection.

4. Parking garage entries shall not be more than half of the streetscape.

Finding: Not Applicable. No parking garages are proposed as part of this development.

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

1. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct and not cross a drive aisle. Exceptions may be allowed by the director where steep slopes, a physically constrained site, or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.

Finding: Complies as Proposed. The proposed building includes a direct connection to South End Road.

2. The pedestrian circulation system shall connect all main entrances, parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard.

Finding: Complies as Proposed. The proposed pedestrian circulation system includes connections from the proposed building to the main entrance of the church, the parking area, the plaza, and the bicycle parking areas.

3. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.

Finding: Not Applicable. The property is within a residential zone and there are no commercial or institutional buildings on adjacent sites.

4. Elevated external stairways or walkways shall not extend beyond the building facade except for external stairways or walkways located in, or facing interior courtyard areas that are not visible from the street or a public access easement. This standard does not apply to sky-bridges or sky-ways.

Finding: Not Applicable. The applicant has not proposed external stairways or walkways extending beyond the building façade.

5. 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: Complies as Proposed. All proposed on-site pedestrian walkways are hard surfaced, well drained, and at least five feet wide. Walkways adjacent to parking spaces are seven feet wide and raised to provide a contrast from the drive aisle and parking area.

D. All development shall maintain continuous compliance with applicable federal, state, and City standards .

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

E. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided pursuant to OCMC 16.12. 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: Please refer to the findings in Chapter 16.12 of this report.

F. 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 City's Transportation System Plan.

Finding: Not Applicable. The application was transmitted to TriMet and no comments requesting additional transit facilities as part of the development have been received as of the writing of this staff report.

G. Screening of Mechanical Equipment:

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

Finding: Complies as Proposed. The proposed recreational building includes a parapet and the applicant's narrative identified that all rooftop mechanical equipment will be fully screened by the parapet.

2. 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. Vents which extend six inches or less from the outer building wall shall exempt from this standard if painted.

Finding: Not Applicable. The applicant's narrative identified that no wall-mounted mechanical equipment is proposed, therefore, this section is not applicable.

3. 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.

Finding: Not Applicable. The applicant's narrative identified that no ground-mounted mechanical equipment is proposed, therefore, this section is not applicable.

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

Finding: Not Applicable. The development does not include installation of solar energy panels, photovoltaic equipment or wind power generating equipment.

H. Building Materials.

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

- i. Vinyl or plywood siding (including T-111 or similar plywood).*
- ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.*
- iii. Corrugated fiberglass.*
- iv. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, or when located on properties within the General Industrial District).*
- v. Crushed colored rock/crushed tumbled glass.*
- vi. Non-corrugated and highly reflective sheet metal.*
- vii. Tarps, except for the protection of outside storage.*

Finding: Complies as Proposed. No prohibited building materials were identified within the applicant's submittal.

2. Special Material Standards. The following materials are allowed if they comply with the requirements found below:

- i. Concrete Block. When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.*
- ii. Metal Siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level) except when used for a temporary structure.*
- iii. Exterior insulation and finish system (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.*
- iv. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.*
- v. Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.*
- vi. Vinyl or powder coated chain link fencing is permitted for City-owned stormwater management facilities, reservoirs, and other public works facilities such as pump stations, maintenance yards, and storage yards not located within the General Industrial District.*

Finding: Not Applicable. The primary building materials are cement fiber lap siding, and stone veneer. No special materials were identified within the applicant's submittal.

17.62.055 –Institutional, office, multi-family, retail, 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 in compliance with these standards 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. This section applies to institutional, office, multi-family, retail and commercial buildings except accessory structures less than one thousand square feet and temporary structures. .

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

Finding: Applicable. The applicant has proposed an institutional building, therefore, these standards apply.

D. Siting of Structures. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property. Multi-family developments shall be placed no farther than twenty feet from the front property line. This section does not apply to properties with less than forty feet of frontage.

A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:

- 1. Tables, benches or other approved seating area.*
- 2. Cobbled, patterned or paved stone or enhanced concrete.*
- 3. Pedestrian scale lighting.*
- 4. Sculpture/public art.*
- 5. Fountains/Water feature.*
- 6. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.*
- 7. Outdoor café.*
- 8. Enhanced landscaping or additional landscaping.*
- 9. Other elements, as approved by the Community Development Director, that can meet the intent of this section.*

Finding: The applicant has requested a modification to this standard. Please refer to the findings in OCMC 17.62.015.

E. Building Orientation. All buildings along the street frontage shall face the front most architecturally significant facade toward the street and have a functional primary entrance facing the street. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

Finding: Complies as Proposed. The existing church is oriented towards South End Road. The applicant has proposed a recreational building which is connected to the existing church via a breezeway. The development will not result in a non-street facing façade being more significant than the church's existing South End street-facing façade.

F. Entryways. Entrances shall include a doorway and a minimum of four of the following elements:

- 1. Display windows;*
- Recesses or projections; Peaked roof or raised parapet over the door; Canopy of at least five feet in depth; Porch; Distinct materials; Architectural details such as tile work and moldings; Pedestrian amenities such as benches, planters or planter boxes; Landscape treatments integrating arbors, low*

walls, trellis work; or Similar elements. . Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk.

Finding: Complies as Proposed. No changes to the church's existing entryway are proposed. The recreational building is connected to the church via breezeway, however, it will also have a separate entranceway. The entranceway includes:

1. Display windows
2. Canopy of at least five feet in depth
3. Distinct materials (stone veneer)
4. Recessed entryway

The entranceway provides four elements on the list, therefore, the standard is met.

G. Corner Lots.

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

1. *Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.*
2. *Chamfer the corner of the building (i.e. cut the corner at a forty-five degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.*
3. *Standards 1 and 2 above do not apply to multi-family buildings or multi-family portions of residential mixed-use buildings.*

Finding: Not Applicable. The subject site is not a corner lot. These standards are not applicable.

H. Variation in Massing. For street facing facades greater than 120 feet in length a modulation is required which extends through all floors. Decks and roof overhangs may encroach up to three feet per side into the modulation. The modulation shall meet one of the following dimensional requirements:

1. *A minimum depth of two percent of the length of the façade and a minimum width of thirty percent of the length of the façade; or*
2. *A minimum depth of four percent of the length of the façade and a minimum width of twenty percent of the length of the façade.*

Finding: Not Applicable. No changes to the existing church's street-facing façade are proposed. The proposed recreational building will be connected to the existing church via a breezeway.

I. Building Design Elements.

1. *All front and side facades shall provide a design element or architectural feature that add interest and detail such that there are no blank walls of thirty feet in length or more, measured horizontally. Features that can meet this requirement include:*

- a. *Change in building material or texture;*
- b. *Window or door;*
- c. *Balcony; or*
- d. *Pillar or post*

Finding: Complies with Condition. No changes are being proposed to the existing church building. The southern and western façade of the recreational building include a change in building material and texture, as well as windows to break up the facades. The façades do not include a blank wall of 30 feet or more in length. The northern façade includes blank walls which exceed 30 feet in length without

incorporating a design element. Prior to issuance of a building permit associated with the proposed development, the applicant shall provide a revised building design which includes additional design elements or architectural features on the northern façade, such that the façade does not include a blank uninterrupted wall exceeding 30 feet in length. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

2. *Street facing facades shall include additional design features. For every thirty feet of façade length, three of the following elements are required:*

- a. *Decorative materials on more than ten percent of the total wall area (e.g., brick or stonework, shingles, wainscoting, ornamentation, and similar features);*
- b. *Decorative cornice and/or roof line (e.g., for flat roofs);*
- c. *Roof gable;*
- d. *Recessed entry;*
- e. *Covered canopy entry;*
- f. *Cupola or tower;*
- g. *Dormer;*
- h. *Balcony;*
- i. *Pillars or posts;*
- j. *Repeating pattern of building materials;*
- k. *A change in plane of at least two feet in width and six inches in depth;*
- l. *Bay or oriel window; or*
- m. *An alternative feature providing visual relief and detail as approved by the Community Development Director*

Finding: Not Applicable. No changes to the existing church's street-facing façade are proposed. The proposed recreational building will be connected to the existing church via a breezeway.

3. *Building Detail Variation. Architectural features shall be varied on different buildings within the same development. At least two of the required features on each street-facing elevation shall be distinct from the street-facing elevations of other buildings within the same development.*

Finding: Not Applicable. The proposed recreational building will be connected to the existing church via a breezeway and outdoor plaza/courtyard, therefore the recreational building will be an extension of the existing church rather than a separate building within the same development.

J. *Windows.*

1. *The minimum windows requirements are set forth in Table 17.62.055.J. Windows are measured in lineal fashion between 3.5 feet and six feet from the ground. For example, a one hundred foot long building elevation would be required to have at least sixty feet (sixty percent of one hundred feet) of windows in length between the height of 3.5 feet and six feet from the ground.*

Table 17.62.055.J Minimum Windows

<i>Use</i>	<i>Ground Floor: Front and Street Facing Facades</i>	<i>Upper floor(s): Front and Street Facing Facades</i>	<i>Ground Floor: Side(s) Facades</i>	<i>Upper Floor(s): Side(s) Facades</i>
<i>Non-Multi-Family (or Portions of Buildings Thereof)</i>	60%	10%	30%	10%

Finding: Complies as Proposed. No changes to windows on the existing church are being proposed. The proposed recreation building is a one-story building, therefore window requirements for the upper

floors are not applicable. The recreational building is connected to the church via a breezeway, however, because the breezeway has no exterior walls or windows, it counts neither towards the façade length nor the window length.

Facade	Façade Length	Window Length	Window Percentage
Front (West)	No changes proposed	No changes proposed	No changes proposed
Side (South) Ground Floor	333.5 feet	184.5 feet	55%
Side (North) Ground Floor	333.5 feet	63 feet	19%

Because the north façade does not meet the 30% window requirement, a modification is required. Please refer to the modification findings in OCMC 17.62.015.

2. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.

Finding: Not Applicable. The applicant has not proposed reflective, mirrored or tinted glass on a street facing façade.

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

Finding: Not Applicable. The applicant has not proposed any false windows.

4. Multi-family windows shall incorporate window trim at least four inches in width when surrounded by horizontal or vertical lap siding.

Finding: Not Applicable. The proposal does not include a multi-family development. These standards are not applicable.

K. Roof Treatments. The maximum length of any continuous roofline on a street-facing façade shall be seventy-five feet without a cross gable or change in height of at least two feet.

Finding: Not Applicable. No changes are proposed to the church's street-facing façade. The new recreational building will be located behind the church and connected to the existing church via a breezeway and outdoor plaza/courtyard.

L. Drive-through facilities shall:

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

Finding: Not Applicable. The proposal does not include a drive-through facility. These standards are not applicable.

M. Special development standards along transit streets.

- 1. Purpose. This section is intended to provide direct and convenient pedestrian access to retail, office and institutional buildings from public sidewalks and transit facilities and to promote pedestrian and transit travel to commercial and institutional facilities.*

- 2. 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 does not have frontage on a transit street, therefore, these standards are not applicable.

17.62.056 - Additional standards for large retail establishments.

Retail building(s) occupying more than ten thousand gross square feet of floor area shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

- A. *Patio/seating area;*
- B. *Pedestrian plaza with benches;*
- C. *Transportation center;*
- D. *Window shopping walkway;*
- E. *Outdoor playground area;*
- F. *Kiosk area, water feature;*
- G. *Clock tower; or*
- H. *Other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.*

Finding: Not Applicable. The development does not include a large retail establishment, therefore, these standards are not applicable.

17.62.057 - Multifamily Usable Open Space Requirements

A. *Intent. Creating areas of usable open space that are easily accessed by residents provides focal points for community recreation and interaction and adds to the overall quality of life for residents. Given the environmental and recreational benefits of common open space, it should be integrated purposefully into the overall design of a development and not merely be residual areas left over after buildings and parking lots are sited.*

Finding: Not Applicable. The development does not include a multi-family development, therefore, these standards are not applicable.

17.62.059 - Cluster housing.

All cluster housing shall comply with the standards in Chapter 17.20.020 in addition to the standards in this chapter.

Finding: Not Applicable. The development does not include a cluster housing development, therefore, these standards 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.*

Finding: Complies as Proposed. The applicant has proposed a new building therefore, compliance with outdoor lighting standards is required.

b. *The City Engineer or Public Works Director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.*

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

Finding: Complies as Proposed. The applicant provided a photometric plan and light fixture details in accordance with these standards.

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 of the excepted lighting types within this section.

C. *Design and Illumination Standards.*

1. *Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line.*

Finding: Complies with Condition. The applicant provided a photometric plan, however, the plan submitted does not identify that the lighting levels at the southern property line. Prior to issuance of a building permit, the applicant shall submit a revised photometric plan demonstrating that the lighting levels at the southern property line do not exceed 0.5 footcandles. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

2. *Lighting shall be provided in parking lots and vehicular circulation areas.*

Finding: Complies as Proposed. The applicant provided a photometric plan which includes lighting in parking lot and vehicular circulation areas.

3. *Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.*

Finding: Complies with Condition. The applicant provided a photometric plan, however, the plan did not identify lighting in the plaza or new pedestrian walkways. Prior to issuance of a building permit, the applicant shall submit a revised photometric plan which includes lighting in the pedestrian plaza and new pedestrian walkways and circulation areas. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

4. *Lighting shall be provided at all building entrances.*

Finding: Complies with Condition. The applicant provided a photometric plan, however, the plan did not identify lighting at the entranceway of the proposed recreational building. Prior to issuance of a building

permit, the applicant shall submit a revised photometric plan which includes lighting at the entrance of the proposed recreational building. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

5. With the exception of pedestrian scale lighting, all light sources 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: Complies as Proposed. The applicant provided details of the proposed lighting fixtures, which are cut-off style fixtures in compliance with these standards.

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

Finding: Complies as Proposed. The applicant has proposed 15-foot tall lighting poles.

7. Floodlights shall not be utilized to light all or any portion of a building facade between 10 p.m. and 6 a.m.

Finding: Complies as Proposed. The applicant has not proposed any floodlights to serve the development.

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

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

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

Finding: Complies as Proposed. The applicant's narrative identified that all site lighting will be controlled by timer or motion sensor in accordance with this standard.

10. 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.

Finding: Not Applicable. The applicant identified that no light fixtures to illuminate flags or statues are proposed as part of this development.

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

Finding: Not Applicable. The applicant's narrative identified that no upward-directed lighting is proposed as part of this development.

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

Finding: Not Applicable. The applicant's narrative identified that no flickering or flashing lights are proposed as part of this development.

13. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, are allowed a light post height up to eighty feet in height.

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

14. Main building entrances shall be well lighted and visible from any transit street. The minimum lighting level for building entries fronting on a transit street shall be three foot-candles.

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

17.62.085 - Refuse and recycling standards for commercial, industrial, office, institutional, 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, single-family attached dwellings, 3-4 plexes, internal conversions, or accessory dwelling units (ADUs), shall include a refuse and recycling enclosure. The area(s) shall be:

- A. Fully enclosed and visually screened;
- B. Located in a manner easily and safely accessible by collection vehicles;
- C. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;
- D. On a level, hard surface designed to discharge surface water runoff and avoid ponding;
- E. Maintained by the property owner;
- F. Used only for purposes of storing solid waste and recyclable materials;
- G. Designed in accordance with applicable sections of the Oregon City Municipal Code (including OCMC 8.20—Solid Waste Collection and Disposal) and city adopted policies.
- H. Enclosures are encouraged to be sized appropriately to meet the needs of current and future tenants and designed with sturdy materials which are compatible to the primary structure(s).

Finding: Not Applicable. The church already has an existing garbage enclosure. No additional refuse and recycling enclosures or changes to the existing enclosure are being proposed under this application. The applicant's narrative identified that the existing enclosure is large enough to serve the church and the proposed recreational building.

CONCLUSION AND DECISION:

Based on the analysis and findings as described above, Staff concludes that the proposed Conditional Use and Site Plan and Design Review for a site located at 1179 South End Road, Oregon City, identified as Clackamas County Map 3-1E-01DD, Tax Lot 100, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends approval of Planning File GLUA-20-00012/CU-20-00001/SP-20-00022 with conditions, 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. Transportation Impact Analysis
- 5. Letter from John Replinger