



PLANNING COMMISSION TYPE III STAFF RECOMMENDATION

June 1st, 2020

HEARING DATE: June 8th, 2020

FILE NUMBERS: GLUA-19-00052:
CU-19-00052: Conditional Use
SP-19-00140: Site Plan and Design Review
VAR-19-00015: Minor Variance
LL-19-00008: Lot Line Abandonment

Application Submitted: 12/20/2019
Application Complete: 01/29/2020
120-Day Deadline: 5/28/2020
120-Day Extension: 6/27/2020

APPLICANT: Lenity Architecture, LLC, 3150 Kettle Court SE, Salem, OR 97301

OWNER: River Terrace Memory Care LLC, 415 SE 28th Ave, Portland, OR 97214

REQUEST: Approval for 16-bed expansion of an existing assisted living memory care facility at 914 South End Rd. The property is zoned R-10 Low-Density Residential, and the expansion requires Conditional Use approval. The application includes Site Plan and Design Review, a Minor Variance for lot coverage, and a Property Line Abandonment between parcels 3100 and 3301.

LOCATION: 914 and 950 South End Road, Oregon City, OR 97045
Clackamas County Map: 3-1E-01AD, Tax Lots 3300 and 3301

REVIEWERS: Pete Walter, AICP, Senior Planner
Sang Pau, Public Works Development Services

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.

Recommended Conditions of Approval

Planning File GLUA-19-00052:
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(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.

The following conditions shall be met prior to issuance of the Building permit associated with the proposed application.

1. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. (DS)
2. The applicant 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 development shall provide construction plans, stamped and signed by a professional engineer licensed in the State of Oregon, containing street, grading, stormwater, sanitary sewer and water infrastructure improvements that conforms to all current Oregon City Public Works standards, specifications, codes, and policies for review and approval by the City. (DS)
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 development.
6. The development shall construct and provide one foot of right-of-way dedication along the property frontage of South End Road for the following frontage improvements:

Beginning at the existing edge of road pavement, a 0.5' curb, a 5-foot-wide planter strip, a 5-foot-wide sidewalk and 0.5' of buffer behind the sidewalk. (DS)
7. Pavement cuts or other improvement made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. (DS)

8. Permitted hours of construction shall be set forth by the City Engineer in the pre-construction meeting. (DS)
9. The development shall extend a 12" storm main connecting to the existing downgradient storm sewer within South End Road to, and through, the south edge of the development to provide for the connection of upgradient properties to that system. (DS)
10. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum. (DS)
11. The applicant 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 of the Public Works Stormwater and Grading Design Standards. (DS)
12. A city issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. (DS)
13. 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)
14. A Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. (DS)
15. Prior to issuance of a building permit, the applicant shall provide revised plans indicating a minimum of three elements from the pedestrian amenity options list in OCMC 17.65.055.D(1)-(9) within the front setback area. (P)
16. Prior to issuance of a building permit, the applicant shall complete the application for lot line abandonment to vacate the existing lot line between parcels 3-1E-01AD-03100 and 3-1E-01AD-03301.

The following conditions shall be met prior to issuance of an occupancy permit associated with the proposed application.

17. The development shall provide a 10-foot-wide public utility easement along all property lines fronting existing or proposed right-of-way. (DS)
18. Improvements shall be constructed under the inspection and approval of the City. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. The applicant's project engineer also shall inspect construction. (DS)
19. 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)
20. Underground utilities, waterlines, sanitary sewers and storm drains proposed to be 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. (DS)

21. All new franchise utilities shall be placed underground. (DS)
22. Public improvements shall be constructed according to approved final engineering plans. (DS)
23. 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. (DS)
24. The property owner(s) shall execute an agreement providing access to and maintenance of the privately owned stormwater management facilities and pay associated recording fees. The agreement 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 agreement shall run with the land and be applicable to subsequent property owners. The Maintenance Covenant and Access Easement shall be reviewed and accepted by the City prior to recording. (DS)
25. Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. (DS)
26. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing improvements. (DS)
27. Prior to issuance of a certificate of occupancy, the applicant shall provide evidence of licensure by the Oregon Department of Human Services (DHS) to operate the facility. This shall include information about the number of staff, the estimated length of stay per resident and the name of the agency responsible for regulating or sponsoring the use. The proposed facility shall maintain all applicable licenses required by the appropriate agencies for the use described in the application. (P)
28. Prior to issuance of a certificate of occupancy for the building, the applicant shall demonstrate compliance with Chapter 10.32, Traffic Sight Obstructions. (P)

I. BACKGROUND:

1. Existing Conditions

The one-acre site addressed as 950 South End Rd is located at the northwest corner of the intersection of South End Rd and Amanda Court, approximately 900 feet north of the intersection of South End Rd and Warner Parrott Road. The property is developed with a 38-bed memory care facility that was constructed in 2016 and expanded in 2018. The property has a driveway entrance from South End Rd, which exits onto Amanda Court via a covered entrance or Porte Cochere. The property has a second driveway on Amanda Court serving nine off-street parking stalls at the rear of the building. Both frontages of the property were improved with additional street width and pavement, sidewalks, curb, gutter, planter strips with street trees and other public improvements when the building was constructed in 2016.

914 South End Road is a 0.26-acre lot which abuts the existing facility to the north and is currently developed with a one-story single-family home constructed in 1974. Currently there is no sidewalk in front of the home.

Both lots are zoned R-10 Low Density Residential.

South End Road is classified as a Minor Arterial Road and Amanda Court is classified as a Local Street. On-street parking is permitted on South End Road and Amanda Court.

A detailed existing conditions plan was provided in the applicant's submittal.

Ownership Dispute / Property Lines

There is an ongoing legal dispute regarding the ownership of a strip of land located between the existing facility and Amanda Ct. This private dispute arose following the City's original approval of the facility in 2014. The applicant completed an ALTA / NSPS land title survey prepared by a licensed Oregon surveyor dated June 3, 2019, which indicates that the owner and applicant's southern property line is located very close to abutting the existing structure. Exclusive of easements granted to the City of Oregon City for public and franchise utilities, public street and sidewalk, and road and utility right-of-way as indicated on the survey, the property line is much closer to the existing structure than previously indicated.

To staff's knowledge this issue is still under litigation.

The property dispute does not affect the new addition because it is located on a separate property abutting the existing development. The applicant intends to combine both parcels through a lot line abandonment between 914 and 950 South End Road.

The scope of this report is limited to the City's adopted review criteria. City staff and the Planning Commission's responsibility is to review the submitted application against the approval criteria in the adopted code.

Figure 1. Vicinity Map and Aerial View (2019)



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

Map created 4/10/2020



0 200 400 Feet
1: 2,400

2. Project Description

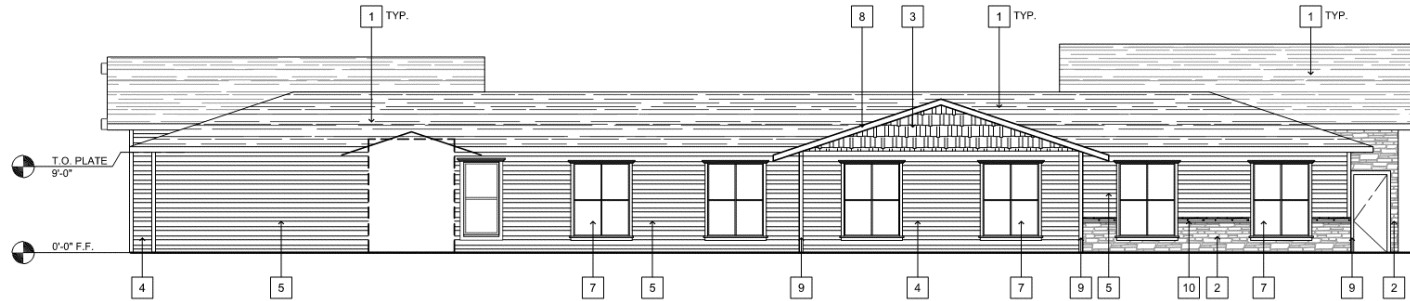
The proposal is for a 16-bed memory care addition that will be physically connected to existing facility and sited at 914 South End Rd. Minor alteration of existing building by adding walls near kitchen and back-of-house area is proposed. The lots will be combined through a lot line abandonment. The addition will be one-story and approximately 8000 square feet.

The proposed building footprint would exceed the allowable lot coverage for the R-10 Low Density Residential Zone. The applicant is requesting an administrative variance to increase the total lot coverage by 6.2% from the maximum allowed in the R-10 zone from 40% to 46.2%, a 15.5% increase.

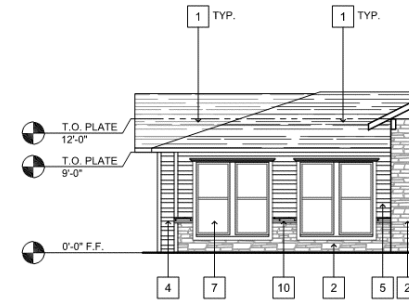
The proposed setbacks for the new addition are as follows: rear – 20' 1/8", north side – 10', front – 20' 1/2".

[illegible]

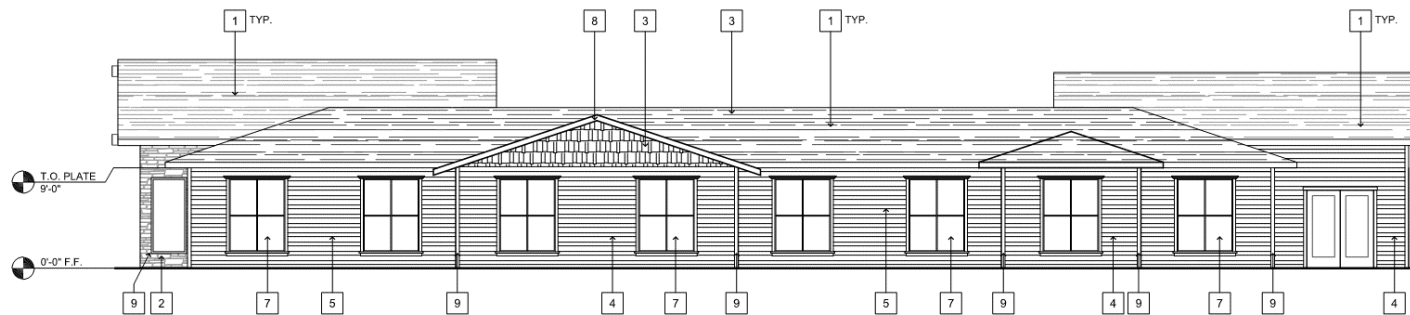
Figure 3: Proposed Building Elevations – Not to Scale



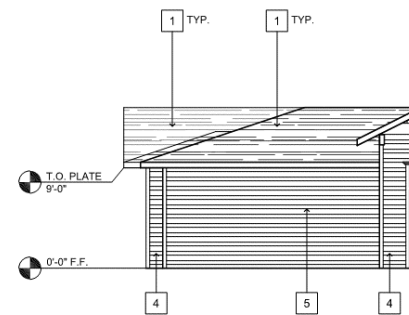
A SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



B EAST ELEVATION
SCALE: 1/8" = 1'-0"

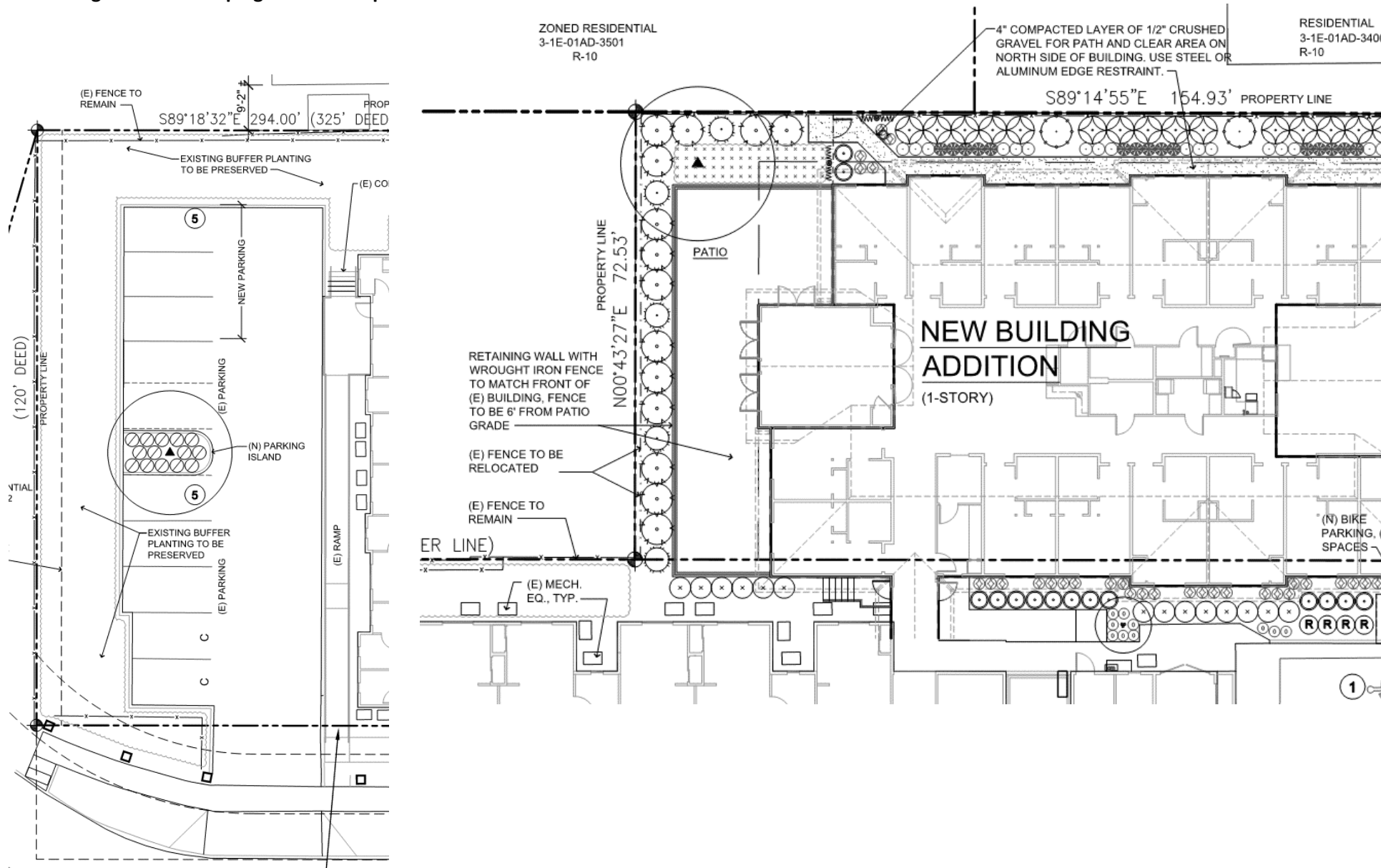


C NORTH ELEVATION
SCALE: 1/8" = 1'-0"



D WEST ELEVATION
SCALE: 1/8" = 1'-0"

Figure 4: Landscaping Plan – Excerpt – Not to Scale



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 Comments

No public comments were submitted before this staff report was published. Any public comments received will be forwarded to the Planning Commission and entered formally into the record at the public hearing.

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	PAGE
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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.

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: It is understood that the City has management and jurisdiction of the 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: See findings from section 16.12.035 of this report.

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 as conditioned. The development proposes excavation in pavement within City right-of-way for the installation of new storm and sewer pipes. Pavement cuts or other improvement made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. (Also conditioned in section 16.12.029) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: See findings from section 16.12.015 of this report.

12.04.194 - Traffic sight obstructions.

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 as conditioned. The workmanship and materials for any work performed in the public right-of-way 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. (Also written in the findings of section 16.12.010) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 12.08 PUBLIC AND STREET TREES

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.

Finding: Complies as proposed. In accordance with this standard the applicant has proposed to plant 2 new Newport Flowering Plum street trees which are indicated on the applicant's landscaping plans. The addition has 72' of street frontage on South End Road. $72 \div 35 = 2.05$. The tree species is on the city's recommended street tree list and is appropriate for planting in tree wells. The standard is met.

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: Complies as proposed. See response above.

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

- 1. Fifteen feet from streetlights;*
- 2. Five feet from fire hydrants;*
- 3. Twenty feet from intersections;*
- 4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.);*

Finding: Complies as proposed. The submitted street tree plan appears to comply with this standard. Compliance will be checked again prior to issuance of a public improvement permit.

C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.

Finding: Complies as proposed. The applicant has proposed 2" caliper street trees.

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

Finding: Complies as proposed. The applicant has indicated that the street trees will be limbed at 7' which provides adequate clearance for pedestrians.

E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

Finding: Complies as proposed. Compliance will be checked at the time of installation in accordance with this requirement and with the City's Public Works standards and specifications.

F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.

Finding: Not applicable. No overhead powerlines are proposed on the development frontage.

G. Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted Stormwater and Grading Design Standards and be approved by the City Engineer.

Finding: Not applicable. See findings under Chapter 13.12.

H. Any public or street trees planted within the Natural Resource Overlay District shall conform to the applicable requirements of OCMC 17.49 - Natural Resources Overlay District (NROD).

Finding: Not applicable. The development is not located within the NROD.

12.08.025 - General tree maintenance.

Abutting property owners shall be responsible for the maintenance and replacement of street trees and planting strips. Topping of trees is prohibited, unless under recommendation of a certified arborist, or other qualified professional. Trees shall be trimmed appropriately. Maintenance shall include watering during dry periods, trimming of established trees to remove dead branches and dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks, eight-foot clearance in clear vision areas pursuant to OCMC 10.32, and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

Finding: Complies as proposed. The property will be maintained including the street tree plantings and planter strips by a landscape maintenance company.

12.08.030 - Public property tree maintenance.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The Public Works Department and Parks and Recreation Department may recommend to the Community Development Director the removal of any tree or part thereof which is in an unsafe condition or may be injurious to above or below-ground public utilities, structures or other public improvements. Removed trees shall be replaced in accordance with this chapter or the mitigation requirements of the OCMC 17.49 - Natural Resources Overlay District (NROD), if the tree to be removed is within the NROD.

Finding: Not applicable. This standard pertains to the City's authority to address public safety concerns that may arise pertaining to street trees. It is not an approval criterion.

12.08.035 - Tree removal and replacement.

Existing street trees, trees in the right-of-way, and trees on public property shall be retained and protected during development unless removal is specified as part of a land use approval or in conjunction with a public capital improvement project, in accordance with OCMC 17.41. Tree removal shall be mitigated by the following:

A. A diseased or hazardous street tree, as determined by a registered arborist and approved by the City, may be removed, if replaced with one new tree for each diseased or hazardous tree. Hazardous trees which have raised the adjacent sidewalk in a manner which does not comply with the Americans with Disabilities Act may be removed and replaced without approval of an arborist.

B. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035. All replaced street trees shall have a minimum 1.5-inch caliper trunk measured six inches above the root crown.

Table 12.08.035

REPLACEMENT SCHEDULE FOR TREES DETERMINED TO BE DEAD, DISEASED OR HAZARDOUS BY A CERTIFIED ARBORIST		REPLACEMENT SCHEDULE FOR TREES NOT DETERMINED TO BE DEAD, DISEASED OR HAZARDOUS BY A CERTIFIED ARBORIST	
DIAMETER OF TREE TO BE REMOVED (INCHES OF DIAMETER AT 4-FT HEIGHT)	NUMBER OF REPLACEMENT TREES TO BE PLANTED	DIAMETER OF TREE TO BE REMOVED (INCHES OF DIAMETER AT 4-FT HEIGHT)	NUMBER OF REPLACEMENT TREES TO BE PLANTED
ANY DIAMETER	1 TREE	LESS THAN 6"	1 TREE
		6" TO 12"	2 TREES
		13" TO 18"	3 TREES
		19" TO 24"	4 TREES
		25" TO 30"	5 TREES
		31" AND OVER	8 TREES

C. For the purposes of this chapter, removed trees shall be replaced by trees within the right-of-way abutting the frontage subject to the clearance distances required under OCMC 12.08.015(B). If a sufficient location to replant tree(s) is not available, the Community Development Director may allow:

1. Off-site installation of replacement trees within the right-of-way or on public property;
2. Planting of replacement trees or designation of existing trees on the abutting property within ten feet of the right-of-way as street trees. Designated street trees shall be a minimum of two inches in caliper and shall comply with the requirements in section B. In order to assure protection and replacement of the trees on private property, a covenant shall be recorded identifying the tree(s) as subject to the protections and replacement requirements in this chapter; or
3. If sufficient space to replant tree(s) is not available, the Community Development Director may allow a fee in-lieu of planting the tree(s) to be placed into a City fund dedicated to obtaining trees, planting trees and/or tree education in Oregon City.

D. Trees that are listed as invasive or nuisance species as defined in OCMC 17.04.605 may be removed without replacement.

Finding: Not applicable. The applicant has not proposed to remove any street trees.

12.08.045 – Gifts, fee-in-lieu of planting, and funding.

The City of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the City. The Community Development Director may allow a fee -in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City. The Community Development Director may determine the type, caliper and species of the trees purchased with the fund. The cost of each tree may be adjusted annually based upon current market prices for materials and labor as calculated by the

Community Development Director. A separate fund shall be established and maintained for revenues and expenditures created by activities specified in this chapter. The Natural Resources Committee shall have authority on behalf of the City to seek grants and alternative funding for tree projects. Funds from such grant awards shall be administered by the City pursuant to this section.

Finding: Not applicable. The applicant has not proposed fee-in-lieu of planting of street trees.

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 5000 square feet of impervious area.

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 does 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 as Conditioned. The applicant's preliminary drainage plan and report shows compliance with stormwater conveyance, water quality, and/or flow control requirements of the Oregon City Stormwater and Grading Design Standards. However, the applicant did not address all items identified in Section 9 (Submittal Requirements) of the Public Works Stormwater and Grading Design

Standards. To meet requirements of this code section, the development shall meet conditions in section 13.12.090 of this report. (See findings from section 13.12.090 of this report.)

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 as Conditioned. The applicant's preliminary drainage plan and report shows general compliance with stormwater conveyance, water quality, and flow control requirements of the Oregon City Stormwater and Grading Design Standards. However, the applicant did not address all items identified in Section 9 (Submittal Requirements) of the Public Works Stormwater and Grading Design Standards (E.G. Downstream Analysis). The applicant 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 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.

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 as Conditioned. There appears to be project engineer assigned for the project. The developer and engineer for the project shall execute a "Developer/Engineer Agreement for Public Works Improvements" which identifies the responsibilities of the project engineer as defined by the City. (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 as Conditioned. 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. (Also written in the findings of section 16.12.010) **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.

Finding: Not Applicable. There are no public stormwater management facilities associated with this project.

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.

Finding: Not Applicable. There are no public stormwater management facilities associated with this project.

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. There are no public stormwater management facilities associated with this project.

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 applicant has proposed private stormwater planters on the development property to treat and manage stormwater runoff from the site. Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. The property owner(s) shall execute an agreement providing access to and maintenance of the privately owned stormwater management facilities and pay associated recording fees. The agreement 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 agreement shall run with the land and be applicable to subsequent property owners. The Maintenance Covenant and Access Easement shall be reviewed and accepted by the City prior to recording. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: Please refer to the findings within section 13.12.145.C of this report.

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: Not applicable. The City Engineer has not determined 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.

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: Not applicable. The project does not cover an area of one acre or greater.

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. The project does not impact any land which requires DSL or USACE approval.

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. The project does not impact any land which requires ODFW approval.

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: Not Applicable. The city has identified any acts or omission in violation of Chapter 13.12.

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.*

B. Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

Finding: Complies as proposed. Fill and grading activities are proposed to be undertaken in conjunction with a land use application. A separate grading permit is not required. Approval of the

construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

15.48.090 Submittal requirements.

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

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

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

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

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

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

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

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

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

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

Finding: Complies as proposed. Fill and grading activities are proposed to be undertaken in conjunction with a land use application. A separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

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: Complies with Condition. Compliance with the “proposed and general provisions” of chapter 16.12 can be met by adhering to the following: The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. The workmanship and materials

for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.011 - Applicability.

A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements. Minor Site Plan and Design Review applications shall not be subject to this chapter unless improvements are proposed within the right-of-way.

B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all single and two-family dwellings living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:

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

The cost of compliance with the standards identified in 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the State of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

Finding: Applicable. The development is a "site plan and design review" application as referenced in 16.12.011.A; therefore, public improvements and street trees are required where appropriate.

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 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;

Finding: Complies as proposed. It has been determined by the City that the proposed modification meets the intent of the standard because it provides improvements that are complementary with a surrounding street design. Also, the dimensional requirements specified in Table 16.12.016 are not complementary with the existing street design and the surrounding properties have already been developed. Therefore, it is not possible for future development to meet requirements specified in Table

16.12.016; right-of-way for those properties from surrounding properties would need to be increased by the City via eminent domain.

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

Finding: Compiles as proposed. The City's Transportation System Plan only indicates improvements for efficient movement of pedestrians along the frontage of South End Road (in the form of sidewalk) which has been proposed by the applicant (see findings from 16.12.013 .D). There are existing accommodations for efficient movement of motor vehicles and bicyclists on South End Road. The City's Transportation System Plan did not indicate improvements for efficient movement of freight for South End Road.

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

Finding: Compiles as proposed. The modification is consistent with an adopted transportation which identifies pedestrian improvements along South End Road. The applicant has proposed the addition of sidewalk to meet the adopted transportation plan. The modification does not request a deviation from an adopted utility plan.

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

Finding: Complies as conditioned. The development property is adjacent to two properties, one to the north and one to the south. The property to the north does not have an improve frontage but appears to be part of previous subdivision development. The applicant has proposed the following frontage improvements along South End Road that does not meet standards from Table 16.12.016 but matches the frontage improvements of the property to the south (the modification is consistent with an adopted transportation):

- A 0.5' curb, a 5-foot-wide planter strip, a 5-foot-wide sidewalk and 0.5' of buffer behind the sidewalk.

The following condition has been provided to ensure the applicant constructs the aforementioned frontage improvements. The development shall construct and provide one foot of right-of-way dedication along the property frontage of South End Road for the following frontage improvements:

- Beginning at the existing edge of road pavement, a 0.5' curb, a 5-foot-wide planter strip, a 5-foot-wide sidewalk and 0.5' of buffer behind the sidewalk.

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

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. The modification has not been requested for constitutional reasons.

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 applicant 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.

The development 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 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 development. **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. The applicant's proposal of sidewalk improvements provide for the continuation and appropriate projection of existing principal streets in the surrounding area and on adjacent parcels. The existing street design permits future development of adjoining land and no street extension is required. The plans submitted with the land use application show proposed sidewalk and curb improvements. The development street frontage has adequate lighting and does not require additional lighting. The city has not identified that improvements to signalization, street drainage facilities and other facilities to be needed. **See findings and condition from section 16.12.016 regarding other street improvements.**

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
Minor 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.

	<i>Industrial</i>	<i>118 ft.</i>	<i>86 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Residential</i>	<i>100 ft.</i>	<i>68 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>6 ft.</i>

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 conditioned. South End Road is classified as a “Minor Arterial” road within a residentially zoned area. South End Road has right-of-way (ROW) that is, approximately, 60-foot-wide along the property’s frontage, with approximately 30 feet on the subject property side of the centerline. Existing improvements on the subject property side of the centerline of the road consist of approximately 20’ of pavement and curb without sidewalk. The applicant has proposed a street design which does not meet standards from Table 16.12.016 (68 feet of pavement). Therefore, improvements proposed for the project are subject to the modification process identified in section 16.12.013. **See findings from section 16.12.013.**

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.

Finding: Complies as proposed. The plans submitted with the land use application show proposed sidewalk improvements along the entirety of the development property frontage.

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. The applicant shows the installation of separate pedestrian and bicycle facilities.

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. The City Engineer has not given direction to install new street signs or traffic control devices associated with this 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: Not applicable. There are existing streetlights along the frontage of the development.

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 required or proposed with 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. The applicant has proposed a five-foot-wide planter strip for the placement of street trees. **See section 12.08 regarding placement of street trees.**

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. No new street or driveway that is opposite of an existing street has been proposed.

16.12.019 - Traffic sight obstructions.

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

Finding: Not applicable. No new streets are proposed for this development.

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. No new intersections are being created.

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. No new streets are proposed for this development.

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. Access to the existing street is not proposed. The decision maker has not required: 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.

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 street fronting the development is not a local street; it is an arterial. The development does not front an existing or proposed crosswalk.

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. Half streets have not been proposed for this development.

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.

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

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.

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

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.

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

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.

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

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 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 street 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 as conditioned. The development requires excavation in pavement within City right-of-way for the installation of a new water service connection, storm and sewer pipes within a city road. Pavement cuts or other improvement made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. **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. The development property is zone as MUE and is exempt from block length requirement.

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 street names have been proposed.

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: Complies as proposed. Public street connections for automobiles, bicycles and pedestrians are available. The development proposes to add sidewalk along the frontage of the development where there is currently none.

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

Finding: Complies as proposed. No off-street pedestrian and bicycle accessways are proposed or required.

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

1. Accessways shall have a fifteen- foot wide right-of-way with a seven-foot wide paved surface with a minimum four-foot planter strip on either side.

2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty- four feet wide with a - sixteen foot paved surface between four-foot planter strips on either side.

Finding: Complies as proposed. No off-street pedestrian and bicycle accessways are proposed or required.

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

Finding: Complies as proposed. No off-street pedestrian and bicycle accessways are proposed or required.

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

Finding: Complies as proposed. No off-street pedestrian and bicycle accessways are proposed or required.

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

Finding: Complies as proposed. No off-street pedestrian and bicycle accessways are proposed or required.

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

- 1. Either an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and*
- 2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and*
- 3. A two-inch minimum caliper tree for every thirty-five feet along the accessway. Trees may be planted on either side of the accessway, provided they are spaced no more than thirty-five feet apart; and*
- 4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.*

Finding: Complies as proposed. No off-street pedestrian and bicycle accessways are proposed or required.

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

Finding: Complies as proposed. No off-street pedestrian and bicycle accessways are proposed or required.

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

Finding: Complies as proposed. No off-street pedestrian and bicycle accessways are proposed or required.

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

Finding: Complies as proposed. No off-street pedestrian and bicycle accessways are proposed or required.

J. The decision maker may approve an alternative accessway design due to existing site constraints through the modification process set forth in OCMC 16.12.013.

Finding: Complies as proposed. No off-street pedestrian and bicycle accessways are proposed or required.

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

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

Finding: Complies as proposed. No off-street pedestrian and bicycle accessways are proposed or required.

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 & Beaver Creek 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 proposal has very little impact to overall traffic in the area. The application was reviewed by John Replinger, PE, City transportation consultant, who based his analysis on the Transportation Analysis Letter (TAL) prepared by Frank Charbonneau, PE, PTOE of Charbonneau Engineering LLC, (Exhibit 2).

The TAL presented information on trip generation for a 16-bed assisted living facility. The trip generation rates were taken from the Institute of Transportation Engineers' Trip Generation. The engineer used the trip generation rates for land use category 254 – assisted living facility. The engineer predicted that the expansion of the facility would produce a net increase of 2 AM peak hour trips; 3 PM peak hour trips; and 33 additional weekday trips. The expansion from 38 beds to 54 beds is insignificant.

No change in access location is proposed in connection with the expansion. The three existing access locations are acceptable.

Mr. Replinger concluded, "I find that the TAL meets city requirements and that the 16-bed expansion of the facility will have insignificant transportation impacts. There is no need for any mitigation measures in connection with the expansion."

Accident data for the intersections on South End Road at Amanda Court and Netzel Street at Amanda Court was obtained from the Oregon Department of Transportation. The data documented that no crashes were reported during the five-year period reviewed. Therefore, no safety mitigation is necessary on South End Road near the project site vicinity. Based on the results of the traffic analysis and the limited trip generation it is recommended that the City of Oregon City support the proposed development without requiring any changes to the area's transportation system.

The City concurs with the findings presented in the transportation analysis provided by the applicant.

16.12.035 - Driveways.

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

Table 16.12.035.A Minimum Driveway Spacing Standards		
Street Functional Classification	Minimum Driveway Spacing Standards	Distance

Major Arterial Streets	Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings	175 ft.
Minor Arterial Streets	Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings	175 ft.
Collector Streets	Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings	100 ft.
Local Streets	Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings	25 ft.

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (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: Not applicable. The development proposes no new driveway and the existing driveway is proposed to be removed.

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: Not applicable. The development proposes no new driveway and the existing driveway is proposed to be removed.

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: Not applicable. The development proposes no new driveway and the existing driveway is proposed to be removed.

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: Not applicable. The development proposes no new driveway and the existing driveway is proposed to be removed.

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		
Property Use	Minimum Driveway Approach Width	Maximum Driveway Approach Width
Single-Family Attached	10 feet	12 feet
Single-Family Detached in R-5 & R-3.5	10 feet	12 feet

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

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: Not applicable. The development proposes no new driveway and the existing driveway is proposed to be removed.

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: Not applicable. The City Engineer has not exercised the right to require a reduction in the number and size of driveway approaches.

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: Not applicable. No new or redeveloped curbs affiliated with street connections are proposed.

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: Not applicable. The development proposes no new driveway and the existing driveway is proposed to be removed.

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: See findings from section 15.48 of this report.

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 as conditioned. A utility easement is determined by the City Engineer to be required along the development property frontage for the placement of franchise utilities under the jurisdiction of the city. The development shall provide a 10-foot-wide public utility easement along all property lines fronting existing or proposed right-of-way. **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. There are no unusual facilities requiring easements within the development property.

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. There are no watercourses requiring easements within the development property.

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. There are no watercourses requiring easements within the development property.

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. No resource protection easements are required for this development.

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.

Finding: Complies as conditioned. The development 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. (also written as a condition in 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.**

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.

Finding: Complies as Conditioned. Improvements shall be constructed under the inspection and approval of the City. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. The applicant's project engineer also shall inspect construction. Inspection fees are identified in section 16.12.014; see section 16.12.014 of this report for associated findings. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: See findings from section 17.47 & 17.49 of this report.

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.

Finding: Complies as conditioned. Underground utilities, waterlines, sanitary sewers and storm drains proposed to be 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as conditioned: As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing improvements. **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 may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

Finding: Complies with Condition. Permitted hours of construction shall be set forth by the City Engineer in the pre-construction meeting. **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 of curvature and points of tangency of their center line, and at such other points as directed by the City Engineer.

Finding: Complies as proposed. See finding from section 16.12.016 regarding required improvements to the City's Transportation System.

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 as conditioned. A 12" storm main exists in South End Road north of the subject property. The applicant proposes to extend a storm main from the existing storm drainage system so that proposed drainage facilities within the development can connect to the appropriate downstream storm drainage system. However, the applicant did not propose the storm main to run through the entirety of the development's frontage. The development shall extend a 12" storm main connecting to the existing downgradient storm sewer within South End Road to, and through, the south edge of the development to provide for the connection of upgradient properties to that system. **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 as proposed. The existing sanitary sewer system is able to serve the development in accordance with the City's sanitary sewer design standards. The existing sewer system allows for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

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 as proposed. The existing water system is able to serve the development in accordance with the City's water system design standards. The existing water system allows for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

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: Complies as conditioned. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 as conditioned. There are no existing overhead utilities adjacent to the property frontage. 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 City has not required oversizing of facilities to meet standards in the City's facility master plan or to allow for orderly and efficient development.

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: 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 creation of new public streets is not proposed or required.

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 pursuant to subsection A of this section

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.

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: Complies as conditioned. Public improvements shall be constructed according to approved final engineering plans. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: 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: 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 as Proposed/Complies with Condition. 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.125 - 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: Not applicable. There is no known act or omission in violation of this chapter. The city will initiate code enforcement procedures of OCMC 1.16, 1.20 and 1.24 if violations occur.

CHAPTER 16.20 - PROPERTY LINE ADJUSTMENTS AND ABANDONMENT PROCESS AND STANDARDS

16.20.010 - Purpose and general provisions.

The community development director under the applicable provisions in Chapter 17.50 shall process applications for property line adjustments and abandonments as a Typel decision. Approval shall be granted only upon determination by the community development director that all applicable requirements of this title and ORS Chapter 92 have been met.

16.20.040 - Adjustment/abandonment approval standards.

All parcels resulting from a lot line adjustment or abandonment shall conform to the applicable requirements of Title OCMC 16 and 17 including the standards within the zoning designation such as, but not limited to, lot width, depth, lot coverage, subdivision density requirements, setbacks, as well as access and frontage requirements, ORS 92.010 to ORS 92.160, and any other city regulation deemed applicable by the community development director or state law. In no case shall a lot line adjustment result in a parcel that is unbuildable due to the presence of an overlay district or other physical constraint unless the parcel is recorded as a "tract" as defined by OCMC 17.04.1303.

The community development director shall determine if the applicant's submission complies with these standards, and issue to the applicant a notice of decision consistent with OCMC 17.50.120. The community development Director decision is final and not appealable to any other decision-maker within the city.

Finding: Complies with conditions. The applicant has proposed to vacate the property line between 914 and 950 South End Road in order that the addition to the existing facility will all be on one property. Prior to issuance of a building permit, the applicant shall complete the application for property line abandonment to vacate the existing lot line between parcels 3-1E-01AD-03100 and 3-1E-01AD-03301. **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. The current memory care facility is a conditional use.

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: The existing memory care facility at 950 South End Rd is permitted as a conditional use under (J). The existing facility was approved as a conditional use (Files CU 14-01, SP 14-09, VR 14-01, and LL 14-05) in 2014. The expansion of sixteen additional beds requires conditional use approval.

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 application does not include a master plan.

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. The applicant has not proposed a prohibited use.

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	Proposed	Complies?
Minimum lot size ¹	10,000 sq. ft.	50,591 sq. ft	Yes
Maximum height	35 ft.	<35 ft. (20' 11" to highest roof peak)	Yes
Maximum building lot coverage With ADU	40%, except 45%	46.2%	Minor variance requested
Minimum lot width	65 ft.	192 ft.	Yes
Minimum lot depth	80 ft.	154 ft.	Yes
Minimum front yard setback	20 ft., except 15 ft. - Porch	21' 0.5"	Yes
Minimum interior side yard setback	8 ft.	10' 0.5"	Yes

Minimum corner side yard setback	10 ft.	Existing	N/A
Minimum rear yard setback	20 ft, except 15 ft - Porch 10 ft - ADU	20' 0.5"	Yes
Garage setback	20 ft. from ROW, except 5 ft. Alley	N/A	N/A

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: Complies with conditions. The proposed addition complies with the dimensional standards for the R-10 zone, except for lot coverage. The existing Memory Care building footprint is 16,405 square feet. The proposed Memory Care addition would consist of 6,996 square feet for a total of 23,401 square feet. The proposed lot area with the addition of the parcel located at 914 South End Road would result in a combined lot size of 50,591 square feet. Therefore, the resulting lot coverage would be 46.2%. A minor administrative variance is requested in order to construct a building that exceeds the maximum lot coverage. **See findings under section 17.60 - Variances.**

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: Complies as proposed. The proposed addition and the existing structure eaves may project into the required yards up to 24 inches.

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

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

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. This standard applies to the required density of individual dwelling units associated with permitted residential uses in the R-10 zone. The applicant has not proposed a permitted use. The applicant has proposed a Conditional Use.

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.

Finding: See finding under “Applicability” below.

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: Not applicable. The applicant’s submitted narrative states that there are no trees located on the development site. The owner confirmed that they legally removed the trees that were on the property at 914 South End Road prior to submittal of this land use application. The applicants submitted existing conditions plan also confirms that there are no trees on the property. Therefore, further findings for compliance with this chapter are not required.

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 that may cause visible or measurable erosion on the development property.

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 seeks approval of an application for land use which requires construction that may cause visible or measurable erosion. A city issued erosion and sediment control permit shall be obtained 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. 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. **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.

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

Table 17.50.030: PERMIT APPROVAL PROCESS

PERMIT TYPE	I	II	III	IV	Expedited Land Division
Conditional Use			X		
Lot Line Adjustment and Abandonment	X				
Site Plan and Design Review	X	X			
Variance		X	X		

1 If any provision or element of the Master Plan/Planned Unit Development requires a deferred Type III procedure, the Detailed Development Plan shall be processed through a Type III procedure.

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

Finding: Not applicable. This is a Type III decision.

B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The Community Development Director accepts comments for a minimum of fourteen days and renders a decision. The Community Development Director's decision is appealable to the City Commission, by any party who submitted comments in writing before the expiration of the comment period. Review by the City Commission shall be on the record pursuant to OCMC 17.50.190 under ORS 197.195(5). The City Commission decision is the City's final decision and is subject to review by the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

Finding: Not applicable. This is a Type III decision.

C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or the Historic Review Board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission or the Historic Review Board, all issues are addressed. The decision of the Planning Commission or Historic Review Board is appealable to the City Commission, on the record pursuant to OCMC 17.50.190. The City Commission decision on appeal from is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.

Finding: Applicable. This application was processed as a Type III decision.

D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and shall be heard by the City Commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and Planning Commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission, all issues are addressed. If the Planning Commission denies the application, any party with standing (i.e., anyone who appeared before the Planning Commission either in person or in writing within the comment period) may appeal the Planning Commission denial to the City Commission. If the Planning

Commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision, then the action of the Planning Commission becomes the final decision of the City. If the Planning Commission votes to approve the application, that decision is forwarded as a recommendation to the City Commission for final consideration. In either case, any review by the City Commission is on the record and only issues raised before the Planning Commission may be raised before the City Commission. The City Commission decision is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.

Finding: Not applicable. This is a Type III decision.

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

Finding: Not applicable. This is a Type III decision.

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

Finding: Applicable. The timeline for decision making for this application is based on calendar days, not business days.

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.

Finding: Not applicable. The site is not located within any overlay districts. See section 17.47 findings regarding erosion control.

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. The applicant attended the required pre-application conference and included the conference summary notes in the application.

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.

Complies. The applicant attended the required neighborhood association meeting with Caulfield Neighborhood Association and included the meeting summary notes in the application.

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. The application was submitted on December 20, 2019 and deemed complete for processing on January 29, 2020. For various reasons the public hearing has been continued. The applicant has granted an extension of the 120-day decision deadline for this application until June 27, 2020.

17.50.080 - Complete application—Required information.

Unless stated elsewhere in OCMC 16 or 17, a complete application includes all the materials listed in this subsection. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the City will not deem the application complete until all information required by the Community Development Director is submitted. At a minimum, the applicant shall submit the following:

A. One copy of a completed application form that includes the following information:

1. An accurate address and tax map and location of all properties that are the subject of the application;

2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);

B. A complete list of the permit approvals sought by the applicant;

C. A complete and detailed narrative description of the proposed development;

D. A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;

E. One copy of all architectural drawings and site plans shall be submitted for Type II-IV applications. One paper copy of all application materials shall be submitted for Type I applications;

F. For all Type II – IV applications, the following is required:

1. An electronic copy of all materials.

2. Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls;

3. Documentation indicating there are no liens favoring the City on the subject site.
4. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.
5. A current preliminary title report or trio for the subject property(ies);
- G. All required application fees;
- H. Annexation agreements, traffic or technical studies (if applicable);
- I. Additional documentation, as needed and identified by the Community Development Director.

Finding: Complies. The application included all requested information and was deemed complete on January 29, 2020.

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. Public notice was mailed to property owners of record within 300 feet of the subject properties on January 31st, 2020, announcing the first evidentiary hearing date of February 28th, 2020. The Planning Commission continued the public hearing to the date certain of March 23rd, 2020, then continued the public hearing again to the date certain of May 11th, 2020. At each continuance the public was provided the opportunity to comment. Notice was emailed to affected government entities and districts as well as the South End Neighborhood Association and the CIC on January 31st, 2020. The property was posted with the required land use notices on February 18th, 2020. An additional public notice was also provided to Dan Muresan, the party who is disputing ownership of the strip of land discussed on Page 5, on April 17, 2020.

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. The property was posted with the required land use notices on February 18th, 2020.

17.50.120 - Quasi-judicial hearing process.

All public hearings pertaining to quasi-judicial permits, whether before the Planning Commission, Historic Review Board, or City Commission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

A. Once the Community Development Director determines that an application for a Type III or IV decision is complete, the Planning Division shall schedule a hearing before the Planning Commission or Historic Review Board, as applicable. Once the Community Development Director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under OCMC 17.50.190, the Planning Division shall schedule a hearing pursuant to OCMC 17.50.190.

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

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

D. The Community Development Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.

E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:

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

2. That all testimony and evidence submitted, orally or in writing, shall be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria shall be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;

3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue, will preclude appeal on that issue to the Land Use Board of Appeals;

4. Any party wishing a continuance or to keep open the record shall make that request while the record is still open; and

5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item.

6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.

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

Finding: Complies. The quasi-judicial public hearing before the Planning Commission and any subsequent appeal to the City Commission will be conducted in accordance with this section.

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: Complies as Conditioned. A Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. The City engineer has not allowed the permittee to provide a fee-in-lieu of actual construction of public improvements. **Staff has determined that it is**

possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

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: Complies as Conditioned. Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.52 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 application involves alterations to the size of an existing commercial structure; therefore this chapter is applicable.

17.52.015 - Planning commission adjustment of parking standards.

Finding: Not applicable. The applicant has not requested an adjustment of parking standards.

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		Proposed
	MINIMUM	MAXIMUM	
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	1 per 7 beds	1 per 5 beds	
Office	2.70	3.33	

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

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

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

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

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

B. Parking requirements can be met either onsite, or offsite by meeting 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.

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: Complies as proposed. The existing facility has eight spaces at the rear and one ADA van space at the front of the property. The proposed development consists of two primary uses, senior housing and office (note – office is existing). The senior housing parking ratio is based on the number of beds. The proposed addition would add 16 beds. Therefore, a minimum of 2 and a maximum of 3 additional parking stalls would be required for the senior housing use. The site plan indicates the additional 3 spaces added to the north of the existing spaces. All required parking will be off-street, although there is on-street parking available as well.

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

dimensions. The Community Development Director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.

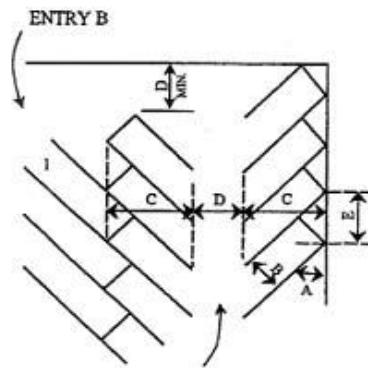
2. *Alternative parking/plan.* Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the Community Development Director may approve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

PARKING STANDARD

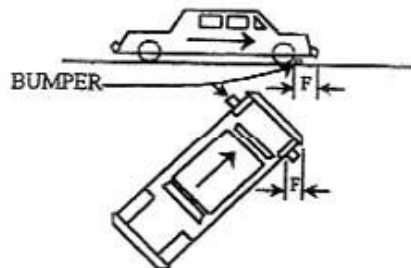
PARKING ANGLE SPACE DIMENSIONS

A Parking Angle		B Stall Width	C Stall 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.

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 as proposed. The new spaces will be oriented at 90 degrees to the drive aisle and will measure 9' wide by 19' deep with overhang. The existing drive aisle is 22' wide and will be extended to serve the additional spaces. The parking lot is small, and the proposed dimensions are adequate. No carpool or vanpool parking is required, although there is an existing van accessible space next to the front entrance to the existing building, which will remain.

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).

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
Nursing home or care facility	1 per 30 auto spaces (minimum of 2)	30% (minimum of 1)
Bank, office	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)
Medical and dental clinic	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)

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

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 as proposed. The applicant has proposed a covered area for bicycle parking between the existing building and proposed addition.

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. Bicycle parking has been proposed in an area that is clearly visible from the public way approaching the front of building and adjacent to sidewalk/driveway.

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 as proposed. Two bicycle racks are proposed between the addition and existing building. Bicycle racks are stationary “U” style racks providing two horizontal points of contact with a bicycle frame.

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: The applicant has proposed to expand the existing parking lot by three spaces, therefore this section applies.

B. Development Standards.

1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.
2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.
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.
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;
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.
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;
7. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.

Finding: Complies as proposed. The parking lot landscaping is uniformly distributed around the parking lot. The only change in the parking lot landscaping is the addition of a landscape island to break up the run of parking spaces. There will be 5 parking spaces on each side of the landscape island. 4 existing Big Leaf Maple trees are located west of the parking area. The landscape island includes a 2” caliper Eastern Redbud tree, and it will be irrigated per the applicant’s plans. Existing perimeter buffer landscaping and parking lot / entryway landscaping will be preserved.

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.*

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;*
- 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. See finding under B above.

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 entrances 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 as proposed. See finding under B above. No parking is proposed adjacent to the addition.

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:

- a. A minimum of one tree per four parking spaces.*
- b. A minimum of 1.5 shrubs per parking space.*
- 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. See finding under B above.

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.

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 indicates that the property and all landscaping will be maintained in accordance with this standard.

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 development is not 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.

C. Standards.

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

Finding: Not applicable. The development has not proposed off-street loading.

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

Finding: Not applicable. The development has not proposed loading areas.

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

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

Finding: Not applicable. The development has not proposed loading areas and will not be allowed to have loading areas adjacent to or within a street right-of-way

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 as proposed. The site plan indicates that the existing 6' cedar fence along the north property line will be relocated around the new addition lot. The existing front yard fence on the north side of the addition will remain.

B. When no other practicable alternative exists, the City Engineer may permit a fence, hedge, wall, retaining wall, or combination thereof to be located within the right-of-way subject to all of the following:

1. A Revocable Permanent Obstruction in the Right of Way permit is granted per OCMC 12.04.120;

2. Retaining walls, fences, or hedges comply with OCMC 17.54.100.A, unless determined to be impracticable by the City Engineer.

3. The abutting property owner shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.

Finding: Not applicable. The applicant has not proposed a fence, hedge or wall in the right-of-way.

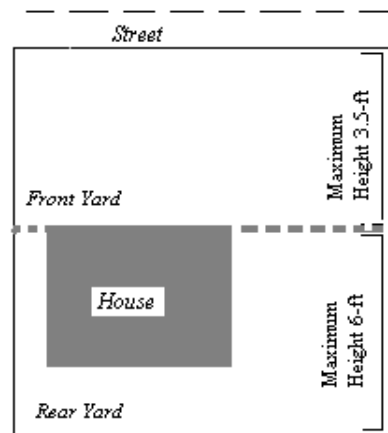
C. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by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

Finding: Not applicable. The applicant has not proposed any electric or barbed wire fences.

Residential Height Requirements

Any fence, hedge or wall located in front of may be up to 3.5-feet in total height.

A fence, hedge or wall located next to and behind your home may be up to 6-feet in total height.



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. A conditional use permit listed in this

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

Finding: The

A. The following 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 after due notice and public hearing, according to procedure as provided in OCMC 17.50. The Planning Commission may allow a conditional use, provided that the applicant provides evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrates 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. In the R-10 zone, under Oregon City Municipal Code (OCMC) Section 17.08.03.J Assisted living facilities; nursing homes and group homes for over fifteen patients are listed as “Conditional Uses”.

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 proposed expansion can be accommodated given the suitable characteristics of the site as discussed below.

Under the initial approval in 2014, then with a second approval for a 7-bed expansion in 2018, the Planning Commission concurred with the applicant that the site is large enough to accommodate the current residential care facility of 38 beds while providing adequate outdoor space, landscaping, and parking for the use. The flat topography is appropriate for a handicap accessible building and its location on the corner of Amanda Ct. and South End Road lends itself to easy pedestrian and vehicle access. This type of facility operates best as a one level facility where the residents receiving care are on the ground level. It makes for easy ingress and egress and provides easy access to the onsite landscape and outdoor recreation areas by the residents who will primarily require wheelchair maneuverability. The residential feel of the area creates a home-like environment for residents by allowing them to reside in a quiet, residential area rather than in a commercialized zone. At the same time, the property is located on a major street and even though it is located in a low density residential area, the main access road (South End Rd.) provides easy access to the site without having traffic travel through neighborhood side streets or local access roads. This will minimize any traffic impacts the use may have on the site and surrounding homes in the neighborhood. The site is well served by public utilities which can satisfy the needs of the size of the proposed development. The facility’s architecture, placement of parking, landscaping, pedestrian improvements, etc. will be an improvement to a growing area and maintain continuity with recent developments such as that of nearby churches, fire station, homes, and the multi-family development on the corner of South End Rd. and Warner Parrott Rd; becoming part of the fabric of the surrounding neighborhood and creating dwellings for the elderly and handicapped within a residential setting in Oregon City. The proposed development will bring several improvements to the site, street, and neighborhood. It will provide a needed housing type for the elderly and disabled. Finally the project will create several new jobs.

The following additional findings are pertinent to the proposed expansion of 16-beds.

Size: The applicant's proposal includes an additional 16 beds for an existing assisted living facility for 38 beds for a total of 54 beds, with existing office and storage space on the second floor of the existing building. The Oregon City Municipal Code and Comprehensive Plan do not provide a limitation or specific criteria to determine the number of people who may live in an assisted living facility, the size limitations for assisted living facilities or the size of offices associated with conditional uses. Site data are indicated on the site plans in a table shown here.

Except for slightly exceeding the maximum lot coverage of 40%, the proposed expansion complies with the R-10 zone dimensional standards.

Scale, Architecture and Massing of the Building: The scale, architecture and massing of the building is appropriate to accommodate the proposed expansion of the use as a residential care facility.

Shape: 914 South End Road is a 0.26-acre (11,325.6 sq. ft.) lot which abuts the existing facility to the north and is currently developed with a one-story single-family home constructed in 1974. The lot is rectangular and measures approximately 155 feet in depth and 72.5 feet in width. The applicant's new building addition will build onto the existing house and remodel it to a total 6,996 square feet, bringing the total building footprint

for the existing and proposed addition to 23,401 sq. ft. The scale of the proposed structure continues to comply with the dimensional standards of the R-10 zoning designation (setbacks, height, etc.) and is thus of a residential scale. The variance for lot coverage is minor (6 percent) and will have a negligible effect on the overall residential scale of the building. The development is buffered from adjacent neighbors by placing the building within the middle of the site, surrounding the site by a 6-foot tall wood fence, and installing a landscaping buffer of high screening shrubbery (6' tall and higher).

Location: The subject site is located adjacent to South End Road, a minor arterial in the Transportation System Plan. No new site access is proposed to the addition which will use the existing access. The site can be easily accessed from the arterial road and does not require any access through existing neighborhoods. All vehicular traffic (with the exception of emergency vehicles) through the site will

PROJECT DATA		
SITE DATA:	950 SOUTH END ROAD	ZONED R-10
PROPERTY AREA:	.91 ACRES	39,343 SQ. FT.
ASSESSORS PARCEL ID NUMBER		3-1E-01AD-03100
SITE DATA:	914 SOUTH END ROAD	ZONED R-10
PROPERTY AREA:	.26 ACRES	11,248 SQ. FT.
ASSESSORS PARCEL ID NUMBER		3-1E-01AD-03301
SITE DATA:	914 & 950 SOUTH END ROAD (COMBINED)	
PROPERTY AREA:	1.17 ACRES	50,591 SQ. FT.
SITE AREA BREAKDOWN:		
EXISTING MC BUILDING:	16,405 SQ.FT.	(32%)
ADDITION MC BUILDING:	6,996 SQ.FT.	(14%)
BUILDING FOOTPRINTS TOTAL:	23,401 SQ.FT.	(46.2%)
PATIOS / WALKS:	8,882 SQ.FT.	(17.5%)
DRIVES / PARKING:	7,177 SQ.FT.	(14.2%)
OPEN SPACE:	11,131 SQ.FT.	(22.1%)
TOTAL	50,591 SQ.FT.	(100%)
IMPERVIOUS AREA:	39,460 SQ.FT.	(77.9%)
PERVIOUS AREA:	11,131 SQ.FT.	(22.1%)
PARKING BREAKDOWN:		
OPEN SPACES		10
ACCESSIBLE SPACES		01
TOTAL SPACES		11
FLOOR TO AREA RATIO:		
EXISTING MC BUILDING: (1ST & 2ND)	16,405 + 1,980 =	18,385 SQ.FT.
ADDITION MC BUILDING:	6,996 SQ.FT.	
	25,381 SQ.FT.	
	25,381 / 50,591 =	50.1

enter and exit the property via South End Road. In addition, the site is located directly on South End Road which is a transit street. The use of the transit system may be supported by the visitors and staff of the proposed use. Significantly, the residents, due to their incapacity, do not drive.

Topography: The subject site is generally flat and does not have any major topographic constraints that would limit the ability to develop the site.

Existence of Improvements: The existing lot at 914 South End Road is developed with a single-family residence. There are no sidewalks or street trees located along the frontage of the site. The applicant's proposed addition will efficiently extend the frontage improvements including sidewalks, street trees and an additional bike lane. The public works department has no conflicts with the proposal.

Natural Features: The subject site is not within an environmental overlay district.

Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.

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 as proposed. For the same reasons stated under standard A.2 above, the proposed expansion will not substantially limit, impair or preclude the use of surrounding properties to continue as single-family dwellings or any other permitted land use allowed by the R-10 zone district.

COMPREHENSIVE PLAN – APPLICABLE GOALS AND POLICIES

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

Finding: Finding: The applicable Comprehensive Plan Goals and Policies are as follows:

Goal 1.1 Citizen Involvement Program *Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decision-making process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.*

Policy 1.1.1 - *Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.*

Goal 1.2 Community and Comprehensive Planning - *Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.*
Policy 1.2.1 - *Encourage citizens to participate in appropriate government functions and land-use planning.*

Goal 1.3 Community Education - *Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.*

Goal 1.4 Community Involvement - Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.

Policy 1.4.1 - Notify citizens about community involvement opportunities when they occur.

Finding: Complies as Proposed. The proposed use and building addition were presented to the Citizen Involvement Committee (CIC) at their December 2nd, 2019 regular meeting. The South End Neighborhood Association is currently inactive. A copy of the meeting agenda and e-mail from Christina Robertson-Gardiner as evidence of compliance with the above criteria is included with the application. Notice of the application identifying the approval process and applicable criteria was sent to the Citizen Involvement Committee, property owners within 300 feet of the site, and posted onsite and online. The public is provided the opportunity to review the application and comment in writing and person throughout the Planning Commission hearings for this Type III process.

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.

Policy 2.4.4 Where environmental constraints reduce the amount of buildable land, and/or where adjacent land differs in uses or density, implement Comprehensive Plan and zoning designations that encourage compatible transitional uses.

Policy 2.4.5 - Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and childcare facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.

Goal 2.7 Oregon City Comprehensive Plan Land-Use Map- Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.

Policy 2.7.1 Maintain a sufficient land supply within the city limits and the Urban Growth Boundary to meet local, regional, and state requirements for accommodating growth.

Policy 2.7.2 Use the following 11 land-use classifications on the Oregon City Comprehensive Plan Land-Use Map to determine the zoning classifications that may be applied to parcels:

- Low Density Residential (LR)
- High Density Residential (HR)
- Mixed Use Corridor (MUC)
- Mixed Use Downtown (MUD)
- Public and Quasi-Public (QP)
- Future Urban Holding (FUH)
- Medium Density Residential (MR)
- Commercial (C)
- Mixed Use Employment (MUE)
- Industrial (I)
- Parks (P)

Finding: Complies as proposed. The proposal retains the existing Comprehensive Plan designation of Low Density Residential, and a Conditional Use under that designation allows for an assisted care facility (nursing home). Language in the above policies suggests that the proposed expansion may be denser than contemplated by the comprehensive plan designation. The site could have been utilized for single-family residential use, which would typically have fewer residents, but the zoning code does not include limitation on family size or even define what constitutes as a family in any zone including residential zones. Approval of the expansion would allow a use that serves needy seniors of the immediate area and Oregon City. The proposed development does not limit the ability of other residents within the area to continue to access city services, utilize the transportation system or continue existing uses within the area. In addition, Section 2 of the Comprehensive Plan generally encourages promotion of infill and higher density redevelopment to encourage more efficient land use. Further, the expanded facility will be available to serve the residents of the immediate area and the residents of Oregon City. The Conditional Use process provides criteria to allow approval of care facilities with more than 15 people. The facility will become a part of the residential fabric within the area and create another level of housing opportunity for disabled residents. The criteria identified for the Conditional Use do not provide barriers to construction of additional housing choices that cannot be mitigated through compliance with the applicable approval criteria and conditions of approval.

***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.*

***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. Please refer to the findings for Outdoor Lighting in section 17.62.065 earlier in this report. The proposed lighting plan will comply with the Oregon City Municipal Code with the suggested conditions of approval. **Staff has determined it is possible, likely, and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

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

***Policy 6.4.1-** Provide for noise abatement features such as sound-walls, soil berms, vegetation, and setbacks, to buffer neighborhoods from vehicular noise and industrial uses.*

Finding: Complies as proposed. Staff anticipates that the proposed use will produce less noise than that generated by three single-family homes if they were developed on the same property. Excessive noise is

typically addressed through the nuisance / code enforcement process if a complaint is lodged. Primary sources of noise from the facility could result from employee and visitor vehicle traffic - which is predicted to be quite low for the proposed land use as discussed in the transportation analysis, and landscaping maintenance (mowing, weed trimmers and leaf blowers) - which would typically occur intermittently during daily business hours throughout the week. As shown on the landscaping plans, the primary entrance to the building will continue to orient toward South End Road, there will be limited-access doorways (for emergency access only) the building, and the site will conform to the minimum setbacks for the R-10 zone. Finally, high screening shrubs and trees are proposed as well as a 6' cedar privacy fence.

Goal 9.1 *Improve Oregon City's Economic Health - Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.*

Goal 9.4 *Education, Skills And Workforce Training- Ensure that the major employers in Oregon City are able to find qualified and skilled workers to meet their needs.*

Finding: Complies as Proposed. The proposed development would provide some short-term construction and long-term employment opportunities within Oregon City.

Goal 10.1 *Diverse Housing Opportunities - Provide for the planning, development and preservation of a variety of housing types and lot sizes.*

Policy 10.1.3 *- Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.*

Policy 10.1.4 *- Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.*

Finding: Complies as Proposed. The proposed expansion would provide an opportunity for an expanded assisted living facility within Oregon City. Although the City has designated this site as "R-10," a zone that does not allow multi-family residential developments (though the density may be similar, the applicant has not proposed a multi-family development), this restriction must be weighed against the shortfall of assisted living facilities in the City and the number of housing units projected in Oregon City's Comprehensive Plan. This proposal would add housing that would help the City achieve its goals. Further, the proposed assisted living facility sited within an existing residential neighborhoods provides an important opportunity for residents of Oregon City to age in place and stay connected to the neighborhood, familiar local activities, community events, friends and family, thus reducing the isolation of income groups.

Policy 11.1.4 *- Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.*

Policy 11.1.6 *- Enhance efficient use of existing public facilities and services by encouraging development at maximum levels permitted in the Comprehensive Plan, implementing minimum residential densities, and adopting an Accessory Dwelling Unit Ordinance to infill vacant land.*

Finding: Complies as Proposed. The project provides for full development of existing underdeveloped property within the Urban Growth Boundary. The proposed development and the design of the facility on the site results in a more efficient use of the site and existing public facilities and services by accommodating a more intensive use through the conditional use process.

***Policy 11.4.3** - Ensure parking lot designs that mitigate stormwater impacts. Take measures to reduce waterflow and increase water absorption through the use of bioswales, vegetated landscaped islands with curb cuts to allow water inflow, and tree planting.*

***Policy 11.4.5** - Design stormwater facilities to discharge surfacewater at pre-development rates and enhance stormwater quality in accordance with criteria in City of Oregon City Public Works Stormwater and Grading Design Standards.*

Finding: Complies as proposed. The applicant has proposed a new stormwater facility in accordance with the standards mentioned above at the front of the site that will be adequate to handle the expansion of impervious surface associated with the addition.

***Goal 11.6** Transportation Infrastructure - Optimize the City's investment in transportation infrastructure.*

***Policy 11.6.1** - Make investments to accommodate multi-modal traffic as much as possible to include bike lanes, bus turnouts and shelters, sidewalks, etc., especially on major and minor arterial roads, and in regional and employment centers.*

Finding: Complies as proposed. The site is located on South End Road which is designated as a Minor Arterial in the Oregon City Transportation System Plan (TSP), and Amanda Court which is a local street. The site is also designated as a transit corridor in the TSP, although it is not currently served by Tri-Met. Tri-Met was provided notice but did not provide comment on this application. Sidewalks will be extended to meet current city standards along the frontage of the property, including a bike lane on the west side of South End Road.

***Goal 12.1** Land Use-Transportation Connection - Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.*

***Policy 12.1.1** - Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.*

***Policy 12.1.4** - Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.*

***Goal 12.3** Multi-Modal Travel Options- Develop and maintain a transportation system that provides and encourages a variety of multi-modal travel options to meet the mobility needs of all Oregon City residents.*

***Policy 12.3.2** - Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.*

Policy 12.3.3 - Provide a well-defined and accessible bicycle network that links residential areas, major bicycle generators, employment centers, recreational areas, and the arterial and collector roadway network.

Goal 12.5 Safety - Develop and maintain a transportation system that is safe.

Policy 12.5.1 - Identify improvements that are needed to increase the safety of the transportation system for all users.

Finding: Complies as proposed. The applicant's proposal has very little impact to overall traffic in the area. The application was reviewed by John Replinger, PE, City transportation consultant, who based his analysis on the Transportation Analysis Letter (TAL) prepared by Frank Charbonneau, PE, PTOE of Charbonneau Engineering LLC, (Exhibit 2).

The TAL presented information on trip generation for a 16-bed assisted living facility. The trip generation rates were taken from the Institute of Transportation Engineers' Trip Generation. The engineer used the trip generation rates for land use category 254 – assisted living facility. The engineer predicted that the expansion of the facility would produce a net increase of 2 AM peak hour trips; 3 PM peak hour trips; and 33 additional weekday trips. The expansion from 38 beds to 54 beds is insignificant.

No change in access location is proposed in connection with the expansion. The three existing access locations are acceptable.

Mr. Replinger concluded, "I find that the TAL meets city requirements and that the 16-bed expansion of the facility will have insignificant transportation impacts. There is no need for any mitigation measures in connection with the expansion."

The site is located on South End Road which is designated as a Minor Arterial in the Oregon City Transportation System Plan (TSP), and Amanda Court which is a local street. The site is also designated as a transit corridor in the TSP, although it is not currently served by Tri-Met. Tri-Met was provided notice but did not provide comment on this application. Sidewalks have been constructed to current city standards along the frontage of the property on both streets, including a bike lane on the west side South End Road. The Comprehensive Plan states that higher density housing and non-residential uses should be clustered around collectors and arterials. This project meets this plan goal because South End Road is an arterial. The pedestrian and bicycle improvements that have been installed with the project will assure that the proposed addition to the use contributes to safe, multi-modal travel options and walkability.

Goal 13.2 Energy Conservation- Plan public and private development to conserve energy.

Policy 13.2.1- Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).

Finding: Complies as Proposed. The proposed addition and land use helps to concentrate residential density along a designated arterial transit corridor, which is appropriate for the location. The nature of the land use is such that it will not greatly increase traffic since most of the occupants will not own cars and cannot drive. Section 13 of the Comprehensive Plan recognizes that zoning regulations often segregate types of land use – industrial, commercial and residential to separate incompatible uses. The

result is often longer travel distances from work to home and to other destinations. Regulations that instead promote mixed-use, compact development, residential cluster, increased landscaping for cooling purposes, water quality, and home-based occupations can promote energy conservation. The applicant's proposal would provide a development that conserves energy resources.

Policy 13.2.5- Construct bikeways and sidewalks, and require connectivity of these facilities to reduce the use of petroleum-fueled transportation.

Finding: Complies as proposed. See findings under Goal 12.1, 12.3 and 12.5 above.

Goal 14.2¹ 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.

Policy 14.2.2 - Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.

Policy 14.3.1 - Maximize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.

Finding: Complies as Proposed. The proposed addition to this project provides for full development of a residential property within the Urban Growth Boundary. The proposed development results in a more efficient use of the site and existing public facilities and services by accommodating a more intensive use through the Conditional Use process. Further, the proposed development addresses some of the challenges facing Oregon City, including ensuring an adequate supply of housing for an aging population.

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 Conditions. Staff has provided standard conditions of approval related to public improvements and on-site landscaping. The applicant recognizes that staff or the Planning Commission may include such conditions and restrictions.

Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended 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.

¹ Staff determined that Section 15 of the Comprehensive Plan does not apply to this proposal because Section 15 governs the Willamette River Greenway which is not affected by this application.

Finding: Complies with Conditions. Except for the minor variance request for lot coverage, all other dimensional standards are met. See variance findings under 17.60.

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: Complies as proposed. The proposed addition is a requires a new conditional use application since it is a major addition to an existing conditional use (file CU 14-01) and has been reviewed for conformance with the conditional use criteria.

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 that the Planning Commission approve a future expansion to the conditional use.

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 the application and all required supplemental information which was deemed complete on January 29, 2020.

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

Finding: Notice of the initial March 9 public hearing for this application was provided on January 29, 2020. Due to COVID-19, the public hearing was continued several times until June 10, 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. The proposed addition did not qualify as a minor modification.

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: Complies as proposed. The applicant did not respond to this criterion. The new building will exceed the 8' minimum side yard setback with a setback of 10 feet on the north side of the building. The

proposed openings within fifty feet of adjacent residential properties are standard residential type windows and doors, which will not create anymore glare than is typical of the types of windows that are as used in the surrounding residential homes. The building use proposed - residential care facility for memory care patients, is a quiet and has low traffic use. The residents of this facility will be mainly bed bound or wheelchair bound. The facility is also a secure facility for the safety of the residents where residents cannot open doors without staff assistance. Most outdoor recreation will occur in the interior courtyard. The windows of the facility are operable, but they will be closed for most of the time, except for when open-air ventilation is desired, and have alert sensors notifying staff when a window is opened. Therefore, excessive noise or excessive traffic will not be an issue on the surrounding properties. Further, the subject property has only (1) neighboring site with a structure built on it adjacent and within 50' of the development to the north. On the east side the property abuts South End Rd. with a church across the street. On the south side is a narrow and non-buildable strip of land, which is used for street and sidewalk improvements on abutting Amanda Court. The proposed rear patio will be at grade rather than raised which will maintain a 20' setback to the rear of the building. Substantial screening through a combination of landscaping and a 6' privacy fence provides additional buffering.

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: See findings under Chapter 16.12. Additional street dedication is proposed along South End Rd.

F. Residential Care Facilities.

1. In addition to the general provisions of OCMC 17.56.020, any application shall include a description of the proposed use, including the number of residents and the nature of the condition or circumstances for which care, or a planned treatment or training program will be provided, the number of staff and the estimated length of stay per resident and the name of the agency responsible for regulating or sponsoring the use.

2. Approval of a conditional use application for a residential care facility shall include the following minimum standards where applicable:

a. The proposed facility shall maintain all applicable licenses required by the appropriate agencies for the use described in the application.

b. All residential care facilities shall be subject to design review. Special considerations for this use are:

i. Compatibility in appearance with the surrounding area;

ii. Provisions of usable on-site open space appropriate to the needs of the residents and the nature of the care, treatment or training provided;

iii. Clearly defined property boundaries.

Finding: Complies with Conditions. The applicant provided some description of the proposed care facility which will be licensed by the state. The new building will house 16 additional residents who require close attendance and memory care. It is anticipated that many of the residents will have mobility issues and require walkers or wheelchairs. The proposed facility is subject to the Site Plan and Design Review standards in OCMC 17.62 as discussed earlier in this report. The provision of useable on-site open space appears appropriate to the needs of the residents and the nature of the care and treatment provided, in the form of a large rear patio, a music/activity room, dining areas and a sunroom. The applicant shall provide to the Community Development Director information about the number of staff and the estimated length of stay per resident and the name of the agency responsible for regulating or sponsoring the use. The proposed facility shall maintain all applicable licenses required by the appropriate agencies for the use described in the application. **The applicant can assure compliance with this standard through the recommended Conditions of Approval.**

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. No revocation of the previously issued conditional use permit is proposed.

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. This is not an approval criterion. No additional circumstances have arisen which would merit periodic review of this conditional use at this time.

CHAPTER 17.60 VARIANCES

D. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in OCMC 17.50.030B., and shall address the criteria identified in OCMC 17.60.030, Variance — Grounds.

Finding: Applicable. The applicant requests a Minor Variance for an increase in the total building lot coverage as the proposed lot coverage is under the 25% increase threshold. The proposed addition would add a 6,996 square foot building with 16 residential units and supporting offices/common spaces. The proposed lot coverage is 46.2% which is 6.2% above the 40% lot coverage.

E. For the purposes of this section, minor variances shall be defined as follows:

1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;

2. Variances to width, depth and frontage requirements of up to twenty percent;

3. Variances to residential yard/setback requirements of up to twenty-five percent;

4. Variances to nonresidential yard/setback requirements of up to ten percent;

5. Variances to lot area requirements of up to five percent;

6. Variance to lot coverage requirements of up to twenty-five percent;

7. Variances to the minimum required parking stalls of up to five percent; and

8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.

9. Variances to design and/or architectural standards for single family dwellings, duplexes, single-family attached dwellings, internal conversions, accessory dwelling units, and 3-4 plexes in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.

Finding: The total combined site area of 950 and 914 South End Road measures 50,591 square feet and the proposed addition to the building would have a footprint of 23,401 square feet or 46.2% of the site. The maximum allowable lot coverage of 40% is equal to 20,236.4 square feet. The applicant has proposed lot coverage that exceeds the allowable lot coverage by 3,164.6 square feet.

For this site, the code allows a 25% increase of up to 5,059.1 square feet to the existing building as a minor variance. The application qualifies for a minor variance to lot coverage since it is well under the 25% threshold ($3,164 < 5,059$). However, for the reasons discussed under (D) above, it is being reviewed as a Type III application.

17.60.030 - Variance—Grounds.

A variance may be granted only in the event that all of the following conditions exist:

A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

Finding: Complies as proposed. The applicant stated that the building is located on a corner lot and the expansion to the north will not negatively affect neighbor residences. The north building expansions are within the required setbacks for the site and will not affect the buildings any more than a legally conforming building to the zoning code. Given that the proposed building addition complies with the setbacks for the R-10 zone and is well under the height limit of thirty-five feet, it is unlikely that the slight increase in lot coverage of 6.2% over the 40% limit would reduce light, air, safe access or other desirable or necessary qualities protected under the zoning code.

B. That the request is the minimum variance that would alleviate the hardship;

Finding: Complies as proposed. The applicant stated that the building addition will provide the necessary room for additional residents. Given the need to add these units and the existing design of the building, the applicant believes that this is the least amount of coverage required to provide a comfortable space for the residents of the building. Furthermore, the building is a commercial use in residential zoning. Site Plan and Design Review Standards in OCMC 17.62.050.A.1 allows a lot coverage of 85% (including parking) for a commercial use building. The building size is the minimum necessary to provide the number of suites, common areas, and internal circulation of the building. Given the hardship imposed by the relatively small lot, the applicant has proposed a small increase over the 40% maximum permitted. It should be noted that the code already allows lot coverage of up to 45% for Accessory Dwelling Units in this zone without a variance. Given the nature of the proposed use, the request is the minimum that will alleviate the hardship.

C. Granting the variance will equal or exceed the purpose of the regulation to be modified.

Finding: Complies as proposed. The lot coverage standard of 40% is a residential dimensional standard that helps to assure light, space and separation between residential structures in the low-density residential R-10 zone district. The variance will have very minimal effect on the purpose of the regulation. The addition is a single story, less than the height allowed in the zoning designation. Given these factors, and the very small additional lot coverage in comparison to the stated need for the variance, staff believes the purposed of the regulation to be modified is still met.

D. Any impacts resulting from the adjustment are mitigated;

Finding: Complies as proposed. The applicant did not propose any mitigation for the adjustment. The building is within the required setbacks per zoning requirements and will not impact the buildings surrounding any more than a conforming building. The site plan includes significant screening landscaping and a six-foot privacy fence. Staff anticipates that the proposed use will not produce any

more noise or visual impacts than that of a typical residential use. No further mitigation is recommended.

E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Finding: Complies as proposed. Given the existing nature of the building and the need for the additional units, the applicant stated that this is the only way to provide adequate units for the residents. The interior spaces, care requirements and other functions of the proposed use require state certification and compliance with a variety of health regulations that are beyond the scope of the zoning code. The proposed floor plan appears to provide adequate space for the proposed use and staff can think of no reason to dispute the applicant's assertion otherwise.

F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Finding: Complies as proposed. See findings under section 17.54 – Conditional Use, page 70 for the proposed project's consistency with the applicable Goals and Policies of the adopted Comprehensive Plan.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.010 - Purpose.

The purposes of site plan and design review are to: encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

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 17.62.050.B.9.055.I;*
- g. Windows in OCMC 17.62.050.B.10.055.*
- h. Parking Lot Landscaping in OCMC 17.52.060.*

Finding: Not applicable. The applicant has not sought a modification of any site plan and design review standard pursuant to this section. The applicant has sought a minor variance for lot coverage. See findings under section 17.68.

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

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

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

Finding: Applicable. The application is associated with a Conditional Use in a residential zone; therefore, Site Plan and Design Review is required.

17.62.035 - Minor site plan and design review.

This section provides for a Minor Site Plan and Design Review process. Minor Site Plan review is a Type I or Type II decision, as described in OCMC 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.

A. Type I Minor Site Plan and Design Review.

1. Applicability. Type I applications involve no discretion and are typically processed concurrently with a building permit application. The Type I process is not applicable for:

- Any activity which is included with or initiates actions that require Type II-IV review.
- Any increase in square footage of a conditional or nonconforming use (excluding nonconforming structures).
- Any proposal in which nonconforming upgrades are required under OCMC 17.58.
- Any proposal in which modifications are proposed under OCMC 17.62.015.

2. The following projects may be processed as a Type I application:

....

Finding: Not applicable. This application exceeds the thresholds specified for a Type I Minor Site Plan and Design Review application.

B. Type II Minor Site Plan and Design Review.

1. Type II Minor Site Plan and Design Review applies to the following uses and activities unless those uses and activities qualify for Type I review per OCMC 17.62.035.A.:

- Modification of an office, commercial, industrial, institutional, public or multi-family structure that does not increase the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).
- Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.
- 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.
- Mobile food carts in OCMC 17.54.115.
- Other land uses and activities may be added if the Community Development Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.

Finding: Not applicable. This application exceeds the thresholds specified for a Type II Minor Site Plan and Design Review application.

17.62.040 – Items required.

A complete application for Site Plan and Design Review shall be submitted. Except as otherwise in subsection I of this section, the application shall include the following:

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

- 1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;*
- 2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;*
- 3. Contour lines at two foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent;*
- 4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:*
 - a. Areas indicated on floodplain maps as being within the one-hundred-year floodplain,*
 - b. Unstable slopes, as defined in OCMC 17.44.020,*
 - c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;*
- 5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;*
- 6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;*
- 7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty five feet of the site, and the current or proposed uses of the structures;*
- 8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;*
- 9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;*
- 10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred feet of the boundaries of the site;*
- 11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in OCMC 17.52;*
- 12. Site access points for automobiles, pedestrians, bicycles and transit;*
- 13. On-site pedestrian and bicycle circulation;*
- 14. Outdoor common areas proposed as open space;*
- 15. Total impervious surface created (including buildings and hard ground surfaces);*
- 16. The proposed location, dimensions and materials of fences and walls.*

Finding: Complies as proposed. The application included all items required for an adequate review pursuant to this section and was deemed complete on January 29, 2020. There are no natural resource areas within 100 feet of the site, and the site is not located within the geologic hazard overlay.

B. A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.

Finding: Complies as proposed. A landscape plan (L1.1) with irrigation plan was provided which depicts the proposed site landscaping. No trees exist on the site.

C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction. The name of the adjacent street shall be identified on each applicable building elevation.

Finding: Complies. Detailed architectural drawings, flood plans, and elevations were provided with the application. Adjacent streets are indicated on the plans.

D. An electronic materials board clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures.

Finding: Complies. The plans indicate the proposed exterior building materials.

E. An erosion/sedimentation control plan, in accordance with the requirements of OCMC 17.47 and the Public Works Erosion and Sediment Control Standards, and a drainage plan developed in accordance with city drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/geotechnical development impact statement.

Finding: Complies. An erosion control plan was provided.

F. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.

Finding: Complies. The applicant provided an exterior lighting (photometric) plan.

G. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:

1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and

2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

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

Finding: Complies. A copy of the pre-application proposal was sent to SHPO and current tribal contacts. SHPO provided a letter citing the applicable ORS standards (SHPO Case No. 19-0713) which were included with the land use application.

H. Such special studies or reports as the Community Development Director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The Community Development Director shall require an applicant to submit one or more development impact evaluations as may be necessary to establish that the City's traffic safety or capacity standards, natural resource, including geologic hazard and flood plain overlay districts, will be satisfied.

Finding: Complies with Conditions. The proposed operation requires licensing by the state agency Oregon Department of Human Services (DHS) which regulates the operation of assisted living facilities including memory care facilities. As part of the Conditional Use criteria, prior to issuance of a certificate of occupancy, the applicant shall provide evidence of licensure by the Oregon Department of Human Services to operate the facility. The purpose of this recommended condition is to assure that the proposed development does not adversely affect persons or improvements on the site. No additional

species studies or reports are necessary. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

I. The Community Development Director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:

1. The Community Development Director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the Community Development Director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter is forwarded to the Planning Commission for initial review, the information required by this paragraph shall be included in the staff report;

Finding: Not applicable. No requirements have been waived.

2. The Community Development Director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance as necessary to comply with the applicable standards. If additional information is required, the Community Development Director shall, in the decision, explain the reasons for requiring the additional information.

Finding: See finding under (H) above.

J. One full-sized copy of all architectural and site plans.

Finding: The applicant provided one full-size copy of all architectural and site plans.

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.

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.

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.

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.

5. Landscaping shall be visible from public thoroughfares to the extent 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 with Conditions. A landscaping plan has been provided with the application drawing package. The plan was prepared by an Oregon Registered Landscape Architect. See sheet L1.1. The subject properties are outside of Downtown Design District. The plan indicates a mix of trees and shrubs as well as other ground covers and indicates 100% coverage. According to the landscaping plan, the total

site area is 50,591 square feet. 15% of the site = 7,589 square feet. Staff calculated that approximately 9,200 square feet of the site will be landscaped with growing materials. The front of the proposed addition will be generously landscaped with a mix of native plant materials to provide visual interest near the right-of-way. Parking lot landscaping (new parking island) has been excluded from the 15% minimum site landscaping requirement. The applicant did not address compliance with Chapter 10.32, Traffic Sight Obstructions, however, the applicant can show that compliance with Chapter 10.32 is met prior to issuance of a certificate of occupancy for the building. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as proposed. The existing parking lot to be expanded is located at the rear of the existing building. The front of the existing building has a driveway and covered entry that is accessible for emergency vehicles. The rear of the of the building includes a parking area that is less than 150 feet in depth and complies with the minimum aisle width for single-loaded, 90-degree parking spaces. Compliance with the parking standards is provided under section 17.52. The subject properties are not located within the abovementioned Districts in the criterion above. The subject properties do not abut an alley. Existing driveway is located off the side street, Amanda Court. No changes are proposed to existing driveways.

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.*
- 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.*
- 3. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.*
- 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.*
- 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. The site plans indicate direct, hard surfaced pathways at least 5 feet wide connecting the building entrances and the street at the front and south side of the building. The existing building was already reviewed for compliance with this standard. A crushed gravel pathway is proposed within the northern side yard that does not connect to any building entrance; therefore, it is not considered part of the on-site pedestrian system. However, the standards (1 through 5) are met for all other paths. The pathways indicated on the site plan connect all building main entrances, parking areas, common areas and pedestrian amenities on site, either on-site or via the public sidewalk. No new pathways are proposed to cross vehicle drive aisles or border parking spaces.

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

Finding: Complies as proposed. This standard is an on-going maintenance obligation of the property owner, who has indicated their intent and willingness to comply with all applicable standards.

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: See findings from section 16.12.095.C and 16.12.095.D regarding public water and sanitary sewer facilities.

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. No transit agency has recommended 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 this proposal.

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 applicant stated that all mechanical equipment will be screened from view with landscaping or architectural features.

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 indicates that there will not be any wall-mounted mechanical equipment on the front façade.

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: Complies as proposed. The applicant indicated that any ground mounted mechanical equipment will be screened in accordance with this standard.

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

Finding: Not applicable. No solar or wind power equipment is proposed.

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: Not applicable. None of the listed prohibited materials are proposed. The proposed building materials are a mix of stone, Hardie siding, shake siding, and composition roof that will match the colors and style of the existing building.

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. None of the listed prohibited materials are proposed.

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 proposed development is considered a commercial building and is subject to these standards. The property is in the R-10 low-density residential zone and the dimensional standards of the R-10 zone prevail.

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: Complies with condition. The property has approximately 72' of frontage. The proposed building addition will be setback approximately 20 feet from the front property line along South End Rd. A 10-foot wide public utility easement (PUE) is required. Additionally, 10-foot wide storm planters will be installed in the front of the property to treat stormwater, behind the PUE. The proposed setback of 20' feet from the front property line will accommodate these required features. The applicant stated that they have proposed at least three (3) pedestrian enhancement elements from the list above be incorporated into the site design to enhance the front appearance and create a more pedestrian friendly

environment. However, staff could only identify two elements on the proposed plans, consisting of enhanced landscaping and pedestrian scale lighting. Prior to issuance of a building permit, the applicant shall provide revised plans indicating a minimum of three elements from OCMC 17.65.055.D(1)-(9). **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 proposed addition is physically connected to the existing building via a structural breezeway. The existing building has a prominent main entrance. Operationally, all visitors, staff, and residents will be directed to the main entrance of the existing building for security and resident safety.

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. The existing main entrance includes the required elements and was approved in 2014.

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. No changes are proposed to the location of the primary entrance.

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: Complies as proposed. The combined width of the front façade including both the existing building and proposed addition measures approximately 185 feet. The existing building was already reviewed and approved for compliance with this standard, so this standard applies to the addition

façade which is approximately 65 feet wide. The required minimum depth of the modulation is 1' 3" and the applicant has proposed 4' 3". The required minimum width of the modulation is 19' 6" and the applicant has proposed 24' 7". Massing of the proposed addition is also broken up with varying wall planes, gables, and roof heights.

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 as proposed. As shown on the elevation drawings, there are no blank walls of thirty feet in length or more. Windows are regularly spaced approximately eight feet apart on the north and south (side) elevations. The front façade includes large windows along most of the façade (See "Windows" standard below). Additionally, stone masonry tile and decorative shingles are used as an accent.

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: Complies as proposed. The 65-foot wide front façade has a wall area of approximately 970 square feet and includes approximately 270 (22%) of decorative stonework, shingles and ornamentation (element a). A large and prominent gable is proposed (element c). A repeating pattern of building and trim materials is provided at intervals less than 30 feet (element j).

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. This is an addition to an existing building.

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

Use	Ground Floor: Front and Street Facing Facades	Upper floor(s): Front and Street Facing Facades	Ground Floor: Side(s) Facades	Upper Floor(s): Side(s) Facades
Non-Multi-Family (or Portions of Buildings Thereof)	60%	10%	30%	10%
Multi-Family (or Portions of Buildings Thereof)	15%	15%	10%	10%

Finding: Complies as proposed. The 65-foot long front façade has windows for 43' 7" feet of its length (67%). The north side elevation is 113' 11" feet in length and has windows for approximately 40 feet (35%). The south side elevation is approximately 111' 11" in length and has windows for approximately 33 feet (30%). The standard is met.

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: Complies as proposed. The applicant indicates that the glass to be used is transparent. Plans indicate the glazing will be clear low-E solar blocking glass.

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. No false windows or doors are proposed.

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. This is not a multi-family building.

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: Complies as proposed. The total roof length is approximately 70 feet long and is interrupted at two intervals by a large cross gable that starts 22 feet in from the roof edge.

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 project has a previously approved drive-through Porte Cochere entrance at the front of the existing building which was approved through a variance application (VR 14-01). No new drive through facilities are proposed.

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.

3. *Development Standards.*

a. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.

i. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.

ii. For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.

b. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.

Finding: Complies as proposed. The existing main entrance is located at the existing building and will continue to function as the feature. No changes proposed to the existing main entry.

17.62.065 - Outdoor lighting.

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

1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;

2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;

3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;

4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and

5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.

6. Encourage energy efficient lighting with new technologies such as Light Emitting Diodes (LED) or similar to reduce ongoing electrical demand and operating costs.

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: The applicant's proposal includes outdoor lighting which is subject to review under this section.

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. All proposed exterior site lighting and fixture details are shown on the lighting site plan (see E 1.1).

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 listed excepted lighting types.

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 foot-candles of light as measured at the property line.*
2. *Lighting shall be provided in parking lots and vehicular circulation areas.*
3. *Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.*
4. *Lighting shall be provided at all building entrances.*
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.*
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.*
7. *Floodlights shall not be utilized to light all or any portion of a building facade between 10 p.m. and 6 a.m.*
8. *Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.*
9. *All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.*
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.*
11. *For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.*
12. *No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.*
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.*
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: Complies as proposed. The applicant's lighting plan includes a combination of wall-mounted LED fixtures and bollard-style LED lighting for pathways. Full-cutoff style fixtures are proposed for most locations except for the five low-voltage SWD type wall mounted fixtures, which are to be mounted at 8' high and use a low-glare frosted lens. The photometric plans indicate that there will be zero illumination at the property lines and no glare on adjacent properties.

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. No changes are proposed to the existing trash and recycling enclosure area which is located behind an alcove to the right of the main front entrance.

17.62.090 – Implementation.

A. Applications for site plan and design review shall be reviewed in the manner provided in OCMC 16.12 and 17.50. The Building Official may issue a certificate of occupancy only after the improvements required by Site Plan and Design Review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the City.

Finding: Complies as proposed. This application was reviewed pursuant to the procedures specified.

B. In performing Site Plan and Design Review, the review authority shall consider the effect of additional financial burdens imposed by such review on the cost and availability of needed housing types. Consideration of such factors shall not prevent the imposition of conditions of approval found necessary to meet the requirements of this section. The cost of such conditions of approval shall not unduly increase the cost of housing beyond the minimum necessary to achieve the provisions of this title, nor shall such cost prevent the construction of needed housing types.

Finding: Not applicable. The definition of “needed housing” applies to development of land for low-income and cost-burdened residential dwelling, including land zoned for high density residential use pursuant to ORS 197.303. This application is not considered needed housing.

C. The Site Plan and Design Review provisions of this chapter shall not be applied to reduce the density or height of an application for a development project that reserves at least seventy-five percent of the gross floor area for housing where the proposed density or height is at or below what is allowed in the base zone, except in the following situations:

1. Where the reduction in density is required for development subject to historic overlay provision in OCMC 17.40; or
2. Where the reduction in density is necessary to resolve a health, safety or habitability issue, or to comply with the Natural Resource Overlay District regulations of OCMC 17.49, the Geologic Hazard Overlay District regulations of OCMC 17.44, or the Floodplain Management Overlay District regulations of OCMC 17.42 or steep slope regulations.

Finding: Not applicable. No reduction of density is requested.

III. SUMMARY AND RECOMMENDATION

Staff has reviewed the criteria for files GLUA-19-00052: CU-19-00052, SP-19-00140, VAR-19-00015, LL-19-00008 and provided findings that the criteria have been met or can be met with conditions of approval and recommends the Planning Commission approve the application with the conditions identified within this report.