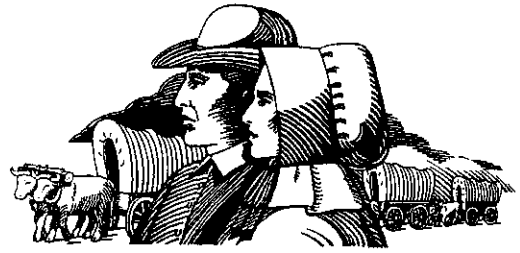


CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL 657-0891

OREGON CITY, OREGON 97045
FAX 657-7892



AGENDA

City Commission Chambers - City Hall
September 27, 1999 at 7:00 P.M.

PLANNING COMMISSION MEETING

- 7:00 p.m. 1. **CALL TO ORDER**
- 7:05 p.m. 2. **APPROVAL OF MINUTES:** August 23, 1999
- 7:10 p.m. 3. **PUBLIC HEARINGS**
- 7:15 p.m. A. **Files No. CU 99-05 & SP 99-09** US West & MCA Architects; Conditional Use Permit and Site Plan Design Review to allow 4710 SF addition to current building to allow for additional telephone switching equipment; Zoned RC-4 McLoughlin Conditional Dwelling District with Historic Overlay; 222 High Street; Clackamas County Map 2S-2E-31AC Tax Lots 13200 and 13300
- 8:00 p.m. 4. **Adjourn to Planned Unit Development (PUD) Workshop**
- 8:05 p.m. 5. **WORKSHOP: PLANNED UNIT DEVELOPMENT (Continued)**
(Material distributed at September 13, 1999 PC Hearing – Review comments received so far will be distributed at the meeting)
- 9:00 p.m. 4. **OLD BUSINESS**
- 9:05 p.m. 5. **NEW BUSINESS**
A. **Comments by Commissioners**
- 9:10 p.m. 6. **ADJOURN**

NOTE: HEARING TIME AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

**CITY OF OREGON CITY
PLANNING COMMISSION MINUTES
AUGUST 23, 1999**

COMMISSIONERS PRESENT

Gary Hewitt, Chairman
Linda Carter
Nan Olson
Laura Surratt
Pat Vernon

STAFF PRESENT

Maggie Collins, Int. Planning Manager
Barbara Shields, Senior Planner
Paul Espe, Associate Planner
Tom Bouillion, Associate Planner
Allen Tomey, City Cemetery Manager
Marnie Allen, City Attorney
Rick McClung, Public Works

COMMISSIONERS ABSENT

Lawrence Vergun, Vice Chair
Kenly Bagent

1.0 CALL TO ORDER

Chairman Hewitt called the meeting to order. He reviewed the agenda for the meeting that evening and the procedures for public hearings.

2.0 PLANNING COMMISSION MINUTES - July 26, 1999

Commissioner Vernon moved to approve minutes from the July 26, 1999 meeting as presented. **Commissioner Carter** seconded. MOTION CARRIED 5-0 with no abstentions.

Ayes: Carter, Olson, Surratt, Vernon, Hewitt; Nays: None.

3.0 PUBLIC HEARINGS

3.1 Applicant: City of Oregon City
 Property Owner: Same
 Location: Terminus of Hilda Street, closest intersection Alden Street
 Proposal: Conditional use permit for six-acre expansion to allow for additional
 burial spaces.
 File Number: CU 99-04 (*Continued*)

Chairman Hewitt opened the public hearing for File Number CU 99-04. He asked if there was anyone wishing to disclose ex-parte contact, bias or conflict of interest. **Commissioner Carter** stated that she might have a conflict of interest because she has property that abuts the south side of the cemetery but that she did not believe it would impair her ability to be fair.

Chairman Hewitt asked if there was currently a maintenance agreement for this project.

Larry Lewis stated that the City currently has a maintenance program for the cemetery and the new parcel would be included in this agreement. **Chairman Hewitt** stated that something in writing was needed.

Larry Lewis stated that the City does have a perpetual care agreement with the sale of the plots. This program is a City-conducted maintenance program. **Chairman Hewitt** asked if this was in writing. **Larry Lewis** stated that it was and that this was part of the agreement.

Chairman Hewitt suggested that this agreement be included in the application documents.

Speaking: Jim Hall, 328 Ainsworth, Oregon City, OR, 97045

Jim Hall stated that this matter had come before the Commission several months ago. The issue at that time was to expand the cemetery with very few capital improvements. The Planning Commission decided at that time that all the usual conditions such as a fence be included as conditions of approval for the expansion. At the time the Public Works Department stated that they could not afford the improvements without sale of lots. The Commission then suggested that the cost of the improvements be used to help set the new price of the lots. He stated that the City is a different entity from a developer. The typical developer can sell lots before improvements are made, by obtaining a performance bond. This would not have been appropriate for the City. If the City were to set aside a portion of the lot sales for the purpose of installing the capital improvements, then there would be no double standard for the City as opposed to a private citizen. The price of a cemetery lot is irrelevant. The cemetery must be able to compete in regards to price.

QUESTIONS FROM THE COMMISSIONERS -- None.

TESTIMONY IN OPPOSITION -- None.

QUESTIONS FROM THE COMMISSIONERS -- None.

REBUTTAL -- None.

DELIBERATION AMONG COMMISSIONERS

Chairman Hewitt closed the public portion of the hearing and opened the meeting up for discussion among the Commissioners.

Chairman Hewitt stated that the applicant did not address the design review process. The Neighborhood Association had requested this because the City had not yet approached them. Although the City had contacted some of the property owners that abut the cemetery, the Neighborhood Association itself had not been contacted. He believes that design review should be a definite condition of approval. He does not oppose deferment until 2004 and feels that the City is just as obligated to undergo design review as any other applicant. He would like to see the design review condition retained and that it come back before the Commission at the time

CITY OF OREGON CITY PLANNING COMMISSION

Minutes of August 23, 1999

Page 7

feels that the remaining seventy-five percent should go towards cemetery maintenance but wonders if there is any way to have accountability and to follow the fund to insure that the money is available to reach the target date of 2004. **Commissioner Vernon** stated it would be a part of the budget process.

Commissioner Carter stated that she is concerned that the City complete the said projects not by 2004, but as soon as possible. She is not totally happy with the idea of selling cemetery plots before the improvements are completed.

Paul Espe stated that the half-street improvements would be part of the design review as stated in original condition number two. **Chairman Hewitt** stated that the language from the LID would remain intact as stated in condition two.

Commissioner Olson stated that she feels budget is a critical part of this issue. She did not find any evidence in the application packet on how the City would deal with inflation or future costs, and asked if this analysis would be provided or should the Commission be talking to other entities in the City. **Chairman Hewitt** stated that at this point it would be inappropriate for the Commission to deal with this issue. There are conditions of approval to deal with the issue of completing the project on schedule, regardless of cost.

Paul Espe asked if condition two was going to be proposed in regards to the fence. **Chairman Hewitt** replied that the modified conditions would be used in addition to design review condition.

Paul Espe asked if the Commission desired the applicant to appear before it if improvements did not occur within two years. **Chairman Hewitt** replied yes, it would be appropriate to review in the year 2001, so that the issues would be addressed and the community would be aware of the progress.

Chairman Hewitt asked the Planning Staff if they had the conditions of approval notated so that the motion only has to include the conditions brought up by the Chairperson. **Marnie Allen** stated that if Staff feels they have all of the conditions as stated, then a motion could be made to approve the modification to the conditions as announced by the Chair. A motion could also be made to direct Staff to prepare the conditions in a manner that could be presented to the Commission in two weeks. She deferred to Staff to determine whether the conditions have been correctly noted in their entirety.

Chairman Hewitt suggested that they wait two weeks and have staff present the modified conditions at that time. **Maggie Collins** stated that staff is willing to proceed either way.

Chairman Hewitt asked **Marnie Allen** if a motion could be made to include the modified conditions as stated by the Chairman and to have those conditions presented at the next meeting in two weeks. As well he asked if a decision could be made that evening or should they wait two weeks until the conditions are presented as modified. **Marnie Allen** suggested that they wait the two weeks so that the new conditions could also be adopted. They could make a motion to close the record, continue the application for two weeks, and direct Staff to prepare

he stated that the height of a building could exceed 85 feet in cases such as pitched roofs or the addition of equipment such as antennas or satellite dishes.

Staff recommends that the Planning Commission recommend approval of the text amendment to the City Commission for their consideration on September 1, 1999. As well, the Planning Commission may want to consider alternative language proposed by the City Commission on July 21, 1999 that would incorporate government facilities into Oregon City Municipal Code section 17.37.020 E that would identify corporate headquarters, regional offices or government facilities with fifty or more employees. The Planning Commission may also want to consider language related to buffering as proposed in City Engineering comments. The proposed text amendments are supported by Comprehensive Plan goals and policies and are not detrimental to the public interest.

QUESTIONS FROM COMMISSIONERS

Commissioner Carter asked where Loder Road was in relation to the M-1 areas. **Tom Bouillion** demonstrated where this road could be located.

Chairman Hewitt stated that he was not finding section 17.37.020 F of the Code in his new book. **Tom Bouillion** replied that this section was only proposed language. **Chairman Hewitt** asked if the City Commission had proposed it. **Tom Bouillion** replied that there were two different versions, one assembled by Staff and one by the City Commission, and both were presented for the Planning Commission's consideration.

Commissioner Vernon asked if it was necessary to include all M-1 (CI) areas in these changes when it appears that the only area necessary is the Red Soils area in map area one. If so, she asked why. **Maggie Collins** stated that the legislative change to zoning ordinance would affect all properties with the same zoning code. As well, the other six areas zoned M-1 (CI) have potential as future areas for government development and have largely governmental ownership.

Tom Bouillion stated that site number five on the map is partially the Moss High School Freshman Campus site. The Clackamas Education District also owns number three. Many of the properties are located near Clackamas Community College and the College may wish to expand into them in the future.

Commissioner Surratt asked if text changes to zoning ordinances affect all areas with that zoning code, how are they dealing with the height change request to area one only? **Tom Bouillion** stated that the height change has to do with dimensional requirements and uses. **Maggie Collins** concurred and stated that the height increase is a dimensional standard and the Commission can outline a dimensional standard specifically for one area. Permitted uses apply to all property in a zone; dimensional standards can apply to specific property in a zone.

Commissioner Carter asked in regards to the two proposed text amendments, would one version need to be dropped? **Tom Bouillion** replied that they are two different versions saying

that there are sixteen elements to the Comprehensive Plan of which only two have been addressed in the subject application. He believes this to be inadequate. He stated his concern about the impact to the sewer system. He stated that if this zone change is allowed, he wonders how those individuals would get served when Public Works has stated that the impact of the zoning change will divert sewer away from adjacent areas. The application is devoid of any comment concerning this problem. He gave the remainder of his time to **Bryan Cavaness**.

Bryan Cavaness continued speaking on street systems, and his recent request to the Commission for a zone change in the proposed area from R-10 to R-8. This would impact the area at most an additional twenty to twenty-two vehicles. Public Works noted the substantial increase the current proposed zoning change would have on traffic in the area. His client had been required to spend an additional \$7,000.00 on studies which proved that the capacity was there or could be provided. He stated that Staff has not required this of the City. The items that have been addressed are only conclusory statements and do not state what the policy is. They merely state that "it works". He stated that if the City were looking for a development opportunity, he would like to see some consistency in the manner in which it is approached. He doesn't believe the change shouldn't occur, he would just like to see that the proper procedures are followed.

Chairman Hewitt asked **Marnie Allen** if this is a zone change request. **Marnie Allen** stated that it is not; it is an amendment to the text of the City's development code. **Chairman Hewitt** informed the Commission that this is not a zone change request but rather a change in a section of the ordinance called Campus Industrial.

Chairman Hewitt asked if the Comprehensive Plan would be included as part of the process this evening. **Marnie Allen** stated that there was not a criterion in the development code that requires an analysis of all of the specific Comprehensive Plan policies.

Chairman Hewitt asked what kind of proceeding this was. **Marnie Allen** stated that it was a legislative amendment that was initiated by the City Commission to change and revise the text of the City's development code.

Commissioner Vernon asked for further clarification on when the Comprehensive Plan goals would be addressed. **Chairman Hewitt** stated that if this were a zone change request, the goals would have to be addressed. This was determined not to be a zone change.

Marnie Allen stated that they are being asked to review changes that are defined as a legislative land use decision. If the proposal is adopted, it should be consistent with the City's Comprehensive Plan, goals and policies. It is a matter of deciding which of those goals and policies are activated by the legislative amendment that the Commission is considering, and then deciding if the goals and policies have been met or not.

Speaking: Melanie Paulo, Thayer Neighborhood Association, 19330 Rollins Street, Oregon City,
 OR, 97045

Melanie Paulo stated that she would like to give her time to **Bryan Cavaness**.

CITY OF OREGON CITY PLANNING COMMISSION

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impact would be. All public infrastructure must be considered because it is all a part of the Comprehensive Plan. He stated that the City Staff has ignored these things and that the report is inadequate. The proper parties were not notified. He doesn't know why it is before the Commission. He feels the County is now in a trap because they have to defend something that was inadequately presented.

Speaking: Ralph Balcom, 19021 Bedford Drive, Oregon City, OR, 97045

Ralph Balcom stated that he is not an engineer, involved in a neighborhood association or a City employee. Rather, he is in the business of living comfortably and that is why he moved to Oregon City. He stated that he has never had a problem with the City even though his back yard borders the jail. He is now concerned that the City wants to raise the building height to 85 feet. He doesn't want to live in the shadow of a high-rise building. He doesn't feel the public systems will support the additional people in that area. He thinks it would raise his utility rates. **Ralph Balcom** stated that he is not opposed to new buildings just ones that are 85 feet high.

Speaking: Deborah Watkin, 13290 Clairmont Way, Oregon City, OR, 97045

Deborah Watkin stated that she is the president of the Hillendale Neighborhood Association. She stated that on August 12, 1999 the Association met to address another land use application. During this meeting, the proposed application was discussed. The consensus was divided on this application and asked the Commission to review some of the comments from that meeting. The committee was concerned about the amount of time the Association was given to address this application. She cited the agreement from a workshop where the Neighborhoods would have ten days to prepare comments for hearings. They received their notice on August 6 and comments were due back on August 12 giving them five days to hold a meeting. Her understanding is that zone changes must be governed by Chapter 17.68 of the municipal code and therefore are required to meet the criteria within this title. The Hillendale Association feels that the application is incomplete and does not meet the necessary requirements in 17.68.020. One of her primary concerns is that if an 85-foot building were allowed to be built, it would set a precedent. Although the Association is not against this proposal they are just requesting a complete application and adequate notice prior to a hearing. She would like to request that the record remain open for seven days for further notice.

REBUTTAL

Speaking: Steve Rhodes, Clackamas County

Steve Rhodes stated that the County is not the applicant for this issue, the City of Oregon City is.

QUESTIONS OR COMMENTS

Maggie Collins clarified that there are one set of planning case initials for quasi-judicial and legislative requests, and that this is not a quasi-judicial request. She clarified that **Chairman Hewitt** has conducted this hearing as is required. She stated that the difference between a zone

Chairman Hewitt stated that it had been requested that the record remain open. He asked if they were allowed to do so upon request. **Marnie Allen** stated that they could for further input to the record.

Chairman Hewitt suggested that a decision not be made that evening but rather defer it to the meeting scheduled for two weeks from then. He stated that issues arose that he is not comfortable with and asked if anyone else felt this way. **Commissioner Vernon** asked if it was prudent to discuss what their issues are now so that the public knows what they are thinking.

Commissioner Vernon stated that in regards to the 17.68.020 section, she is in favor of the language that limits the number of people to fifty or more. She stated that she was very confused by this document and she appreciates the input by the public. She is concerned about the amount of time they were given for that input. She hopes that it was made clear that this is not a zone change. Her final comment concerns 17.040 B1 that limits the 85-foot height expansion to the area bounded by Leland, Warner-Milne and Molalla Roads. There was a suggestion in the staff report that the setback requirements be different and she suggested that this be included in the language. **Chairman Hewitt** stated that he heard her to be suggesting that there be a subcategory in the language for the parameters for that building. **Commissioner Vernon** stated that this was correct.

Commissioner Vernon expressed her concern over the 85-foot precedent. She stated she would like some protection so that this could be limited.

Commissioner Surratt stated that she isn't sure why the height expansion was requested when the limitations are known. She stated that she doesn't argue the permitted use changes, seeing how there have already been several conditional uses.

Commissioner Olson stated that she feels the same as **Commissioner Surratt**. She stated that it made her wonder if they already have something in the works that they would need to see this approved for. She stated that she wonders what their job is as a Commission as they look at what kinds of plans are in the works for industrial areas and would like more definition.

Chairman Hewitt stated that this is not industrial but rather campus industrial.

Maggie Collins stated that there are information and drawings about the 85-foot proposal that could be shown if they would be useful. **Chairman Hewitt** stated that the public portion of the hearing had been closed and that they would have to wait until the next meeting. The record is to remain open until the close of the next meeting.

Commissioner Olson asked if there was any way that the ZC could be clarified so that they know what they are being presented. She feels this has been a problem for many people.

Commissioner Carter stated that the Planning Commission currently struggles with the Comprehensive Plan because it needs to be updated. It has not had its language modified to meet current needs. As a Commission, she feels they need to keep in mind the vision of Oregon City and its needs. Putting language into the plan in a piecemeal way is not preferred.

CITY OF OREGON CITY PLANNING COMMISSION

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they will need to use what information they have to make those decisions. **Chairman Hewitt** agreed.

6.0 ADJOURNMENT

Chairman Hewitt asked for all those wishing to adjourn say aye. MOTION CARRIED UNANIMOUSLY.

Gary Hewitt, Planning Commission Chair

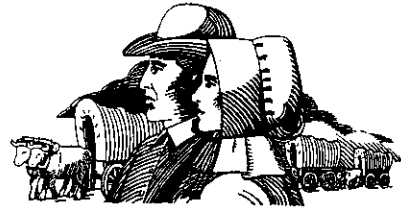
Maggie Collins, Int. Planning Manager

CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL 657-0891

OREGON CITY, OREGON 97045
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STAFF REPORT

Date: September 27, 1999

Complete: 8/23/99
120 Day: 12/20/99

FILE NO.: CU 99-05

HEARING DATE: September 27, 1999
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT: MCA Architects
Jeremy Rear
30 NW First Avenue
Portland, OR 97209

OWNER: US West
Bert Ostergren
214 E. 24th St., Room 200
Vancouver, WA 98663

REQUEST: Conditional Use for 4,710 square foot addition to an existing communications building to allow for additional telephone switching equipment.

LOCATION: 222 High Street
Map 2S-2E-32AC, Tax Lot 101, and Map 2S-2E-31AC, Tax Lots 13200 and 13300, Clackamas County.

REVIEWER: Tom Bouillion, Associate Planner
Jay Toll, Senior Engineer

RECOMMENDATION: Staff recommends approval of CU 99-05 with conditions of approval

“Public Utilities and Services” (1963 Code, Section 11-10-1 z). The zoning code changed in 1980 and the site is now zoned “RC-4” which does not allow public utilities as an outright permitted use, but rather as a conditional use. Staff can find no evidence of the site/use ever being brought into conformance with the current code, and therefore the use and structures are considered pre-existing, non-conforming. OCMC Chapter 17.58.030 states that “Non-conforming uses and/or structures shall not be expanded or enlarged after adoption of this title, nor shall other structures be added.” However, Municipal Code Section 17.56.010(D) also states “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 structure shall conform with the requirements for conditional use.”

4. Surrounding land uses are as follows:

- Northwest: Commercial uses, including a convenience store and a garage, zoned “NC” Neighborhood Commercial District and designated “C” Commercial and “LC” Limited Commercial on the Comprehensive Plan Map.
- Northeast: Single family residences, zoned “RC-4” McLoughlin Conditional Residential District and designated “MCR” McLoughlin Conditional Residential on the Comprehensive Plan Map.
- Southeast: Single family residences, zoned “RC-4” McLoughlin Conditional Residential District and designated “MCR” McLoughlin Conditional Residential on the Comprehensive Plan Map.
- Southwest: Single family residences, zoned “RC-4” McLoughlin Conditional Residential District and designated “MCR” McLoughlin Conditional Residential on the Comprehensive Plan Map.

5. Previous Land Use Applications include the following:

The original structure was approved and constructed in 1973. However, staff was unable to find the original application for the structure. In 1997 Conditional Use file CU 97-03 requested approval of a 55-foot cellular phone tower at this location. At a public hearing on August 8, 1997 the Planning Commission denied the request. The current request for the 4,710 square foot addition was reviewed by the Historic Review Board as file HRB 99-08. At a public hearing on August 26, 1999, the HRB approved the request, with a limited number of conditions of approval. These conditions of approval are attached as exhibit 3f. In addition, the draft minutes of the HRB are attached as exhibit 3g.

Active Land Use Application:

SP99-09, to add 4,710 square feet to the existing U.S. West telephone switching facility, is a Type II land use application. However, the Planning

constructed in 1973. No significant natural features exist in the site, other than several deciduous and coniferous trees. The proposed addition will be served by existing utilities to the telephone switching building.

The site is located in the McLoughlin Historic Conservation District and is surrounded by several historic properties in the 300-foot notification. There are two commercial land uses on the northerly side of the subject site.

The building addition is proposed to be brick and a standing seam metal roof, with a flat suspended sunshade for the new entryway area. This addition continues the modern design of the building and is compatible with the original materials used when the building was originally built in 1973. The addition will match the original 17-foot height of the original structure. These materials are shown on exhibit 2f, the proposed materials board and on exhibit 2b, the proposed building elevations.

The majority of the single-family residences in the McLoughlin District are constructed with wooden siding and only a few with brick. However several multi-family buildings and churches, including St John's Catholic Church, Zion Lutheran Church and the River View Apartments are constructed entirely of brick. Brick is a construction material that was used often throughout the historic downtown area, and its use has continued to the present day. Additional screening and landscaping required through the site plan and design process (SP 99-06) can also increase the compatibility with neighboring properties.

Finally, this proposal was reviewed and approved with conditions by the Historic Review Board (HRB) at their meeting on August 26, 1999. The HRB believed that the proposed addition was in keeping with the historic character of the area. The conditions of approval from HRB are attached as exhibit 3f and the draft meeting minutes of the HRB meeting of August 26, 1999 are attached as exhibit 3g.

As a pre-existing use, the site has been adapted for use as a communications facility. The proposed addition is in character with the existing facility and does not negatively impact the characteristics of the site. Due to the residential character of adjacent properties, compatibility is a concern.

The applicant can satisfy general compatibility issues by complying with Conditions # 1 & 2.

3. Criterion (3): The site and proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

The proposed location and timing of the addition is appropriate because it serves a community need. Adequate services are available to serve the site. The proposed addition on the westerly side of the building will accommodate additional telephone

Expanding the structural dimensions of a pre-existing use of longstanding on this site is not deemed to have harmful effects to adjacent properties.

The applicant can satisfy the concern about noise by complying with Condition #3.

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

The Oregon City Comprehensive Plan contains the following applicable goals and policies:

“Encourage citizen participation in all functions of government and land-use planning.” (Citizen Involvement Goals and Policies, Policy 4)

The public hearing was advertised and noticed as prescribed by law to be heard by the Planning Commission on September 27, 1999. The public hearing will provide an opportunity for comment and testimony from interested parties.

“Oregon City will coordinate with the private and public agencies that provide electric, gas, telephone and television cable systems to Oregon City residents to ensure adequate service levels.” (Community Facilities, Goals and Policies, Utility Operations, page I-24).

“The City of Oregon City will encourage the planning and management efforts of the following agencies that provide additional public facilities and services...n. Energy and communications ...”. (Community Facilities Goals and Policies, Policy 4, page I-21).

The City encourages the growth of the US West telephone switching facility as an essential communication service for the residents of the area.

“Encourage compatible architectural design of new structures in local historic districts, and the central downtown district.” (Historic Preservation Policy 3, page E-59).

As mentioned earlier, the proposed addition will be compatible with the existing building design and with existing building designs in the area. In addition, the Historic Review Board at its August 26, 1999 meeting found that the proposed building addition to be compatible with existing building designs in the area.

Therefore, staff finds that this criterion is satisfied in that this proposal satisfies the goals and policies of the Oregon City Comprehensive Plan.

17.56.040 D. Public Utility or Communication Facility

The proposed addition will match the current 17-foot height of the existing structure and therefore will not be located closer to any property line than a distance equal to the height of the structure.

EXHIBITS:

1. Vicinity Map
2. Applicant Submittal
 - 2a. Applicant Narrative
 - 2b. Applicant Plan Set (on file)
 - 2c. Applicant Geotechnical Report (on file)
 - 2d. Addendum to Geotechnical Report
 - 2e. Applicant Letter Addressing Noise
 - 2f. Materials Board (on file)
3. Agency Comments
 - 3a. City Engineering (no comment-on file)
 - 3b. OC School District (no comment-on file)
 - 3c. City Parks (no comment-on file)
 - 3d. City Geotechnical Engineer
 - 3e. Tualatin Valley Fire & Rescue
 - 3f. HRB 99-08 Conditions of Approval
 - 3g. HRB 8/26/99 Draft Meeting Minutes
4. Citizen/Neighborhood Comments
 - 4a. Letter from Barbara McGinnis (9/10/99)
 - 4b. Letter from McLoughlin Neighborhood (6/8/99)
 - 4c. Letter from McLoughlin Neighborhood (9/10/99)

miller • cook architects, p.c. • a.i.a.

30 n.w. 1 st ave.

portland, or 97209-4087

(503) 226-0622
FAX (503) 226-0626

August 4, 1999

Mr. Tom Bouillion
City of Oregon City, Community Development Department
320 Warner Milne Road
Oregon City, Oregon 97045

Re: Narrative of Proposed Building Addition

Dear Tom,

US West Communications is proposing a building addition at 222 High Street in Oregon City, Oregon. The existing structure is used as an equipment building containing telephone switch equipment. The addition includes an expansion of the switch equipment, the emergency power and a new building entrance.

The use of the proposed addition is classified as a public utility. According to Chapter 17.56.030 Subsection T, a public utility requires a conditional use permit.

The characteristics of the site are suitable for the proposed use. The building addition on the south side of the structure will continue the same architectural design as the original structure. The addition on the west facade will enhance the entrance to the building by matching the materials and design of the existing structure. The location of the additions are important to their purpose. The south facade addition is necessary as new switch equipment must be located only in this location, due to the nature of the switch equipment growth. In addition, the emergency power room and entrance must be located only on the west side of the building, as the existing emergency power and main hallway are located in this general location and cannot easily be relocated. According to Chapter 17.56.040 Subsection D, the building will not be taller than the distance to the property line. The proposed addition to the building will not alter the existing flat contour or geography of the site. Also, the building addition will have minimal impact on the existing natural features of the site, including trees, natural slope and planting areas. The addition will include substantial landscaping improvements and will replace trees in the general location where they are removed.

The site and proposed development will not impair the existing adequacy of transportation systems, public facilities or services existing or planned in the surrounding neighborhood. An upgrade in services, including power, will apply to the building, as this is not only required for the addition, but will also benefit the telephone service. There are no improvements that alter circulation inside, at, or beyond the property line. The existing driveway will not change in use or character at the property line, and the pedestrian traffic in and around the site will remain the same as well.

Parking on the site will increase by only two spaces. The spaces are located adjacent to the building on the south-west corner, and are for occasional loading and u
Existing on-site, or off-street parking is adequate for the building use, as permanent employees will be maintaining equipment occasionally
surrounding parking will be improved by replanting additional landscapi

EXHIBIT

2a

CU 99-05

99136-G

June 8, 1998
McLoughlin Neighborhood Association
c/o 815 Washington Street
Oregon City, Oregon 97045

Alton Darby
Jeremy Rear
Miller Cook Architects
30 N.W. First Avenue
Portland, Oregon 97209

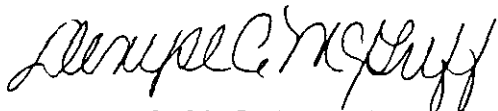
RE: US West 222 High Street

Dear Alton and Jeremy;

The Steering Committee met on June 3, 1999. The recommendation of the Land Use Committee was reviewed. The overall consensus of the Association was to approve the recommendation of the Land Use Committee. Overall, it was agreed that the additions and the improved landscaping would be a direct benefit to US West and the neighborhood.

If we can be of further assistance to you, please don't hesitate to call me 823-3295.

Sincerely,



Denyse C. McGriff, co-chairperson

cc: MNA file
Land Use Committee
Dirk Ellis

F-3072.01

**FUJITANI HILTS & ASSOCIATES, INC.****GEOTECHNICAL CONSULTANTS**

September 10, 1999

MCA Architects, PC
Attn: Mr. Jeremy Rear
30 NW First Avenue
Portland, Oregon 97209

**GEOTECHNICAL SERVICES
US WEST - OREGON CITY
SWITCH GROWTH
OREGON CITY, OREGON**

Dear Mr. Rear:

In accordance with our proposal dated September 8, 1999, and your authorization on the same date, we have completed a review of the previous geotechnical investigation report by Shannon & Wilson, Inc. dated December 27, 1972, and a reconnaissance of the site. The purpose of our review and reconnaissance is to confirm whether or not the recommendations contained in the Shannon & Wilson report are applicable to the present project. This letter presents the results of our review and reconnaissance and presents our conclusions regarding the applicability of the previous Shannon & Wilson recommendations.

PROJECT UNDERSTANDING

The existing US West facility is located at the south corner of the intersection of 3rd and High Streets in Oregon City. The existing facility was constructed in 1973, and we understand that the current project will consist of an addition along the southwest side of the existing building and a smaller addition at the entry to the building at the north end of the northwest side. An addition to the southwest side of the building was previously made in 1983 which is about 20 feet wide and extends along the southwest wall from the northwest about two-thirds the length of the southwest wall. The presently planned addition will extend the full length of the southwest wall and encompass the 1983 addition resulting in about a 20-foot wide addition along the northwest wall and a 40-foot addition along the southeast wall.

PREVIOUS GEOTECHNICAL INVESTIGATION

In 1972, the Portland office of Shannon & Wilson (now Fujitani Hilts & Associates, Inc.) made a geotechnical investigation of the site for the original building. The geotechnical report by Shannon & Wilson dated December 27, 1972, was reviewed for this evaluation.

MCA Architects, PC
September 10, 1999
Page 3

F-3072.01

LIMITATIONS

The conclusions contained in this letter-report are based explorations made previously by Shannon & Wilson, and assume the explorations are representative of the subsurface conditions throughout the site. If, during construction, subsurface conditions different from those encountered in the test pits are observed or appear to be present beneath excavations, we should be advised at once so that we may review these conditions and reconsider our recommendations where necessary.

It is recommended that close quality control be exercised during the preparation and construction of building foundations. In addition, we also advise that the subgrade preparation, grading operations, and footing excavations be observed by a geotechnical engineer.

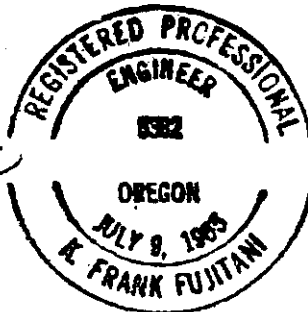
Sincerely,

FUJITANI HILTS & ASSOCIATES, INC.

By

K. Frank Fujitani
K. Frank Fujitani, P.E.

President



Expires 12/31/99

I:\project\3072.01\vmca01.wpd

CITY OF OREGON CITY - PLANNING DIVISION
PO Box 351 - 320 Warner Milne Road - Oregon City, OR 97045
Phone: (503) 657-0891 Fax: (503) 657-7892

TRANSMITTAL

BUILDING OFFICIAL
ENGINEER MANAGER
FIRE CHIEF
PUBLIC WORKS DIRECTOR
TECHNICAL SERVICES
ODOT - Sonya Kazen
ODOT - Gary Hunt

TRAFFIC ENGINEERS
JOHN REPLINGER @ DEA
JAY TOLL

- ☒ CICC
- ☒ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR
- ☒ N.A. LAND USE CHAIR
- ☐ CLACKAMAS COUNTY - Joe Merek
- ☐ CLACKAMAS COUNTY - Bill Spears
- ☒ SCHOOL DIST 62
- ☒ TRI-MET
- ☒ GEOTECH REPORT - NANCY K.
- ☐ DLCD/BRENDA BERNARDS @ METRO
- ☒ OREGON CITY POSTMASTER
- ☒ PARKS

TURN COMMENTS TO:

COMMENTS DUE BY: **September 10, 1999**

ANNING PERMIT TECHNICIAN
anning Department

HEARING DATE: September 27, 1999
HEARING BODY: Staff Review: ☐ PC: ☒ CC: ☐

REFERENCE TO

FILE # & TYPE:
APPLICANT:
REQUEST:

CU 99-05 & SP 99-09
MCA Architects & US West
Conditional Use & Site Plan review for 4710 sf addition to
existing building to allow for additional telephone switching
equipment
222 High Road

LOCATION:

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

☐ The proposal does not
conflict with our interests.

☐ The proposal conflicts with our interests for
the reasons stated below.

☐ The proposal would not conflict our
interests if the changes noted below
are included.

☒ The following items are missing and are
needed for completeness and review:

D Applicant shall provide report confirming that
and findings of 1972 report remain applicable to proposed addition.
If not, applicant shall provide updated report.

Signed

Title

Robert Klausman

Public Projects Manager (interim)

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERI

EXHIBIT

3d.

CU 99-05

4. Garages - Carports

- A. When feasible, garages and carports should be located on the site where they have minimum visual impact from the public ways.

Staff comment: This criterion does not apply.

- B. Where garages must face the street front, they should be designed to minimize their bulk and visual impact. Single car garage doors should be employed.

Staff Comment: This criterion does not apply

Based on the above assessment, staff finds that the request is consistent with Criterion 9.

CONCLUSION

In accordance with the above listed evidence, staff finds that the proposed addition would not affect the value and significance of the McLoughlin District, is proportional in terms of detail, scale, color and texture and is also consistent with the Secretary of Interior's standards for rehabilitation.

STAFF RECOMMENDATION

Staff recommends approval of HRB 99-08 with the following conditions of approval:

1. All setbacks in the "RC-4" zone shall apply to the request.
2. All applicable building code requirements shall apply to the request.
3. Design Review in accordance with OCMC Ch. 17.62 shall be completed prior to any site preparation or building permits.

EXHIBIT

3f.

14 99-05

CITY OF OREGON CITY HISTORIC REVIEW BOARD
MINUTES AUGUST 26, 1999
Page 2

Steve Poyser opened the public hearing for File Number HR 99-08. **Todd Iselin** stated that he had had a conversation with Alton Darby of MCA Architects. He had called wanting to speak with the McLoughlin Neighborhood Association Land Use Committee of which he is co-chair. He referred Mr. Darby to Denise McGriff.

STAFF REPORT

Paul Espe reviewed the staff report. He stated that the property is located on the Clackamas County Tax Map 2-2E-31AC Tax Lots 13200 and 13300. The McLoughlin Neighborhood Association on June 3, 1999 reviewed the land use request and the minutes of such meeting were presented as exhibit three. The Association voted to approve the project. Staff had received a telephone call that day from Mary Coats who had requested additional landscaping on the site plan. He left that up to the Board to decide how to proceed. He stated there would be a CUP and a design review. He invited comments and questions, which he would forward on the Tom Bouillion. He stated that Staff would urge the applicant to replace all landscaping at a rate of three to one although there is no specific requirement for this.

Staff recommends approval with conditions.

QUESTIONS OR COMMENTS

Dirk Ellis asked what the three to one ratio for landscaping was. **Paul Espe** stated that this was a rule of thumb that Staff uses for replacement of removed landscaping. This would ensure survivability of at least one of the trees that was removed.

TESTIMONY BY THE APPLICANT

Speaking: Art DeRosia, MCA Architects, 30 NW First Street, Portland, OR, 97209

Art DeRosia stated that the project came about due to federal and state mandates for US West to provide additional space. The original building was built in 1973 with an addition being added in 1983. The materials would match all existing materials. The landscaping will be substantially increased. An arbor vitae hedge will be removed due to damage. He displayed a picture of the floor plan of the existing building as well as the addition.

QUESTIONS OR COMMENTS FROM THE BOARD

Todd Iselin asked if there would be an option of adding additional trees on High Street. He stated that the landscaping is very minimal in that area.

DRAFT

CITY OF OREGON CITY HISTORIC REVIEW BOARD MINUTES AUGUST 26, 1999 Page 4

Paul Espe stated that the code may not have a definition of commercial versus industrial uses however US West was allowed to be in that zone under a Conditional Use Permit. Under chapter 17.56.30 there is a list of things that are allowable as long as they meet a particular set of conditions. One of these is item T, public utilities.

Fred Webster stated that he assumed this would be a "done deal". He stated that the people in the neighborhood that he has spoken with are fighting City Hall on this issue. He may go before the Planning Commission. **Todd Iselin** stated that this might be the most appropriate place to raise his concerns about the noise and the landscaping. The land use committee will be at that meeting and has also submitted a letter for this meeting.

Todd Iselin stated that new units will replace the condensers and they will not be adding new ones. This might help with the noise problem somewhat.

Steve Poyser asked **Paul Espe** what the noise abatement laws were for Oregon City. **Paul Espe** stated that there are none for Oregon City. There may be a state limit of sixty-five decibels.

Speaking: Beverly McRae, 203 3rd Street, Oregon City, OR, 97045

Beverly McRae stated that she owns a home across the street from the subject property. She asked if there were going to be additional employees. She is concerned about the parking; some of the vehicles are currently parking on Center Street. As well she feels this will impact the landscaping maintenance. **Art DeRosia** stated that because the new machines will be doing more work there will actually be fewer employees.

Beverly McRae asked if taller landscaping would help the sound problems. **Dirk Ellis** replied that it would not abate the sound. **Art DeRosia** added that the tall hedges lead to vandalism and that is why they have cut all of the branches from the current hedging. He stated that the new condensers would be quieter than the ones currently in use.

Fred Webster stated his primary concerns are the noise and the (unintelligible). He stated that Oregon City is attempting to capitalize on the history of the City and that a building of this sort does not fit in this type of historic neighborhood. He suggested that they move to the Red Soils area.

REBUTTAL

Art DeRosia stated that moving the business is not an option at this time. He stated that they are doing something about the noise and he hopes to have the results of the acoustical studies available at the Planning Commission meeting Monday, September 27, 1999.

DRAFT

CITY OF OREGON CITY HISTORIC REVIEW BOARD

MINUTES AUGUST 26, 1999

Page 6

Fred Webster asked if he could make a general comment for the record. **Steve Poyser** stated that a decision had been made but that he could make a general comment at that time.

Fred Webster stated that there is an additional problem in the neighborhood, at 218 Center Street. There has been a refrigerator sitting in the front yard of this home with a "for sale" sign on it for three weeks. Because this is a newer model it isn't a safety hazard for children but would like to see it removed. He asked that the Historic Review Board start this process, possibly by passing an ordinance. He knows there is one that prohibits junk cars from being on the street for more than twenty-four hours. He would like to see something like this passed. He thinks that if there is not an ordinance passed this problem will continue to grow.

Todd Iselin stated that he believed there to already be an ordinance for this type of problem. **Fred Webster** stated that according to the code enforcement officer there wasn't. He stated that when there are tourists in the area this type of problem is embarrassing. There was discussion among the group of various solutions.

Paul Espe stated that there was nothing in the code that specifically related to the removal of large solid waste items. **Steve Poyser** asked if it would fall under public nuisances. **Todd Iselin** stated that he should bring it up at the Neighborhood Association meeting.

Paul Espe reviewed the public nuisance policy. **Steve Poyser** stated that it could be a safety hazard and then would fall under this policy. **Paul Espe** stated that he would review this with the code enforcement officer the following Monday.

Dirk Ellis moved that the meeting be adjourned. **Todd Iselin** seconded. MOTION CARRIED UNANIMOUSLY.

June 8, 1998
McLoughlin Neighborhood Association
c/o 815 Washington Street
Oregon City, Oregon 97045

Alton Darby
Jeremy Rear
Miller Cook Architects
30 N.W. First Avenue
Portland, Oregon 97209

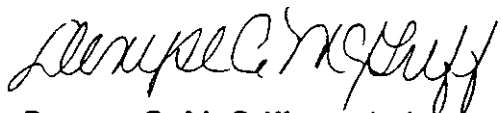
RE: US West 222 High Street

Dear Alton and Jeremy;

The Steering Committee met on June 3, 1999. The recommendation of the Land Use Committee was reviewed. The overall consensus of the Association was to approve the recommendation of the Land Use Committee. Overall, it was agreed that the additions and the improved landscaping would be a direct benefit to US West and the neighborhood.

If we can be of further assistance to you, please don't hesitate to call me 823-3295.

Sincerely,



Denyse C. McGriff, co-chairperson

cc: MNA file
Land Use Committee
Dirk Ellis

EXHIBIT

46

01.99-05

RECEIVED
CITY OF OREGON CITY**Land Use Committee Comments: (attach separate sheet if necessary)**

The Conditional use criteria deal with impacts (order, light, noise, dust etc.) on the surrounding area. The existing equipment located on the southwest corner of the site has and is creating an adverse impact on the adjacent residential uses. Several members of the Association have verified the noise levels are ongoing at all hours. The existing equipment creates a constant noise level that has a detrimental effect on the surrounding residential uses especially to the north and east of the subject site.

The McLoughlin Neighborhood Association, at its 9/2/99 General meeting, that we would only support the request on the condition that the existing equipment be replace or substantially modified to bring it to a decibel level that is not heard beyond the buildings and is in keeping with surrounding residential occupancy. The other items, regarding materials, landscaping and parking layout, outlined in the June 3rd memo to Miller Cook stay the same.

We have met with the developer/applicant: Yes ☐ No ☐

Dorothy C. McNiff, co-chair
Neighborhood Association President or Designee Signature

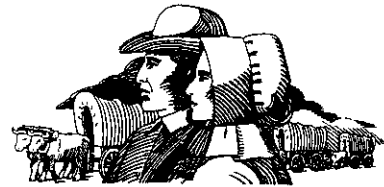
September 9, 1999
Date

CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL 657-0891

OREGON CITY, OREGON 97045
FAX 657-7892



STAFF REPORT

Date: September 27, 1999

Complete: 8/23/99
120 Day: 12/20/99

FILE NO.: SP 99-09

HEARING DATE: September 27, 1999
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT: MCA Architects
Jeremy Rear
30 NW First Avenue
Portland, OR 97209

OWNER: US West
Bert Ostergren
214 E. 24th St., Room 200
Vancouver, WA 98663

REQUEST: Site Plan & Design Review for 4,710 square foot addition to an existing communications building to allow for additional telephone switching equipment.

LOCATION: 222 High Street
Map 2S-2E-31AC, Tax Lots 13200 and 13300, Clackamas County.

REVIEWER: Tom Bouillion, Associate Planner

RECOMMENDATION: Staff recommends approval of SP 99-09 with conditions of approval

VICINITY MAP: See Exhibit 1

changed in 1980 and the site is now zoned "RC-4" which does not allow public utilities as an outright permitted use, but rather as a conditional use. Staff can find no evidence of the site/use ever being brought into conformance with the current code, and therefore the use and structures are considered pre-existing, non-conforming. OCMC Chapter 17.58.030 states that "Non-conforming uses and/or structures shall not be expanded or enlarged after adoption of this title, nor shall other structures be added." However, Municipal Code Section 17.56.010(D) also states "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 structure shall conform with the requirements for conditional use."

4. Surrounding land uses are as follows:

- Northwest: Commercial uses, including a convenience store and a garage, zoned "NC" Neighborhood Commercial District and designated "C" Commercial and "LC" Limited Commercial in the Comprehensive Plan.
- Northeast: Single family residences, zoned "RC-4" McLoughlin Conditional Residential District and designated "MCR" McLoughlin Conditional Residential in the Comprehensive Plan.
- Southeast: Single family residences, zoned "RC-4" McLoughlin Conditional Residential District and designated "MCR" McLoughlin Conditional Residential in the Comprehensive Plan.
- Southwest: Single family residences, zoned "RC-4" McLoughlin Conditional Residential District and designated "MCR" McLoughlin Conditional Residential in the Comprehensive Plan.

5. Previous Land Use Applications include the following:

The original structure was approved and constructed in 1973. However, staff was unable to find the original application for the structure. In 1997 Conditional Use file CU 97-03 requested approval of a 55-foot cellular phone tower at this location. At a public hearing on August 8, 1997 the Planning Commission denied the request. The current request for the 4,710 square foot addition was reviewed by the Historic Review Board as file HRB 99-08. At a public hearing on August 26, 1999, the HRB approved the request, with a limited number of conditions of approval. These conditions of approval are attached as exhibit 3f. In addition, the draft minutes of the HRB are attached as exhibit 3g.

Active Land Use Application:

SP99-09, to add 4,710 square feet to the existing U.S. West telephone switching facility, is a Type II land use application. However, the Planning

square feet of landscaping, leaving approximately 14,500 total square feet of landscaping. This amount is more than double the 15% site landscaping required.

However, several of the landscaped areas have not been properly maintained. For example, there are large areas of bare dirt along both High Street and Center Street with no ground cover. Some of the tree roots along Center Street have been exposed. In addition, there is no screening proposed between the parking lot and High Street and between the proposed addition to the southwest and abutting residential properties.

The applicant can satisfy this standard by complying with Conditions 11-15.

Standard A-2: (Materials, Colors, and Compatibility with Existing Surroundings)

This standard addresses compatibility. The siding for the proposed building addition will consist of brick and a standing seam metal roof, with a flat suspended sunshade for the new entryway area. This addition continues the modern design of the building which is compatible with the original materials used when the building was originally built in 1973. The addition will match the original 17-foot height of the original structure. These materials are shown on exhibit 2f, the proposed materials board and on exhibit 2b, the proposed building elevations. Staff concludes that this facility is designed to minimize visual impacts and is compatible with the surrounding area.

The applicant satisfies this standard.

Standard A-3: (Grading)

The applicant has proposed to remove less than 50 yards of fill material as part of the excavation for the foundation of the proposed building addition.

The applicant can satisfy this standard by complying with Condition 1.

Standard A-4: (Unstable Soils and Hillside Constraint Overlay)

The proposed addition is located in a thin soils area according to the State of Oregon DOGAMI Map. The applicant has submitted a geotechnical report (exhibit 2c) and an addendum to the geotechnical report (exhibit 2d).

The applicant can satisfy this standard by complying with Condition 9.

Standard A-5: (Drainage/Erosion Control/Water Quality)

The applicant has submitted an erosion control plan as a part of the full plan set submittal (exhibit 2b).

Additional outdoor lighting is proposed for the exterior of the building addition (shown on exhibit 2b).

The applicant can satisfy this standard by complying with Condition 6.

Standard A-11: (Site Design and Tree Resources)

Five existing trees are proposed for removal on the development site.

The applicant can satisfy this standard by complying with Condition 11.

Standard A-12: (Water Resources Overlay District)

The proposed development is not within the Water Resources Overlay District. Therefore, this standard is not applicable.

Standard A-13: (Natural Resources)

The proposed development does not affect inventoried natural resources. Therefore, this standard is not applicable.

Standard A-14: (Other Agency Regulations)

The applicant can satisfy this standard by complying with Conditions 3 & 10.

Standard A-15: (Public Water and Sanitary Sewer Facilities)

The proposed building addition will be served by public water and sanitary sewer service from the existing telephone switching building. No new lines outside of the existing building footprint are proposed by the applicant.

The applicant satisfies this standard.

Standard A-16: (City's Transportation Plan and Design Standards)

The subject site currently meets the requirements and standards of this title and the City's Transportation Master Plan. The City Engineer indicated that no new transportation improvements were required as a result of the proposed building addition. The three streets fronting this site (High Street, Third Street and Center Street) are already developed to urban standards.

The applicant satisfies this standard.

The applicant satisfies this section.

Section 17.62.070 – On-Site Pedestrian Access

As mentioned under Section 17.62.050 (A-8), on-site pedestrian access currently exists on the subject site and will not be impacted by the proposed building addition.

The applicant satisfies this section.

Section 17.62.080 – Special Development Standards Along Transit Streets

This section only applies to the construction of new retail, office and institutional buildings that front a transit street. This proposal involves an addition to an already existing communications facility. Therefore, this section is not applicable.

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, staff concludes that the proposed 4,710 square foot addition to an existing telephone switching building to allow for additional telephone switching equipment satisfies the requirements as described in the Oregon City Municipal Code for Site Plan and Design Review (Section 17.62).

Staff recommends that the Planning Commission approve Site Plan and Design Review, SP 99-09, affecting the property identified as Map 2S-3E-31AC tax lots 13200 and 13300, Clackamas County, based on the finding of facts, exhibits and subject to the conditions of approval attached as exhibit 5.

Mr. Tom Bouillion
City of Oregon City, Community Development Department
Narrative of Proposed Building Addition
August 4, 1999

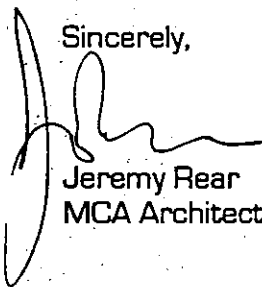
Page 2

The character, materials and construction will match that of the existing structure. Size will not impede the look of the existing structure, or its surroundings. The addition will "fill in" parts of the building rather than add projections, thus minimizing visual impact to the property. The proposal satisfies the policies set forth by the City of Oregon City Comprehensive Plan applying to the proposed use.

The McLoughlin Neighborhood Association Steering Committee has reviewed and is in favor of the proposal. Upon agreement with the committee, it has been decided that we plant ground cover and maintain it where needed, plant new trees to replace those which will be removed, and continue the use of the same brick materials for the exterior. The existing irrigation will be used to insure long term vitality of the plants.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Rear', with a stylized flourish at the end.

Jeremy Rear
MCA Architects, P.C.

June 3, 1999

TO: McLoughlin Neighborhood Association Steering Committee

FROM: MNA Land Use Committee

RE: Meeting with MCA Architects, PC
Proposed additions to the US West Facility at 222 High Street

On Tuesday, May 25, 1999, the Land Use Committee met with Alton Darby and Jeremy Rear of MCA Architects to review the proposal for an addition to the building. The additions are being proposed to accommodate new equipment for new technology.

The proposal generally involves adding two additions on the west- High Street elevation and the south elevation. The brick on the building will also be the material for the new additions. The entrance to the building will also be redone and will have new elements on the entrance.

The Committee noted that US West has had trouble over the years with landscape maintenance. This was evidenced by the lack of on-going maintenance at the subject site. The Committee felt very strongly that the landscaping need to be upgraded and substantially improved. It was recommended that new trees be planted at the site to replace those removed. The trees should be consistent with the planting list for High and Center Street in the McLoughlin Neighborhood. Groundcovers would also be more appropriate than the current use of juniper. Some suggestions for ground covers are vinca minor or kinnickaknick. Irrigation should be considered to insure long term vitality and maintenance of the plant materials

We concur with the continued use of the same brick materials for the exterior, and the decrease in the parking as shown on the site plan dated 5-19-99.

In conclusion that with the suggestions listed above that we recommend that the Steering Committee support the conditional use permit for the additions to the US West facility.

Cc: MCA Architects, P.C.

MCA Architects, PC
September 10, 1999
Page 2

F-3072.01

Subsurface conditions at the site were determined in 1972 from a geophysical survey consisting of three seismic refraction lines and from four borings and five test pits. The field exploratory program disclosed that the site is underlain by Columbia River Basalt at relatively shallow depths, and a basalt outcrop was mapped near the center of the site. Overburden soils above the basalt which vary in thickness from 0 to about 15 feet include soft organic soils and medium dense to dense sand, gravel and basalt rubble. Groundwater was encountered during excavation of the 1972 test pits, and it was believed that the water is perched on top of the basalt bedrock and that during extended wet periods, the water level could approach the ground surface.

The 1972 Shannon & Wilson report recommended that spread footing foundation be founded in the inorganic, dense sand and/or gravel beneath the soft, organic soils, or on the underlying weathered or unweathered basalt bedrock. As an alternate, Shannon & Wilson recommended that the soft, organic soils be removed to the top of the dense sand and/or gravel or weathered or unweathered basalt and that the resulting excavation be backfilled with compacted granular fill. Recommended allowable footing bearing pressures of up to 4 tons per square foot and 3 tons per square foot were recommended for native materials and compacted fill, respectfully.

Our review of the project file indicates that the soft, organic soil was removed and the excavation backfilled with compacted 3-inch minus crushed rock. Although it was recommended that the backfill extend beyond the exterior footings a distance equal to the depth of fill below the footing, the lateral extent of the original filling beyond the existing structure is not clear. We do not have any knowledge or records for the 1983 addition.

SITE RECONNAISSANCE

A reconnaissance of the site was made on September 9, 1999, to observe existing conditions. The purpose of the reconnaissance was to determine if there are any obvious signs that the subsurface conditions could have changed due to natural or man-made causes. Other than the construction of the existing facility, none were observed.

CONCLUSIONS

Based on our review of the 1972 Shannon & Wilson geotechnical report and reconnaissance of the site, it is our opinion that subsurface conditions have not changed and that the recommendations contained in the report are applicable. We recommend the same foundation alternate be used for the present additions as was used for the previous construction, i.e., the removal of soft, organic soils and replacement with compacted crushed rock fill.

The extent of the previous removal of the soft, organic soils beyond the existing structure is not known, however, the soft materials were probably removed in the area of the small addition at the existing entry. Based on the borings and test pits in the south part of the site, it is anticipated that up to 7 or 8 feet of soft soils will need to be removed, but that the depth of removal will be highly variable.

miller • cook architects, p.c. • a.i.a.

30 n.w. 1 st ave.

portland, or 97209-4087

(503) 226-0622

FAX (503) 226-0626

1999 SEP 16 AM 9:23

CITY OF OREGON CITY
RECEIVED

September 13, 1999

Mr. Tom Bouillion
City of Oregon City Community Development Department
320 Warner Milne Road
Oregon City, Oregon 97045

Re: Response to Neighborhood Comment Form

Dear Tom,

I would like to thank you again for forwarding us the Neighborhood/Land Use comments. These comments and input are important to us and US West.

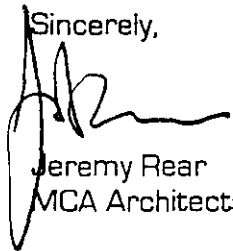
Please be assured that we are working to mitigate any objectionable noise on the site as one of our primary concerns. As you can see on the Permit/Review submittals, we will be replacing the existing equipment with new and much quieter units.

We have attempted to obtain acoustical data for the existing units, but because they are so old, the data is not available. However, our mechanical and acoustical engineers are taking sound readings on the existing condensing units. In addition to replacing the existing units with new ones, we will also provide additional attenuation to reduce any noise to acceptable levels.

We appreciate your comments and concerns.

Please call our office at 226-0622 should you have any further questions. Thank you again for your consideration.

Sincerely,



Jeremy Rear
MCA Architects, P.C.

99136.g.5.bs

EXHIBIT

2e
SP 99-0

CITY OF OREGON CITY - PLANNING DIVISION
PO Box 351 - 320 Warner Milne Road - Oregon City, OR 97045
Phone: (503) 657-0891 Fax: (503) 657-7892

TRANSMITTAL

BUILDING OFFICIAL
ENGINEER MANAGER
FIRE CHIEF
PUBLIC WORKS DIRECTOR
TECHNICAL SERVICES
ODOT - Sonya Kazen
ODOT - Gary Hunt

TRAFFIC ENGINEERS
JOHN REPLINGER @ DEA
JAY TOLL

- ☒ CICC
- ☒ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR
- ☒ N.A. LAND USE CHAIR
- ☐ CLACKAMAS COUNTY - Joe Merek
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- ☒ GEOTECH REPORT - NANCY K.
- ☐ DLCD/BRENDA BERNARDS @ METRO
- ☒ OREGON CITY POSTMASTER
- ☒ PARKS

TURN COMMENTS TO:

COMMENTS DUE BY: **September 10, 1999**

ANNING PERMIT TECHNICIAN
nning Department

HEARING DATE: September 27, 1999
HEARING BODY: Staff Review: PC: X CC:

REFERENCE TO

FILE # & TYPE:
APPLICANT:
REQUEST:

CU 99-05 & SP 99-09
MCA Architects & US West
Conditional Use & Site Plan review for 4710 sf addition to
existing building to allow for additional telephone switching
equipment
222 High Road

LOCATION:

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

 The proposal does not
conflict with our interests.

X The proposal conflicts with our interests for
the reasons stated below.

 The proposal would not conflict our
interests if the changes noted below
are included.

X The following items are missing and are
needed for completeness and review:

*Drawings do not show fire hydrant location 3 (distance needed within 255' of
all portion of first story.*

*Need to complete a fire flow requirement worksheet to determine requirements
flow at the fire hydrant + requires number of fire hydrants*

Signed
Title

Jenny Penko

Deputy Fire Marshal

EXHIBIT

3c.

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL

SP 99-09

DRAFT

**CITY OF OREGON CITY
HISTORIC REVIEW BOARD MINUTES
AUGUST 26, 1999**

MEMBERS PRESENT

Steve Poyser, Chairperson
Howard Post
Dirk Ellis
Todd Iselin

STAFF PRESENT

Paul Espe, Associate Planner

MEMBERS ABSENT

Claire Met

1.0 CALL TO ORDER

Steve Poyser called the meeting to order.

2.0 APPROVAL OF MINUTES July 29, 1999

Dirk Ellis stated that on page six there were two statements attributed to him that he did not make, paragraphs two and four. As well, on page seven, the first sentence states ...the home is on the National Register. It should read ... the home is within the National Register District.

Dirk Ellis moved to approve the minutes with the exceptions taken. **Todd Iselin** seconded.
MOTION CARRIED 3-0.

Ayes: Ellis, Iselin, Poyser; Nays: None.

3.0 PUBLIC HEARINGS

- 3.1 Applicant:** MCA Architects PC C/O Jeremy Rear, 30 NW First Avenue, Portland, OR, 90209
- Property Owner:** US West Communications, 1801 California Street, Denver, CO, 80201 and Bert Ostergen, US West Communications, 214 B 24th Street, Rm. 200, Vancouver, WA, 98663
- Location:** Northwest corner of third and High Streets in the McLoughlin Conservation District.
- File Number:** HR 99-08
- Request:** Exterior alteration in the McLoughlin District; exterior addition of 4,710 square feet to the existing building to allow for additional switching equipment.

EXHIBIT

39.
SP 99-09

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Art DeRosia stated that there are adding two trees as well as retaining an existing row of trees. He stated there was little space to add more trees but pointed out one area and stated that he would ask the owners if they would be open to that. He stated that he didn't feel that they would have a problem with it.

Dirk Ellis stated that there were two comments that prevailed from the Neighborhood Association. One was the lack of maintenance to the landscaping. There is a lot of trash in the landscaping. The second was the noise from the fan cooled condensing units. They emit a large amount of noise even during non-peak times. Neither of these is under jurisdiction by the Historic Review Board. They may fall under criterion seven and eight under pertinent aesthetic factors. He stated he is pleased with the aesthetics of the addition. **Art DeRosia** stated that much of the grass and weeds will be replaced by a nicer ground cover. Having the irrigation system turned back on will help considerably with the appearance of the landscaping. The condensing units are quite old and agreed that they can be loud when they first start up.

Steve Poyser asked if there were any baffling that could be installed to reduce the noise level. **Art DeRosia** stated that they currently have a screen with steel tubing surrounding the units. If baffling were to be installed it would limit the airflow. This would make them run longer. They currently have an engineer looking into how to limit the noise.

Todd Iselin stated that he felt that US West could be a better neighbor if they were to keep up on the maintenance.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION

Speaking: Fred G. Webster, 224 Center Street, Oregon City, OR, 97045

Fred Webster stated the building that he owns the building across the street from the subject site. He stated that he is not in favor of the addition. He complained about the noise and had done so in the past. He doesn't feel that informing US West will respond to any suggestions that are being given. He feels that if the building is expanded it will only add to the noise. He asked the Board what their definition of a commercial building was. He stated that the application was looking to expand on its current use and in his opinion it is an industrial building and shouldn't be there to begin with.

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MINUTES AUGUST 26, 1999
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QUESTIONS AND COMMENTS -- None.

DELIBERATION AMONG THE BOARD

Steve Poyser closed the public portion of the meeting and opened discussion among the Board Members.

Todd Iselin stated that he felt this was a good addition to the building and that it is not detrimental in any way. He understands the issues with the noise levels but feels that the Planning Commission would be better suited to handle it.

Dirk Ellis stated that he agrees with **Todd Iselin** and that the bulk of the comments made by people in the neighborhood have not been directed at the addition but rather the noise and landscaping issues. He understands **Mr. Webster's** feelings about not wanting the building in this location but denying the application will not make the building go away. The economic reality is that the building will not be torn down unless there is a need for high density residential and that is not allowed either. He feels that they must make the most of what is there and that this is an opportunity to substantially improve the landscaping and noise issues. He believes that the addition will fit well.

Howard Post stated that he believes the addition will look good. He knows that **Fred Webster** doesn't like the building but there is little they can do to change the fact that the building is there. He thinks that the Board should pass along a recommendation to the Planning Commission that they evaluate and attempt to fix the noise problems.

Steve Poyser stated that he agrees with the other Board members and that the Board is limited to what was outlined in the Staff report. He understands the concerns about the noise levels and concurs with **Howard Post** that a recommendation should be passed along to the Planning Commission to deal with this issue. He suggested that it be included as part of the motion.

Todd Iselin moved that the application be approved with the stipulation the problems with the noise and landscaping be part of the record and that it be forwarded to the Planning Commission for their consideration. **Dirk Ellis** seconded. MOTION CARRIED 4-0.

Ayes: Post, Iselin, Ellis, Poyser; Nays: None.

September 10, 1999
Barbara McGinnis

To: O. C. Planning Commission

I have a rental house across the street from the phone Co. building @ 409 3rd St. I called the planning commission office to see if I would be allowed to rent this building as a music studio a few months ago. I was told that I could not unless all kinds of restrictions were met. People had to reside full time on the premises, no noise, parking considerations etc. These restrictions made it undesirable to my potential tenant.

I have never understood why there is commercial property across the street and my property has been rezoned to residential. It was commercial when I purchased it.

There are always US West trucks parked in front of my property. How many more vehicles are you going to allow?

Is it a residential neighborhood or a commercial one?

Sincerely, Barbara McGinnis



EXHIBIT

4a.

SP 99-09

99 SEP 10 AM 11:00

RECEIVED
CITY OF OREGON CITY



CITY OF OREGON CITY NEIGHBORHOOD COMMENT FORM

McLoughlin Neighborhood Association

320 WARNER MILNE ROAD OREGON CITY, OR 97045

PHONE (503) 657-0891 FAX (503) 657-7892

This is the Land Use Comment Form which is to be completed by a Recognized Neighborhood Association or appointed Land Use Committee to review a land use application. Complete and submit this form to the City **prior to comment deadline** to inform the Planning Division of the concerns and recommendations of your neighborhood on pending land use applications. Your comments are *vital* in order for the City to render a decision for which the Recognized Neighborhood Association may choose to Appeal to the City Commission. To be included in the staff report, your written comments must:

1. Reference the project File Number(s)
2. Be received by the City **prior to the comment deadline**.

Please limit your comments to the relevant sections of the Oregon City Zoning Code and Comprehensive Plan. The application will be permitted or denied based on the criteria found in these documents. If you do not already have a copy of the Oregon City Zoning Code, Subdivision Ordinance or Comprehensive Plan, you may acquire copies of each at City Hall, 320 Warner Milne Road. If you have any questions about the application, the process or the relevant criteria, please call the Planning Division at 657-0891.

File #(s): [File #(s)] CU99-05 & SP99-09	Applicant: US West Communication Miller Cook Architects	Comment deadline: September 10, 1999
Land Use Committee Comments: (attach separate sheet if necessary) <p>The Land Use Committee met with the owner's representatives, Miller Cook Architects in May. We subsequently submitted comments on the request for the additions to the existing US West facility. Those comments are attached to the submittal. During the intervening months since June, new information has been received by the MNA that has changed our opinion and recommendation regarding the merits of the request.</p> <p style="text-align: center;">(Over)</p>		
We have met with the developer/applicant: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Neighborhood Association President or Designee Signature		Date

EXHIBIT

4c
SP 99-09

CONDITIONS OF APPROVAL SP 99-09

General Conditions

1. Adequate erosion and sediment control measures based on Clackamas County's Technical Guidance Handbook shall be required of this site at all times during construction. The development shall comply with Oregon City's erosion control ordinance and maintain best management practices throughout construction to minimize the potential for water quality degradation.
2. Construction activity is to occur between 7:00 AM and 6:00 PM on Monday through Friday; between 9:00 AM and 6:00 PM on Saturday. No site improvement construction activity is allowed on Sunday. Construction activity includes all field maintenance of equipment, refueling, and pick up and delivery of equipment as well as actual construction activity.
3. It is the responsibility of the Applicant to ensure that all outside agencies have been contacted and any appropriate approvals obtained for the construction of the project. Copies of approvals shall be supplied to the City to be filed with the City's files. Failure to do so shall be a justification for the City to prevent the issuance of a construction, or building, permit or to revoke a permit that has been issued for this project.
4. Should the applicant, or any assigns or heirs, fail to comply with any of the conditions set forth here, the City may take the appropriate legal action to ensure compliance. The applicant shall be responsible for any City legal fees and staff time associated with enforcing these conditions of approval.
5. Supplier vehicles and trailers (hauling vehicles) and actual construction vehicles shall not park, or wait, in such a manner that would block or hinder access for emergency vehicles. This includes private vehicles belonging to construction workers, supplier vehicles and trailers, and actual construction vehicles
6. Applicant shall provide a revised lighting plan confirming that glare will not cause illumination on other properties in excess of .5 footcandles of light.
7. Applicant shall comply with all conditions of approval of Conditional Use Permit file CU 99-05.
8. Applicant shall comply with all conditions of approval of Historic Review Board file HRB file 99-08.

Geotechnical Conditions

9. Applicant shall provide a report confirming that recommendations and findings of the 1972 report remain applicable to proposed addition. If not, applicant shall provide an updated report.

EXHIBIT

5

SP 99-09

This land use decision is valid for a period of one (1) year from the effective date of the decision. Any land use permit may be extended, prior to expiration, by the planning staffing with notice given, for a period of six (6) months up to an aggregate period of one (1) year. However, no permit may be extended unless there has been substantial implementation thereof.