

ORDINANCE NO. 17-1012

AN ORDINANCE OF THE CITY OF OREGON CITY APPROVING A MINOR SITE PLAN AND DESIGN REVIEW, AMENDING THE COMPREHENSIVE PLAN MAP AND TITLE 17: ZONING, CHAPTER 17.06.020, THE OFFICIAL ZONING MAP OF THE OREGON CITY MUNICIPAL CODE, BY CHANGING THE DESIGNATIONS OF THE FOLLOWING PROPERTIES:

- **CLACKAMAS COUNTY MAP 3-2E-06DB, TAX LOTS 2000, 2003 & 2008 FROM THE “MR” MEDIUM-DENSITY RESIDENTIAL COMPREHENSIVE PLAN DESIGNATION TO “QP” PUBLIC/QUASI-PUBLIC COMPREHENSIVE PLAN DESIGNATION;**
- **CLACKAMAS COUNTY MAP 3-2E-06DB, TAX LOTS 2000, 2003 & 2008 FROM THE “R-3.5” DWELLING DISTRICT ZONING DESIGNATION TO THE “I” INSTITUTIONAL DISTRICT ZONING DESIGNATION;**
- **CLACKAMAS COUNTY MAP 3-2E-06DB, TAX LOT 100 FROM THE “R-10” SINGLE-FAMILY DWELLING DISTRICT ZONING DESIGNATION TO THE “I” INSTITUTIONAL DISTRICT ZONING DESIGNATION**

WHEREAS, the City of Oregon City has adopted a Zoning Map to implement the Comprehensive Plan in conformance with statutory requirements and the requirements of the Statewide Land Use Goals; and

WHEREAS, the City of Oregon City Zoning Map implements the Comprehensive Plan Map by illustrating the location best suited for specific development; and

WHEREAS, the City of Oregon City Zoning Map and Comprehensive Plan Map may be amended and updated as necessary upon findings of fact that satisfy approval criteria in the City of Oregon City Municipal Code Section 17.68.020; and

WHEREAS, the owners of the subject site: 1232 Linn Avenue/698 Warner Parrott Road/No Address, Oregon City, Oregon 97045, Clackamas County Map 3-2E-06DB, Tax Lots 100, 2000, 2003 & 2008; and

WHEREAS, notice of the hearings were timely mailed to property owners within 300 feet of the subject site, signs advertising the hearing were posted on the property, notice of the hearings were published in a local newspaper and the City held public hearings where the zone change and subdivision applications were presented and discussed; and

WHEREAS, on October 9, 2017 after considering all the public testimony and reviewing all the evidence in the record, the Planning Commission voted 5-0-1 to recommend approval of the requested Comprehensive Plan Map amendment, Zone Change and Minor Site Plan Review with conditions and to forward it to the City Commission; and

WHEREAS, the proposal with conditions, will result in the timely provision of public services and facilities and, with the imposition of conditions, will have no significant unmitigated impact on the water, sewer, storm drainage, or transportation; and

WHEREAS, the proposed Comprehensive Plan Map amendment, Zone Change and Minor Site Plan Review with conditions of approval complies with the requirements of the Oregon City Municipal Code; and

WHEREAS, approving the Comprehensive Plan Map amendment, Zone Change and Minor Site Plan Review with conditions of approval is in compliance with the applicable Goal and Policies of the Oregon City Comprehensive Plan, the Statewide Land Use Goals and the Metro Urban Growth Management Functional Plan and is in compliance with all applicable City requirements.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The Comprehensive Plan Map, Zoning Map amendment and Minor Site Plan Review request is hereby approved as proposed by the applicant with the conditions of approval for the properties located at 1232 Linn Avenue/698 Warner Parrott Road/No Address, Oregon City, Oregon 97045 Clackamas County Map 3-2E-06DB, Tax Lots 100, 2000, 2003 & 2008;and

Section 2. The Commission considers and adopts as its own the findings and conclusions that are attached to the Ordinance as Attachment A, based on the record of the Planning Commission hearings, and are incorporated herein to support the City's approval to amend the zoning map and approve the subdivision application.

Read for the first time at a regular meeting of the City Commission held on the 18th day of October, 2017, and the City Commission finally enacted the foregoing Ordinance this 1st day of November 2017.



DAN HOLLADAY, Mayor

Attested to this 1st day of November 2017:



Kattie Riggs, City Recorder

Approved as to legal sufficiency:



City Attorney

Attachments:

- A. Staff Report with Conditions of Approval



**TYPE IV APPLICATION
STAFF REPORT AND RECOMMENDATION**
September 18, 2017

FILE NUMBER: PZ 17-01: Comprehensive Plan Amendment
ZC-17-04: Zone Change
SP 17-114: Minor Site Plan and Design Review

APPLICANT: ZCS Engineering
Zach Stokes, PE
524 Main Street, Suite 2
Oregon City, OR 97045

OWNER: City of Oregon City
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, OR 97045

REQUEST: The applicant is seeking approval for a Zone Change from “R-10” Single-Family Dwelling District and “R-3.5” Dwelling District to “I” Institutional District and from “MR” Medium Density Residential Comprehensive Plan Designation to “QP” Public/Quasi-Public as well as minor exterior alterations with a Minor Site Plan and Design Review to allow for Oregon City Community Development offices to relocate to the Mt. Pleasant Annex.

LOCATION: 1232 Linn Avenue/698 Warner Parrott Road/No Address, Oregon City, Oregon 97045
Clackamas County Map 3-2E-06DB, Tax Lots 100, 2000, 2003 & 2008

REVIEWERS: Christina Robertson-Gardiner, AICP, Senior Planner
Wendy Marshall, Development Services Manager
Sang Pau, Development Projects Engineer

RECOMMENDATION: No Recommendation.

PROCESS: 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 must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. 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) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within ten 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 appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

RECOMMENDED CONDITIONS OF APPROVAL

Files PZ 17-01: Comprehensive Plan Amendment, ZC-17-04: Zone Change, and SP 17-114: Minor Site Plan and Design Review

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

1. Future development on the site shall be limited to uses that in aggregate produce no more than 238 AM and 143 PM peak hour trips. All new or alterations to the existing uses on the property shall submit an accounting of the trips generated through previously approved land use actions and business licenses for the entire subject site associated with the proposal and demonstrate that the proposal complies with both the maximum AM and PM peak hour trip caps. In order to keep an accurate tally of trips over time, the City will review this accounting either: (1) as part of the land use review required for the development, in cases where no business license is required; (2) as part of reviewing an application for a business license, in cases where no land use review is required; or (3) both, where a land use approval and a business license are required. (P)
2. Prior to issuance of a certificate of occupancy, the applicant shall provide documentation from a lighting specialist demonstrating compliance with the lighting requirements in OCMC 17.62.065.
3. Prior to issuance of a Certificate of Occupancy, the applicant shall ensure that any new mechanical equipment can meet the screening standards set forth in OCMC 17.62.050 (a) 20.

I. BACKGROUND:

1. Existing Conditions

The subject site, is known as Mt. Pleasant, and abuts Linn Avenue to the east, Warner Parrott Road to the south, and the eastern terminus of platted Marshall Street to the west. The site consists of 4 separate tax lots and is approximately 8.49 acres in size. There are sidewalks along a portion of Warner Parrott Road, the entirety of the Linn Avenue frontage, and across the vacated section of Warner Parrott Road. A public access easement exists on the property's west side connecting Warner Parrott Road to platted Marshall Street.

The majority of the site is comprised of athletic fields, play areas, and landscaped areas. The site is generally flat, and is gated and fenced. There are two driveways off of Warner Parrott Road and two off of Linn Avenue. The subject site is currently constructed with

40 parking stalls, an additional 13 stalls fenced behind the northern portion of the building which are currently fenced, and 22 adjacent parallel on-street stalls.

The site has been utilized as an elementary school for a significant length of time. It is currently developed with three structures connected by breezeways totaling approximately 32,000 square feet and a 4,500 square foot metal building which are all occupied by Marylhurst School which serves children from preschool through middle school. Marylhurst leases a majority of the subject site from the City of Oregon City, with a lease which is valid until June of 2019.

An additional 6,850 square foot structure located closest to the intersection of Linn Avenue and Warner Parrott, referred to as the Annex, is not within the scope of the Marylhurst lease. Though a portion of the facility is used as training facility/gym for the Police Department a majority of the space is unused or minimally used for storage.

Public water mains exists in Linn Avenue, Warner Parrott Road, and the vacated section of Warner Parrott Road. Public sewer mains exist in Linn Avenue, Warner Parrott Road, the vacated section of Warner Parrott Road, and adjacent to the eastern tax lot line of lot 2000. A public stormwater line exists in a portion of Linn Avenue and a portion of Warner Parrott Road. A public easement for storm water crosses the property's northwest corner.

Figure 1. Vicinity Map

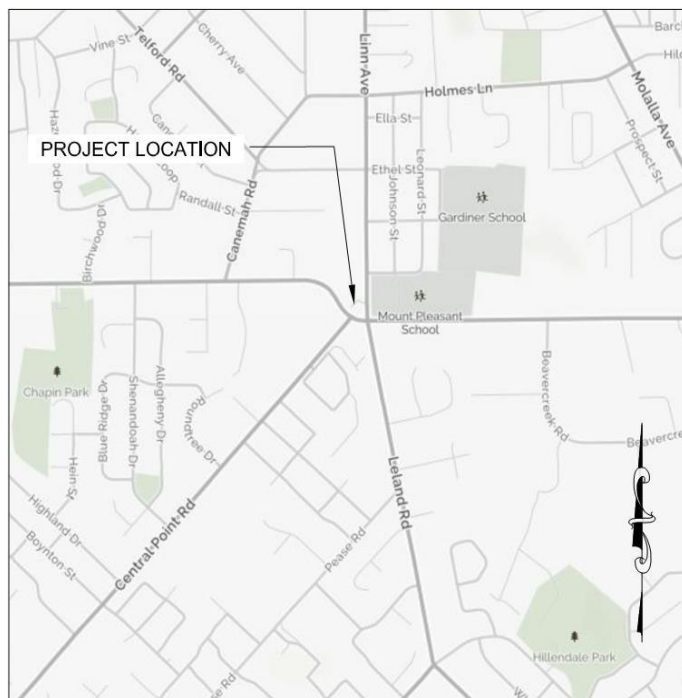


Figure 2. Aerial Image of Project Site



Figures 3-7. Photos of the Annex



Southern Entrance



Southeast Corner



Northern Entrance



East Facade



West Facade

Figure 8. Current Zoning Map

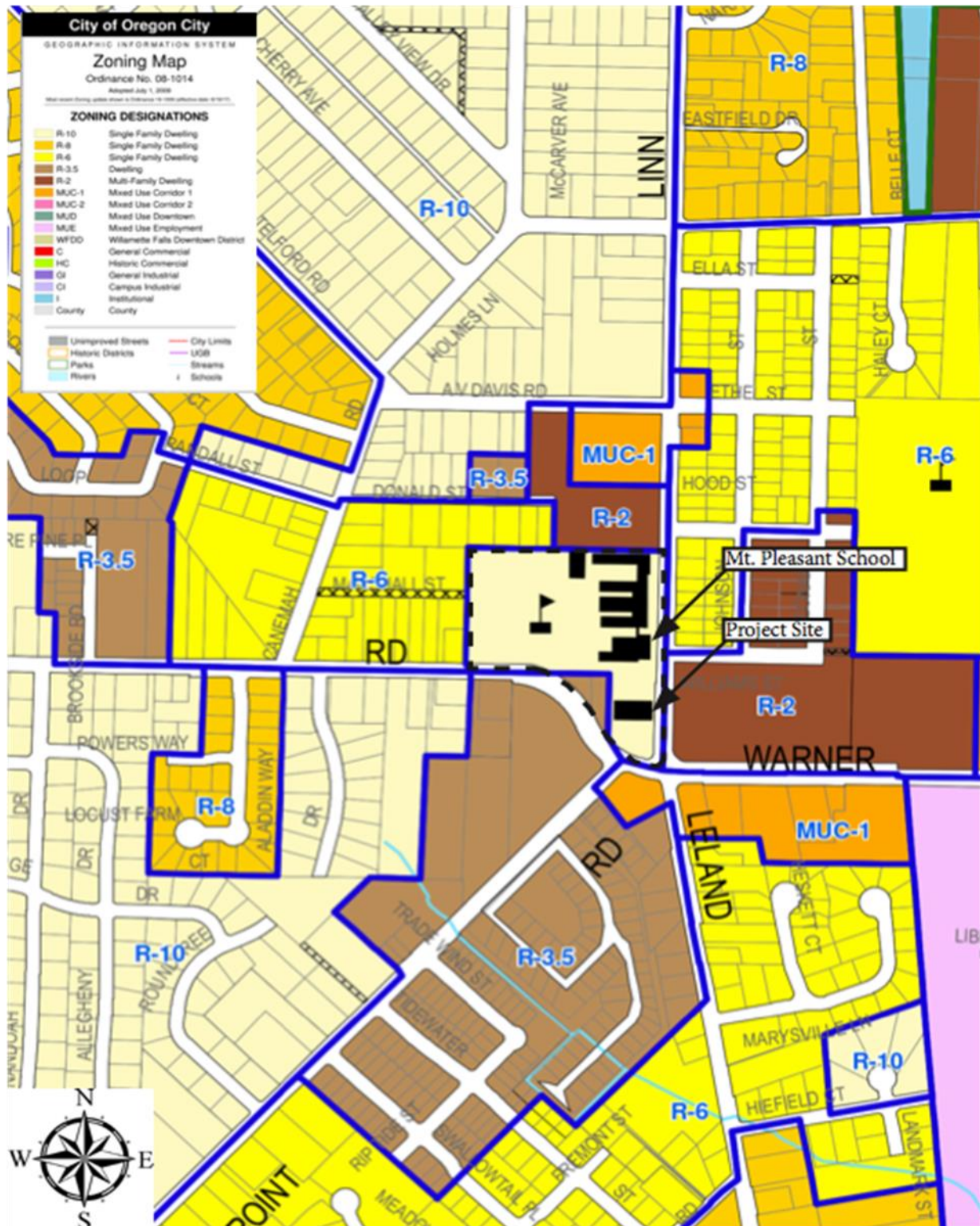
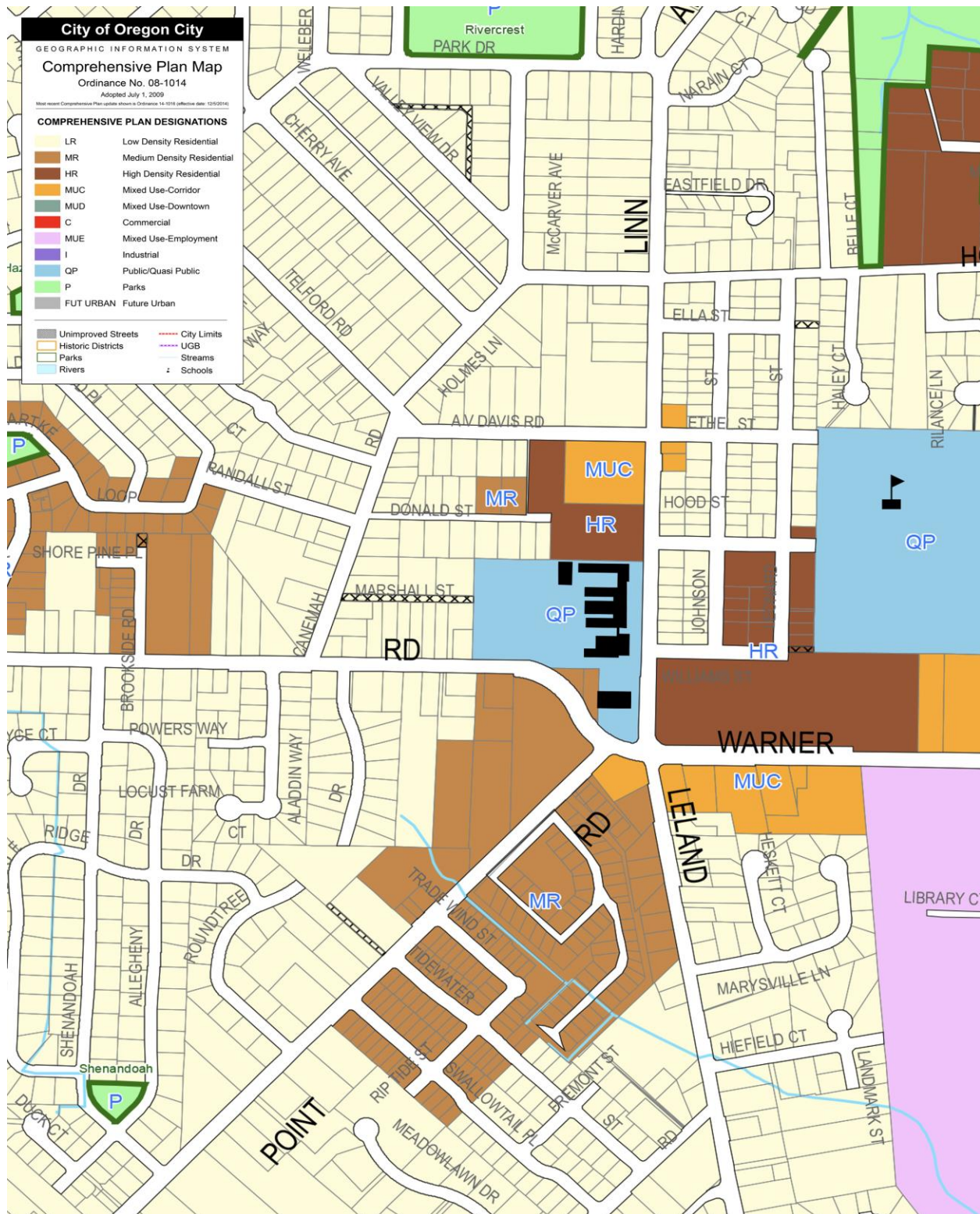


Figure 9. Current Comprehensive Plan Map



II. Project Description

The purpose of this application is to relocate the Oregon City Community Development Department to the Mt. Pleasant Annex. In order for the Planning and Building Divisions, which comprise the Community Development Department, to utilize the site approval is sought for the following:

- An amendment to the Comprehensive Plan Map from MR (Medium Density) to QP (Public/Quasi-Public) for tax lots 2000, 2003, 2008 (0.42 acres);
- A Zone Change from R-3.5 (Dwelling District) for tax lots 2000, 2003, 2008 (0.42 acres) and from R-10 (Single Family Dwelling District) for tax lot 100 (8.07 acres) to I (Institutional); and
- Minor Site Plan and Design Review for exterior building alterations for the 6,850 square foot Annex on the south-east of the site including a new roof with an enhanced entryway, additional windows on the east and south façade (including replacement of a door) as well as minor site changes including additional landscaping, bicycle parking, benches, and interior sidewalks.

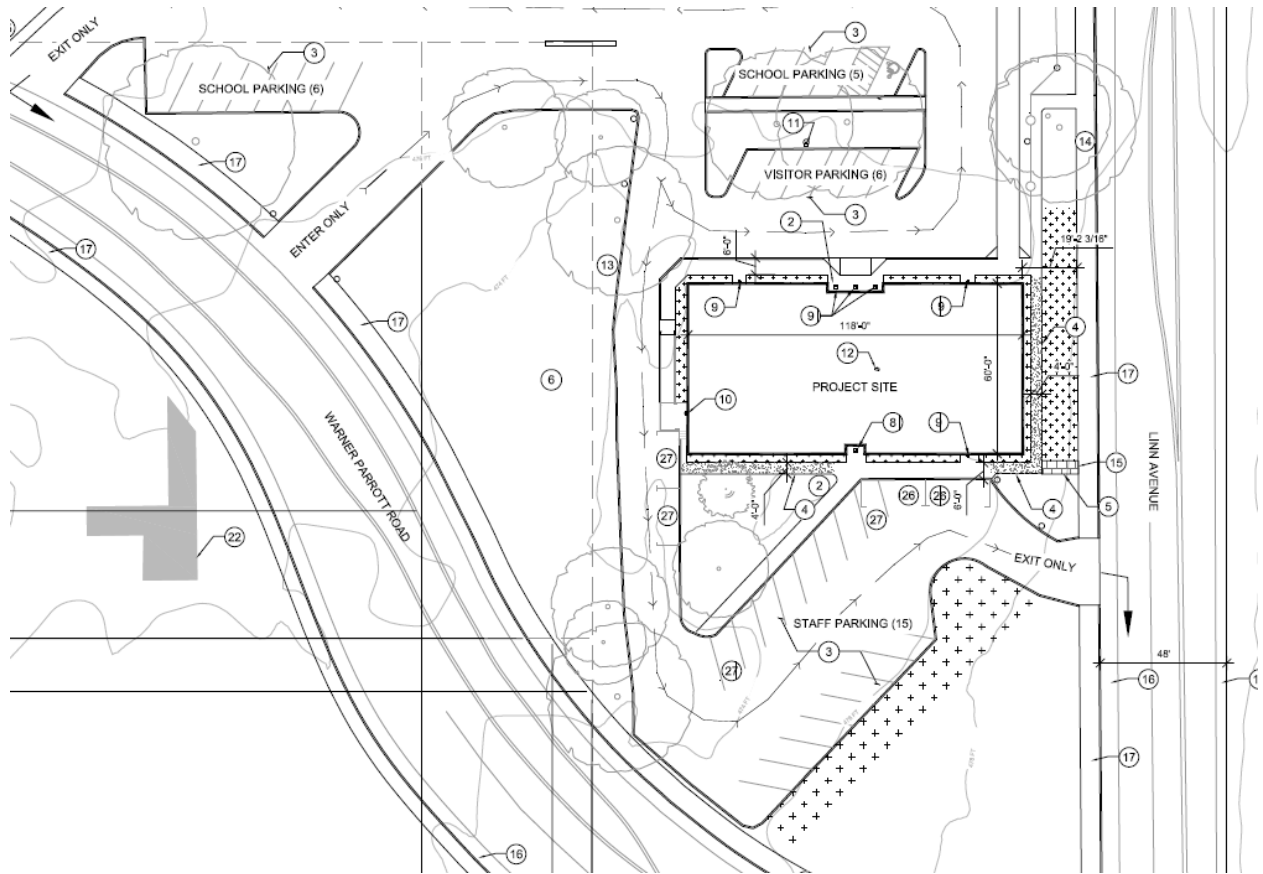
No new buildings or additions are proposed. Any future development will be analyzed for compliance with the applicable criteria with the associated public review process. This proposal will not affect the ability of the elementary school to remain onsite.

The transportation impact of the Comprehensive Plan Amendment and Zone Change is proposed to be mitigated by placing a limit on the number of automobile trips created by the uses on the 8.49 acres site. Known as a trip cap, the limit would restrict the transportation impact of the uses onsite at any given time to be no more than the transportation impact of the site when all the structures were used as an elementary school. In order to determine the transportation impact of the site, a study was conducted by Kittelson and Associates to determine the number of previous and future cars entering and exiting the site over the course of a day, as well as in the am and pm peak by utilizing the ITE Manual.

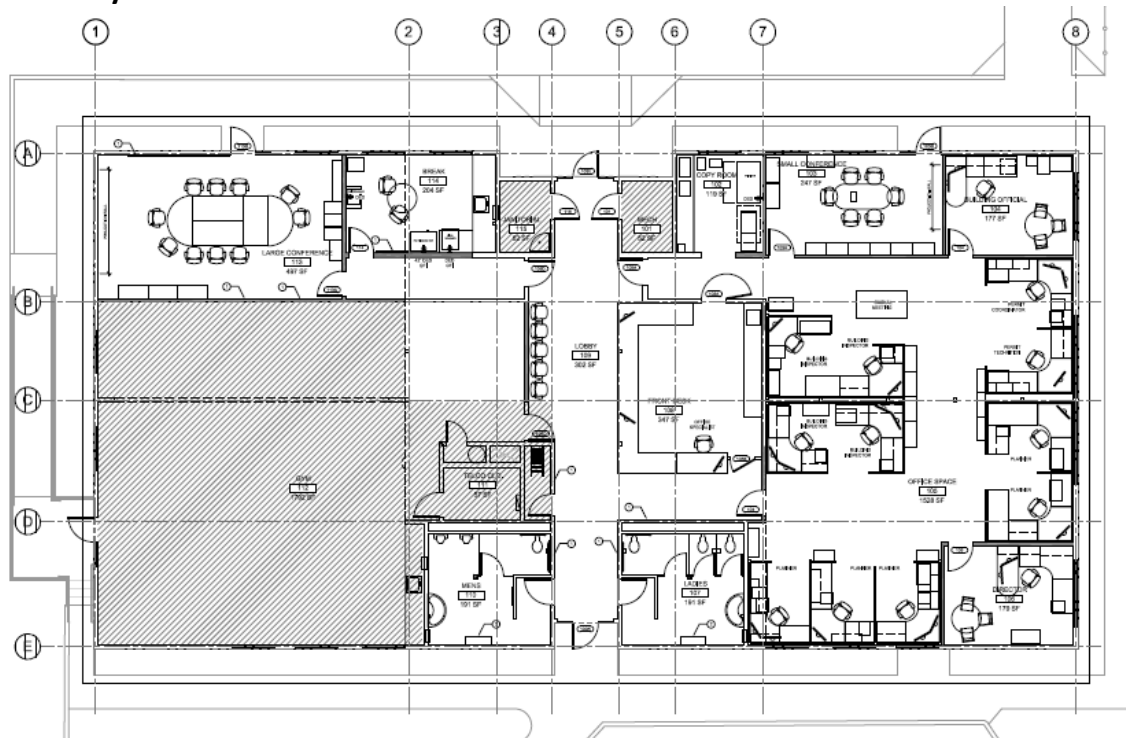
Future development on the site shall be limited to uses that in aggregate produce no more than the AM and PM peak hour trips. All new or alterations to the existing uses on the property shall submit an accounting of the trips generated through previously approved land use actions and business licenses for the entire subject site associated with the proposal and demonstrate that the proposal complies with both the maximum AM and PM peak hour trip caps. In order to keep an accurate tally of trips over time, the City will review this accounting either:

- As part of the land use review required for the development, in cases where no business license is required;
- As part of reviewing an application for a business license, in cases where no land use review is required; or
- Both, where a land use approval and a business license are required.

Site Plan for Minor Site Plan and Design Review



Interior Layout of the Annex



The Comprehensive Plan guides the City with goals, policies, and a map identifying general types of development. Properties are assigned a Comprehensive Plan designation to broadly define the character of a site as well as a more specific zoning designation. For example, properties designed as “LR” Low Density Residential in the Comprehensive Plan may be within the “R-10”, “R-8” or “R-6” Single-Family Districts. Properties designated identified as “MR” Medium Density Residential in the Comprehensive Plan may have a zoning designation of “R-5” or “R-3.5” Dwelling Districts. Currently, more than 8 acres of the site has a Comprehensive Plan designation of “QP” Public/Quasi-Public but a zoning designation of “R-10” Single-Family Dwelling District. According to the Comprehensive Plan QP is defined as:

Public and Quasi-Public (QP) — publicly owned lands other than city parks, such as schools, cemeteries, undeveloped lands, open space, government buildings and public utility facilities, such as the sewage treatment plant and water reservoirs.

The proposal would alter the designations of the site so the entire site is within the “QP” Public/Quasi-Public Comprehensive Plan designation and zoned within the “I” Institutional District. According to Chapter 17.39 of the Oregon City Municipal Code the “I” Institutional District is designated as:

The purpose of this district is designed to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The I—Institutional zone is consistent with the public/quasi public and park designations on the comprehensive plan map.

III. ANALYSIS AND FINDINGS: Oregon City Municipal Code

CHAPTER 17.68.020 ZONE CHANGES AND AMENDMENTS

17.68.010 Initiation of the Amendment.

A text amendment to this title or the Comprehensive Plan, or an amendment to the zoning map or the Comprehensive Plan map, may be initiated by:

- A. A resolution request by the City Commission;*
- B. An official proposal by the Planning Commission;*
- C. An application to the Planning Division presented on forms and accompanied by information prescribed by the planning commission.*
- D. A Legislative request by the Planning Division*

All requests for amendment or change in this title shall be referred to the Planning Commission.

Finding: Complies as Proposed. The applicant, on behalf of the property owner, is submitting this application to initiate an amendment to the Comprehensive Plan and Zone Change for the subject site in accordance with OCMC 17.68.010.c. The property owners agree by and through their signature on the main application.

17.68.020.A *The proposal shall be consistent with the goals and policies of the comprehensive plan.*

Goal 1: Citizen Involvement

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 Oregon City code includes provisions to insure that citizen involvement is guaranteed for individual citizens, neighborhood associations, property owners, and special interest groups. The proposal was presented to the City Commission at a series of meetings, as well as before the Citizen Involvement Committee and Rivercrest Neighborhood Association prior to submittal of the application. Once deemed complete, notice of the application will be sent to the Citizen Involvement Committee, neighborhood associations, a variety of agencies and members of the public, surrounding property owners (within 300 feet), and posted for public notification on the city's website as well as in two newspapers. The physical site will also be posted prior to the required public hearing. Citizens have been, and will be, afforded multiple opportunities to be involved with the review process.

Goal 2: Land Use

Goal 2.1: *Ensure that property planned for residential, commercial, office and industrial uses is used efficiently and that land is developed following principles of sustainable development.*

Finding: Complies as Proposed. The existing site has the following designations:

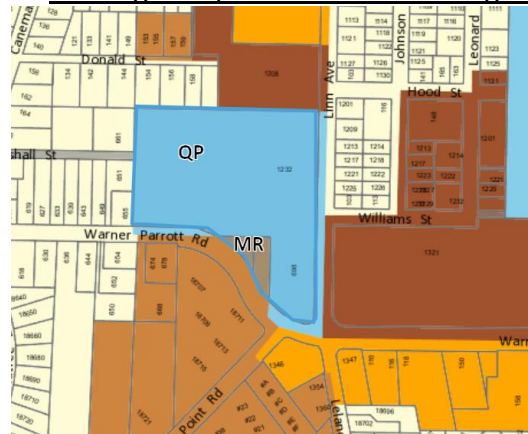
7.49 acres	Comp. Plan: Quasi-Public	Zoning: R-10
0.4 acres	Comp. Plan: Medium Density Residential	Zoning: R-3.5 Dwelling District

The proposal would amend the Comprehensive Plan designation for 0.4 acres from “MR” Medium Density Residential to “QP” Public/Quasi-Public so the entire site would be within the QP Comprehensive Plan designation and the zoning for the site is proposed to be amended to “I” Institutional. The site is owned by the City of Oregon City and the proposal would allow for government offices onsite. The site is located near many non-residential uses, creating an opportunity to efficiently utilize land and infrastructure while support a cohesive use with nearby properties. Currently, the site is encumbered by school structures, parking lots, driveways, drive aisles, and play fields and areas associated with the school structures as well as a training facility/gym for the Police. The proposal would allow for government office use of the site, a use similar in impact to the existing use. Warner Parrott Road serves as an effective transition from the residential zone to the south to the proposed Institutional zone.

Existing Zoning



Existing Comprehensive Plan Designation



Goal 2.3: *Corridors: Focus transit-oriented, higher intensity, mixed-use development along selected transit corridors.*

Finding: Complies as Proposed. Both Linn Avenue and Warner Parrott Road are classified as minor arterials and Tri-Met currently runs adjacent to the subject site with a bus stop along the Linn Avenue frontage. The subject site is adjacent to much higher density designations such as “MUC-1” Mixed Use Corridor District and “R-2” Multi-Family Residential District and near other higher density uses such as Mixed Use Employment as well as General Commercial. Aside from the zoning, the site has been historically used as an elementary school, a use with impacts similar to that of government offices, with similar hours of operations and the proposed transportation impact results in similar traffic impacts. The current school and proposed local government offices are transit-oriented, higher intensity development, appropriate for the location proposed.

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.

Finding: Complies as Proposed. The site is currently primarily utilized as an elementary school with a small police training facility/gym. The area is characterized by a variety of commercial and institutional uses and zoning designations coupled with a transit line to support nearby residences and the greater community. The variety of nearby uses include churches, an assortment of commercial businesses, offices, residences, and a school. Linn Avenue and Warner Parrott Road serve as natural transition to adjacent residential, multi-family, institutional, and commercial uses. The proposed Comprehensive Plan amendment and Zone Change would allow the City to utilize the Annex for the Community Development Department while retaining an elementary school as the primary use of the site and the vibrancy of the immediate area. Future uses of the site are limited to those identified within the Institutional District. The site has been historically used as an elementary school, a use with impacts similar to that of government offices, with similar hours of operations and the proposed transportation impact results in similar traffic impacts.

The “I” Institutional District proposed for the site is within the QP Comprehensive Plan Designation, of which approximately 8 acres of the site is already designated. The proposed comprehensive plan and zone change would support the surrounding uses and zoning without altering the impacts to the community. The applicant has proposed a trip cap to limit the amount of transportation impacts of the proposal to not exceed that of the elementary school.

Goal 2.7: *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 11 land-use classifications on the Oregon City Comprehensive Plan Land-Use Map to determine the zoning classifications that may be applied to parcels.

Finding: Complies as Proposed. The proposal includes an amendment to the Comprehensive Plan Map from MR (Medium Density) to QP (Public/Quasi-Public) and a Zone Change from R-3.5 (Dwelling District) for tax lots 2000, 2003, 2008 (0.42 acres) and from R-10 (Single Family Dwelling District) for tax lot 100 (8.07 acres) to I (Institutional). Currently 8.07 acres have a comprehensive plan designation of Public/Quasi-Public and are used as an elementary school but is zoned “R-10” Single-Family Dwelling District. The Institutional District is consistent with the “QP” Public/Quasi-Public designation of the Comprehensive Plan, of which a vast majority of the subject site is already within the Public/Quasi-Public Comprehensive Plan designation. The proposal would allow the subject site to be under a single cohesive Comprehensive Plan designation as well as the associated zoning designation. The rezoning of 8.49 acres is not expected to negatively impact the supply of residentially zoned property and is a minor addition to the Institutional zoned property supply.

Goal 3: Agricultural Land: requires local governments “to preserve and maintain agricultural lands.”

Finding: Complies as Proposed. This goal is not applicable; there is no agricultural land associated with this proposal.

Goal 4: Forest Lands

Finding: Complies as Proposed. This goal is not applicable; no forest lands are designated within the City limits.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

Finding: Complies as Proposed. Exterior alterations are proposed to the Annex building, which is less than 50 years in age, constructed in 1977 or 1978. The main building of Mt. Pleasant School is over 50 year old, though nothing is being proposed at this time on that portion of the site. There are no locally or nationally designated scenic, historic or natural resources impacted with the proposed development. The stormwater manual equally protects the site for water quality purposes under the current use and with the proposed zoning designation.

Goal 6: Quality of Air, Water and Land Resources

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

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

Finding: Complies as Proposed. The proposed comprehensive plan and zone change amendments allow for the relocation of City facilities and the reuse of an existing Annex building. The proposal would allow a more efficient use of property located in a commercial areas and on a transit route reducing the need for distance travel by single-occupancy vehicle, thus promoting the conservation, protection and improvement of the quality of the air in the city.

Goal 7: Natural Hazards

Finding: Complies as Proposed. This goal is not applicable. There are no natural hazards associated with this site.

Goal 8: Parks and Recreation

Finding: Complies as Proposed. The proposed amendments preserve the ability to develop/maintain the site for public use, including parks and playfields.

Goal 9: Economic Development

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.

Finding: Complies as Proposed. The proposed Comprehensive Plan and Zone Change amendments would bring 8.49 acres of property into the Institutional zone and remove it from the residential zone, allowing the property to be utilized in association with higher employment opportunities such as government office.

Goal 10: Housing

Goal 10.1: *Provide for the planning, development and preservation of a variety of housing types and lot sizes.*

Policy 10.1.1

Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.

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. Since 2002, both land use decisions to increase density and policies have encouraged additional housing development. For example, units have been created through approval of zone changes that allowed greater density as well as through the creation of a variety of housing types ranging from single-family to multi-family and care facilities. With the adoption of the Comprehensive Plan in 2004, the City amended the Municipal Code to allow construction of one accessory dwelling unit in every place in which a single-family home is allowed and adopted cottage housing with density bonuses. These two unit types provided an opportunity for more diverse, and often affordable, housing opportunities within existing neighborhoods.

Moreover, the City has planned for at least 5,762 dwelling units as follows:

- The City created and approved concept plans for three areas (South End, Beaver Creek, Park Place) recently brought into the UGB. The Park Place Concept Plan provides capacity for 1,091 dwelling units, the South End Concept Plan provides capacity for 1,210 dwelling units and the Beaver Creek Road Concept Plan provides capacity for 1,023 dwelling units for a total of 3,324 units within the urban growth boundary.
- Since October 1, 2002, the City has granted permits for more than 2,600 dwelling units.

In addition, the City adopted a new mixed use zones, including the MUC-1, MUC-2, MUD, HC, NC and C that allows for the development of housing which is limited by building height, parking standards, lot coverage, etc (though there are some restrictions in NC). While not counted as contributing to needed housing goals in the City's Housing Technical Report (2002), the capacity from the new mixed use zones, is estimated at a potential 8,000 dwelling units within the City limits. Approximately 66% of the City is currently within the R-10, R-8, R-6, R-3.5

and R-2 zoning designations while only 7.35% of the City is zoned “I” Institutional District. Therefore, the approval of this Comprehensive Plan amendment and zone change will expand the housing types and options available within the City.

Zoning in City Limits – Acres:

C = 160.86 (2.49%)
CI = 164.66 (2.55%)
County = 245.38 (3.79%)
GI = 220.32 (3.4%)
HC = 8.82 (0.14%)
I = 475.31 (7.35%)
MUC1 = 168.46 (2.6%)
MUC2 = 44.66 (0.69%)
MUD = 510.19 (7.89%)
MUE = 156.88 (2.43%)
R2 = 262.22 (4.05%)
R3.5 = 424.15 (6.56%)
R6 = 893.99 (13.82%)
R8 = 1095.97 (16.95%)
R10 = 1589.11 (24.57%)
ROAD = 13.18 (0.2%)
WFDD = 30.44 (0.47%)

Due to the existing use of the site as well as the opportunity for residential uses throughout the City, the proposal complies with this goal.

Goal 10.2 *Provide and maintain an adequate supply of affordable housing.*

Policy 10.2.1

Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Land-Use Map, ensure that potential loss of affordable housing is replaced.

Finding: Complies as Proposed. As demonstrated in the analysis in Goal 10.1, the City has provided opportunities to allow an increase in the number of dwelling units within Oregon City as well as adopted standards which allow for smaller dwelling units which will likely be lower in cost. Approximately 8 acres of the subject site is within the “R-10” Single-Family Dwelling District, while less than 0.5 acres of the site is within the “R-3.5” Dwelling District. Though the school is used as a school, the zoning designation permits the property to be subdivided for the construction of homes. The 10,000 square foot minimum lot size in the R-10 district generally results in the development of homes which are high in price.

The value of a single-family home in Oregon City is \$371,200, less than a majority of similarly sized cities and less than the average in Clackamas County which is \$392,400.

Figure 6: July 2017 Home Values from Zillow.com

City	Home Value (July, 2017)
Lake Oswego	\$597,300
West Linn	\$500,200
Happy Valley	\$485,900
Tualatin	\$434,800
Sherwood	\$414,700
Tigard	\$402,700
Oregon City	\$371,200
Newberg	\$305,500

Due to the existing use of the site as well as the opportunity for residential uses throughout the City, the proposal complies with this goal.

Goal 11: Public Facilities

Goal 11.1: *Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.*

Policy 11.1.3: *Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land-use planning goals and regulations. Facilities that serve the public will be centrally located and accessible, preferably by multiple modes of transportation.*

Finding: Complies as Proposed. The proposed comprehensive plan and zone change amendments would allow additional public facilities to be located on the site. The amendments would have a positive effect by allowing a public use property accessible by multi-modes of transportation, and central to a majority of the Community Development customers. The majority of the surrounding area is built-out and public facilities and services such as sanitary sewer, storm sewer, and water are in place and do not need to be extended.

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.*

Finding: Complies as Proposed. The proposal supports the relocation of the City's Community Development Department to the 6,850 square foot structure previously occupied by a school, while the existing elementary school onsite will continue to operate. The comprehensive plan and zone change amendments make it possible for the underutilized site to house additional community governmental services in a location accessible to the public.

Goal 11.11 Civic Facilities Strategically locate civic facilities to provide efficient, cost-effective, accessible, and customer friendly service to Oregon City residents.

Finding: Complies as Proposed. The comprehensive plan and zone change amendments make it feasible for the site to house civic facilities in an established neighborhood, providing efficient, cost-effective (re-use of existing structures), accessible service to the city's residents.

Policy 11.11.1 Locate City facilities in a way that ensures customer service and provides easy access to the majority of residents. Access should be provided for the physically impaired and for those traveling by transit, bicycle, or foot.

Finding: Complies as Proposed. The proposed comprehensive plan and zone change amendments allow government services to be provided on an existing site in a developed section of the city. The site is easily accessible for residents of all abilities and whom travel by multiple modes of transportation.

Policy 11.11.2 Investigate options for obtaining or building a new City Hall.

Finding: Complies as Proposed. Since the Comprehensive Plan was adopted, a new City Hall was established. The proposed comprehensive plan and zone change amendments create an option for the relocation of City Hall and other city departments to the site. However, development is limited on the site by a transportation trip cap which has been proposed.

Policy 11.11.3 Implement measures to maximize and leverage resources and increase services to the public.

Finding: Complies as Proposed. The city owns the subject property and currently leases a portion for use as a school. The zone change and comprehensive plan amendments would allow for continued use of a portion of the site as a school and the relocation of the Community Development Department after interior and exterior remodeling is complete. The amendments would also permit the relocation of other city departments to the site in the future, if desired. Future development is subject to additional review processes.

Policy 11.11.4 Incorporate measures to meet long-term rising demand for services. Provide for future needs of increased staff, space and storage when purchasing or building new city facilities.

Finding: Complies as Proposed. The city owns the subject property and currently leases a majority for use as an elementary school. The zone change and comprehensive plan amendments would allow for continued use of a portion of the site as a school and the relocation of the Community Development Department after interior and exterior remodeling of the vacant structure is complete. The amendments would also permit the relocation of other city departments to the site in the future, if desired.

17.68.020.B. *That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed in the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.*

Finding: Complies as Proposed. As the trip cap limits the amount of development allowed onsite, demand for public facilities and services will not be significantly increased as a result of the proposed comprehensive plan and zone change amendments. No new services are required for the proposed relocation of Community Development and the range of uses and

development allowed by the zone is capable of being serviced prior to issuance of a certificate of occupancy.

17.68.020.C *The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.*

Finding: Complies as Proposed. The subject site is adjacent to Warner Parrott Road and Linn Avenue, both designated as Minor Arterials in the Transportation System Plan. The applicant is proposing to establish a trip cap limiting the amount of traffic of future uses to that created by the site to the prior use as a school. The trip cap then makes the land uses authorized by the proposed comprehensive plan and zone change amendment consistent with the existing and planned function, capacity and level of service of the transportation system. The proposed amendments will not result in significant impacts on the transportation system. Please refer to the trip cap findings within this report.

17.68.020.D *Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.*

Statewide Planning Goal 1: Citizen Involvement. Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

Finding: Complies as Proposed. Addressed in Comprehensive Plan Goal 1.

Statewide Planning Goal 2: Land Use Planning. Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.

Finding: Complies as Proposed. Addressed in Comprehensive Plan Goal 2.

Statewide Planning Goal 3: Agricultural Lands. Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

Finding: Complies as Proposed. Addressed in Comprehensive Plan Goal 3.

Statewide Planning Goal 4: Forest Lands. This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

Finding: Complies as Proposed. Addressed in Comprehensive Plan Goal 4.

Statewide Planning Goal 5: Open Spaces, Scenic and Historic Area, and Natural Resources.

Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

Finding: Complies as Proposed. Addressed in Comprehensive Plan Goal 5.

Statewide Planning Goal 6: Air, Water and Land Resources Quality. *This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.*

Finding: Complies as Proposed. Addressed in Comprehensive Plan Goal 6.

Statewide Planning Goal 7: Areas Subject to Natural Hazards. *Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.*

Finding: Complies as Proposed. Addressed in Comprehensive Plan Goal 7.

Statewide Planning Goal 8: Recreational Needs. *This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.*

Finding: Complies as Proposed. Addressed in Comprehensive Plan Goal 8.

Statewide Planning Goal 9: Economic Development. *Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.*

Finding: Complies as Proposed. Addressed in Comprehensive Plan Goal 9.

Statewide Planning Goal 10: Housing. *This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.*

Finding: Complies as Proposed. Addressed in Comprehensive Plan Goal 10.

Statewide Planning Goal 11: Public Facilities and Services. *Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.*

Finding: Complies as Proposed. Addressed in Comprehensive Plan Goal 11.

Statewide Goal 12: Transportation. *The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."*

Finding: Complies with Condition. The subject site is adjacent to Linn Avenue and Warner Parrott, both designated as minor arterials in the Transportation System Plan. To avoid impacts to the transportation facilities beyond those that would be possible under the present zonings, the applicant proposes to establish a trip cap limiting the amount of traffic of future uses to that created by the prior and existing school uses. By limiting the amount of trips that would be allowed from future development within the area proposed for comprehensive plan and zone changes, equal to that of possible under the present zoning, the transportation impacts of the amendments would be no greater on the transportation system than what present zoning would allow. The proposed amendments will not result in significant impacts on the transportation system. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Statewide Planning Goal 13. Energy Conservation. *Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."*

Finding: Complies as Proposed. The proposal is to amend the comprehensive plan map and zone map, permitting additional public uses on the property. By re-using the existing Annex building to house the Community Development Department and potentially other city departments, energy is being conserved. The proposed building changes, where possible, will utilize energy efficient practices, and the site changes will increase the connectivity to and through the site. The proposed amendments encourage the re-development and re-use of the site at a location easily accessed by residents.

Statewide Planning Goal 14: Urbanization. *This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.*

Finding: Complies as Proposed. The city owns the property in question and proposes to meet the future growth needs by relocating the Community Development Department and potentially other city departments to a site previously and currently used as a school. The proposed amendments would allow in-fill and re-use of an existing under-utilized property, reducing some pressure to expand the urban growth boundary. The re-development of the site contributes to the urbanization of the city and balances the negative effects by limiting the transportation impact to the existing impact of the school.

Statewide Planning Goal 15: Willamette River Greenway. *Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.*

Finding: Complies as Proposed. This goal is not directly applicable to the proposed amendments and use of the property as the site is not within the designated Willamette River Greenway.

Statewide Planning Goal 16: Estuarine Resources

Statewide Planning Goal 17: Coastal Shorelands

Statewide Planning Goal 18: Beaches and Dunes

Statewide Planning Goal 19: Ocean Resources

Finding: Complies as Proposed. These goals are not applicable as the site is not located in any of the identified areas.

OAR 660-012-0060(1)-(3) TRANSPORTATION PLANNING RULE (TPR)

The purpose of the TPR is “to implement Statewide Planning Goal 12 (Transportation) and promote the development of safe, convenient and economic transportation systems that are designed to reduce reliance on the automobile so that the air pollution, traffic and other livability problems faced by urban areas in other parts of the country might be avoided.” A major purpose of the Transportation Planning Rule (TPR) is to promote more careful coordination of land use and transportation planning, to ensure that planned land uses are supported by and consistent with planned transportation facilities and improvements.

Finding: Complies with Condition. Kittelson and Associates created a Transportation Analysis Letter analyzing the development proposal. The proposal entails altering the zoning designation for the entire subject site to “I” Institutional, as well as amending the Comprehensive Plan for approximately 0.42 acres from “MR” Medium Density Residential to “QP” Public/Quasi Public. In order to mitigate the impacts of the proposed development, the applicant has proposed a trip cap to limit the transportation impact to that of the previous/existing use of a school.

Future development on the site shall be limited to uses that in aggregate produce no more than 238 AM and 143 PM peak hour trips. All new or alterations to the existing uses on the property shall submit an accounting of the trips generated through previously approved land use actions and business licenses for the entire subject site associated with the proposal and demonstrate that the proposal complies with both the maximum AM and PM peak hour trip caps. In order to keep an accurate tally of trips over time, the City will review this accounting either: (1) as part of the land use review required for the development, in cases where no business license is required; (2) as part of reviewing an application for a business license, in cases where no land use review is required; or (3) both, where a land use approval and a business license are required. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

OAR CHAPTER 660, DIVISION 7, “METROPOLITAN HOUSING RULE”

The purpose of this division is to ensure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metro urban growth boundary, to provide greater certainty in the development process and so to reduce housing costs.

Finding: Complies as Proposed. The proposed amendments and use of the property in question reduces the amount of residentially zoned property in the city by 8.49 acres. However, the site is currently encumbered by school structures, parking lots, driveways, drive aisles and play-fields and areas associated with and required by the existing uses on the property. As identified

above, the proposed amendments are expected to allow the efficient use of land by permitting the re-use of an existing under-utilized property.

REGIONAL TRANSPORTATION PLAN

The Regional Transportation Functional Plan (RTFP) directs how Oregon City should implement the RTP through the TSP and other land use regulations. The RTFP codifies existing and new requirements which local plans must comply with to be consistent with the RTP. If a TSP is consistent with the RTFP, Metro will find it to be consistent with the RTP.

Finding: Complies as Proposed. The City adopted an amendment to the Transportation System Plan in 2013; the plan was found to be consistent with the Regional Transportation Functional Plan at adoption, with the exception of a few intersections. The applicant submitted a letter from Kittelson and Associates analyzing the development proposal. The proposal entails altering the zoning designation for the entire subject site to “I” Institutional, as well as amending the Comprehensive Plan for approximately 0.42 acres from “MR” Medium Density Residential to “QP” Public/Quasi Public. In order to mitigate the impacts of the proposed development, the applicant has proposed a trip cap to limit the transportation impact to that of the previous/existing use of a school.

Future development on the site shall be limited to uses that in aggregate produce no more than 238 AM and 143 PM peak hour trips. All new or alterations to the existing uses on the property shall submit an accounting of the trips generated through previously approved land use actions and business licenses for the entire subject site associated with the proposal and demonstrate that the proposal complies with both the maximum AM and PM peak hour trip caps. In order to keep an accurate tally of trips over time, the City will review this accounting either: (1) as part of the land use review required for the development, in cases where no business license is required; (2) as part of reviewing an application for a business license, in cases where no land use review is required; or (3) both, where a land use approval and a business license are required. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

URBAN GROWTH MANAGEMENT METRO FUNCTIONAL PLAN

3.07.810.C states that after one year following acknowledgement of a functional plan requirement, cities and counties that amend their comprehensive plans and land use regulations shall make such amendments in compliance with the new functional plan requirement.

Finding: Complies as Proposed. The City of Oregon City’s comprehensive plan and land use regulations associated with comprehensive plan and zone change amendments are in compliance with the UGB Metro Functional Plan.

METRO FUNCTIONAL PLAN

3.07.120(e), “Housing Capacity” A city or county may reduce the minimum zoned capacity of a single lot or parcel so long as the reduction has a negligible effect on the city’s or county’s overall minimum zoned residential capacity.

Finding: Complies as Proposed. Please refer to the findings in Chapter 10 of the Comprehensive Plan above.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.015 - Modifications that will better meet design review requirements.

The review body may consider modification of site-related development standards. These modifications are done as part of design review and are not required to go through the Variance process pursuant to section 17.60.020. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the Variance process pursuant to section 17.60.020. Modifications that are denied through design review may be requested as Variance through the Variance process pursuant to section 17.60.020. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

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

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

Finding: Complies as Proposed. No modifications of site-related development standards are proposed for this application.

17.62.030 - When required.

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

Finding: Complies as Proposed. The applicant proposes exterior alterations to a non-residential use (government office) in the proposed Institutional zone, triggering the requirement for a site plan and design review.

17.62.035 - Minor site plan and design review.

Finding: Complies as Proposed. The proposal modifications of an institutional or public structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space and qualifies as a Minor Site Plan and Design Review.

17.62.040 - Plans required.

Finding: Complies as Proposed. The applicant submitted plans meeting the requirements.

17.62.050 - Standards.

A. All development shall comply with the following standards:

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

Finding: Complies as Proposed. Approximately 5 of the 8 approximately 8 acres site is currently developed with active recreational turf fields, grass, and a variety of landscaping. The development proposal includes the addition of a nominal pedestrian walkway and additional landscaping within a portion of the grassy area near the Annex and retain the existing vegetation to the extent practicable. There is no known nuisance plants, on the site. The proposed changes will not reduce the amount of vegetation on the site to less than the required minimum of fifteen percent. 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.

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

Finding: Complies as Proposed. All areas requested to be credited towards landscaping are installed with growing plant materials. No reduction is requested.

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

Finding: Complies as Proposed. This standard is not applicable. The site is not within the Natural Resource Overlay District.

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

Finding: Complies as Proposed. The applicant submitted a landscape plan, stamped by a registered landscape architect, Gregory T. Covey, which identify meets the required three year/100 percent coverage requirement.

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

Finding: Complies as Proposed. This standard is not applicable. The property is not within the Downtown Design District.

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

Finding: Complies as Proposed. The majority of the site is landscaped and the proposed landscaping is visible from both Linn Avenue and Warner Parrott Road.

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

Finding: Complies as Proposed. The interior parking lot landscaping is not counted toward the fifteen percent minimum. The majority of the site is covered in turfed play fields.

2. Vehicular Access and Connectivity.

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

Finding: Complies as Proposed. The site is nonconforming, as an existing parking lot is already located between the Annex building and the Warner Milne frontage. Though minor adjustments to the striping within this parking lot is proposed, the extent of the boundaries of the parking lot is not being modified and thus this standard is not applicable.

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

Finding: Complies as Proposed. No new driveways or alterations to existing ingress or egress locations are proposed.

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

Finding: Complies as Proposed. This standard is not applicable. The proposed zone is Institutional.

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

Finding: Complies as Proposed. This standard is not applicable. The site does not abut an alley.

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

Finding: Complies as Proposed. No new driveways or alterations to existing ingress or egress locations are proposed. The development will be served by the existing access points, which consist of one egress on Linn Avenue, one ingress and one egress on Warner Parrott Road. The split ingress-egress on Warner Parrott Avenue is considered as one driveway, which conforms to the standard.

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

Finding: Complies as Proposed. No new driveways are proposed and there are no existing or planned streets on adjacent sites to necessitate realignment of the driveways.

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

Finding: Complies as Proposed. This standard is not applicable. The proposal does not include any changes to the vehicular access onsite. The adjacent sites are developed as residential uses.

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

Finding: Complies as Proposed. This standard is not applicable. No streets are proposed or required.

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

Finding: Complies as Proposed. This standard is not applicable. No easements are proposed.

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

Finding: Complies as Proposed. This standard is not applicable. No stub streets are existing or proposed.

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

Finding: Complies as Proposed. This standard is not applicable. The site is over 8 acres in size, however, only minor exterior alterations are proposed. The proposed development does not warrant the nexus or proportionality to require a street connection through the site.

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

Finding: Complies as Proposed. This standard is not applicable. No parking garages are proposed.

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

Finding: Complies as Proposed. This standard is not applicable. No above-grade parking structures are proposed.

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

a. Alterations, additions and new construction located within the McLoughlin Conservation District, Canemah National Register District, and the Downtown Design District and when abutting a designated Historic Landmark shall utilize materials and a design that incorporates the architecture of the subject building as well as the surrounding district or abutting Historic Landmark. Historic materials such as doors, windows and siding shall be retained or replaced with in kind materials unless the community development director determines that the materials cannot be retained and the new design and materials are compatible with the subject building, and District or Landmark. The community development director may utilize the Historic Review Board's Guidelines for New Constriction (2006) to develop findings to show compliance with this section.

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

Finding: Complies as Proposed. The proposal calls for the use of consistent material on all sides of the Annex. The property is not located within any of the identified districts nor does it abut a designated historic landmark. The materials proposed are allowed in the Oregon City Municipal Code and complement commercial development throughout the City. All exterior surfaces present a finished appearance and the sides of the building include materials and design characteristics consistent with those on the front.

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

Finding: Complies as Proposed. Due to the relatively small scale of the exterior building alterations, the proposal does not include installation of street improvements.

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

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

Finding: Complies as Proposed. The existing site includes a walkway from the school to Linn Avenue and a blocked walkway from the rear of the Annex to Linn Avenue. The project includes nonconforming upgrades to the site including removing the blocked walkway to Linn Avenue as well as installation of a direct pedestrian accessway from the front of the Annex to Linn Avenue.

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

Finding: Complies as Proposed. The site is currently developed with a network of interior sidewalks and sidewalks within the adjacent right-of-way connecting the site. The project includes nonconforming upgrades to the site including removing the blocked walkway to Linn Avenue as well as installation of a direct pedestrian accessway from the front of the Annex to Linn Avenue to allow greater connections onsite.

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

Finding: Complies as Proposed. This standard is not applicable. No elevated external stairways or walkways are proposed.

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

Finding: Complies as Proposed. The site is currently developed with a network of interior sidewalks and sidewalks within the adjacent right-of-way connecting the site. The project includes nonconforming upgrades to the site including removing the blocked walkway to Linn Avenue as well as installation of a direct pedestrian accessway from the front of the Annex to Linn Avenue to allow greater connections onsite.

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

Finding: Complies as Proposed. The site is currently developed with a network of interior sidewalks and sidewalks within the adjacent right-of-way connecting the site. The project includes nonconforming upgrades to the site including removing the blocked walkway to Linn Avenue as well as installation of a direct pedestrian accessway from the front of the Annex to Linn Avenue to improve pedestrian connections to adjacent properties.

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

Finding: Complies as Proposed. The site is considered nonconforming for a variety of reasons, including a sidewalk adjacent to the front of the Annex which is 4 feet in width (west of the main entrance). Nonconforming upgrades to the site have been proposed including installation of a new sidewalk from the front of the structure to Linn Avenue. The new sidewalk will be hard surfaced, well drained, five feet wide and will contrast visually to adjoining surfaces.

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

Finding: Complies as Proposed. The City of Oregon City is the property owner and adequate funds are budgeted to ensure the continued maintenance of the identified areas. The City will assure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency.

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

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

14. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The city may require

over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

Finding: Complies as Proposed. No new structures are proposed. The existing public water and sanitary sewer facilities are sufficient to serve the proposed government office use.

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

Finding: Complies as Proposed. No right-of-way improvements or transit facilities are proposed or required as a result of the proposed exterior structure and site modifications.

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

Finding: Complies as Proposed. No transit improvements have been identified.

17. All utility lines shall be placed underground.

Finding: Complies as Proposed. This standard is not applicable. Only minor exterior alterations are proposed, and the proposed development has been determined to have no impact to the transportation system above that generated by existing use. The proposed development does not warrant the nexus or proportionality to require undergrounding of the existing overhead utility lines. The need to underground utilities will be re-evaluated upon further redevelopment of the site.

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

Finding: Complies as Proposed. An ADA accessible route will be provided from the sidewalk to the structure.

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

Finding: Complies as Proposed. This standard is not applicable. The proposal is not for a residential development

20. *Screening of Mechanical Equipment:*

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

Finding: Complies as Conditioned. The existing HVAC system is proposed for removal and will be replaced with a high efficiency system. The existing indoor mechanical penthouse area of the building would be converted to an outdoor mechanical roof platform where the heat recovery ventilator unit and outdoor condensing unit of the variable refrigerant flow system would be located. This area will be architecturally screened with quality exterior metal vented material.

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

Finding: Complies as Proposed. This standard is not applicable. No wall-mounted mechanical equipment is proposed.

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

Finding: Complies as Proposed. This standard is not applicable. No ground-mounted mechanical equipment is proposed.

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

Finding: Complies as Proposed. All mechanical equipment complies with the standards and is proposed for installation through the site plan and design review process.

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

Finding: Complies as Proposed. This standard is not applicable. No solar panels, photovoltaic equipment or wind power generating equipment is proposed.

21. Building Materials.

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

i. Brick.

ii. Basalt stone or basalt veneer.

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

iv. Board and baton siding.

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

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

vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be

Finding: Complies as Proposed. The applicant proposes the use of painted cement panel board, painted cement panel lap siding, tongue and groove wood paneling, and rooftop metal louvers.

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

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

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

iii. Corrugated fiberglass.

iv. Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).

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

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

Finding: Complies as Proposed. This standard is not applicable. The identified materials are not proposed.

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

1. Concrete block. When used for the front facade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete

block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.

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

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

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

Finding: Complies as Proposed. This standard is not applicable. No special materials are proposed.

17.62.055 - Institutional and commercial building standards.

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

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

Finding: Complies as Proposed. The section applies to the proposed institutional development.

C. Relationship between zoning district design standards and requirements of this section.

1. Building design shall contribute to the uniqueness of the underlying zoning district by applying appropriate materials, elements, features, color range and activity areas tailored specifically to the site and its context.

Finding: Complies as Proposed. The proposal is to modify the exterior of the building by expanding the number of windows, and enhancing the entranceway as required in the Oregon City Municipal Code. The proposed development will replace materials which are in poor condition and will allow the building to last far into the future. The proposed development uses materials allowed in the code and commonly found around the City. The structure will invite the public in and create an anchor on the south-east corner of the site. No new structures are proposed.

2. A standardized prototype or franchise design shall be modified if necessary to meet the provisions of this section.

Finding: Complies as Proposed. This standard is not applicable. The proposal is to accommodate the relocation of the City's Community Development Department by minimally modifying an existing structure.

3. In the case of a multiple building development, each individual building shall include predominant characteristics, architectural vocabulary and massing shared by all buildings in the development so that the development forms a cohesive place within the underlying zoning district or community.

Finding: Complies as Proposed. No new structures are proposed. The proposed building design does not alter the massing, predominant characters, or architectural vocabulary of the structure and all of the building materials proposed are allowed within the Oregon City Municipal Code and commonly found throughout the City. The proposed alterations will add additional windows to increase transparency to resemble the transparency on the existing school structure.

4. 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.

5. 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, unless a greater setback is accepted under the provisions of Section 17.62.055D. 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 line unless a greater setback is accepted under the provisions of Section 17.62.055D.

Finding: Complies as Proposed. This standard is not applicable. No new structures are proposed and no conflicts have presented themselves.

D. Relationship of Buildings to Streets and Parking.

1. Buildings shall be placed no farther than five feet from the front property line. 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:

- a. Tables, benches or other approved seating area.*
- b. Cobbled, patterned or paved stone or enhanced concrete.*
- c. Pedestrian scale lighting.*
- d. Sculpture/public art.*
- e. Fountains/Water feature.*
- f. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.*
- g. Outdoor café.*
- h. Enhanced landscaping or additional landscaping.*
- i. Other elements, as approved by the community development director, that can meet the intent of this section.*

Finding: Complies as Proposed. This standard is not applicable. No new structures are proposed. The request is for approval to modify the exterior of an existing Annex building.

2. The front most architecturally significant facade shall be oriented toward the street and shall be accessed from a public sidewalk. 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 exterior remodel will highlight the street facing façade of the Annex with exterior alterations including amending the roofline to reveal a sheltering canopy over the main entranceway, installation of lighting, and installation of wood highlights near the entry and additional windows. In addition, the proposal would install a sidewalk from the front entrance to the adjacent Linn Avenue.

3. Entryways. The primary entranceway for each commercial or retail establishment shall face the major street. The entrance may be recessed behind the property line a maximum of five feet unless a larger setback is approved pursuant to Section 17.62.055.D.1 and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined, highly visible and recessed or framed by a sheltering element including at least four of the following elements, listed below.

- a. Canopies or porticos;*
- b. Overhangs;*
- c. Recesses/projections;*
- d. Arcades;*
- e. Raised corniced parapets over the door;*
- f. Peaked roof forms;*
- g. Arches;*
- h. Outdoor patios;*
- i. Display windows;*
- j. Architectural details such as tile work and moldings which are integrated into the building structure and design;*
- k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.*
- l. Planter boxes and street furniture placed in the right-of-way shall be approved for use according to materials, scale and type.*

Finding: Complies as Proposed. The site is nonconforming as the existing structure is located further than 5 feet back from the street. Though no new structures or additions to the existing structure is proposed, following the proposed development, the primary entranceway will have a canopy, large eave overhang, display windows, landscaped plantings, signage, and installation of wood accents to highlight the entrance.

4. Where additional stores will be located in the large retail establishment, each such store shall have at least one exterior customer entrance, which shall conform to the same requirements. (Ord. 01-1002 §2, 2001)

Finding: Complies as Proposed. This standard is not applicable. This is not a retail development.

5. 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. Awnings shall be no longer than a single storefront.

Finding: Complies as Proposed. This standard is not applicable. No encroachments into the front setback are proposed.

E. 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.*

Finding: Complies as Proposed. The site is located at the corner of Linn Avenue and Warner Parrott Road. The configuration of the site extends the corner adjacent to the entire frontage of the Annex. Due to the odd configuration of the site, a roundabout is proposed in the Oregon City Transportation System Plan which would create a context where all of the Warner Parrott frontage faces a corner. Though no new structures or additions to the existing structure is proposed, the development includes alterations to the roofline of the primary entranceway facing Warner Parrott to highlight the entranceway.



F. Commercial First Floor Frontage.

In order to ensure that the ground floor of structures have adequate height to function efficiently for retail uses, the first floor height to finished ceiling of new infill buildings in the mixed use and neighborhood commercial districts shall be no lower than fourteen feet floor to floor. Where appropriate, the exterior facade at the ceiling level of new structures shall include banding, a change of materials or relief which responds to the cornice lines and window location of existing buildings that abut new structures.

Finding: Complies as Proposed. This standard is not applicable. The proposal would change the zoning designation to Institutional, and not commercial or mixed-use.

G. Variation in Massing.

- 1. A single, large, dominant building mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings.*

Finding: Complies as Proposed. The proposal is to modify the exterior of the modest sized Annex structure, eliminating the appearance of a single, large, dominant building with changes in the roofline, installation of windows, and with exterior building materials.

- 2. Horizontal masses shall not exceed a height: width ratio of one-to-three without substantial variation in massing that includes a change in height and projecting or recessed elements.*

Finding: Complies as Proposed. This standard is not applicable. No changes to the building height or width is proposed.

3. Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect.

Finding: Complies as Proposed. The proposal calls for enhancing the primary entrance of the structure with architectural features and a change in roof line to highlight the entryway.

H. Minimum Wall Articulation.

1. Facades shall add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including, but not be limited to, at least two of the following:

i. Change in plane,

ii Change in texture or masonry pattern or color,

iii. Windows, treillage with landscaping appropriate for establishment on a trellis.

iv. An equivalent element that subdivides the wall into human scale proportions.

Finding: Complies as Proposed. The proposed modification to the exterior of the structure would result in compliance with this standard. The installation of additional windows, a variety of siding and changes to exterior building material will comply with this standard. No changes to the massing, articulation or plane of the structure are proposed.

2. Facades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least twenty percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred horizontal feet.

Finding: Not Applicable. The structure was constructed prior to adoption of this standard and does not comply. The proposal would not result in a change to the projection or recess of the structure, simply alterations to the roofline and the exterior building material and transparency. Though the proposal would create interest, and bring the building the existing structure closer into compliance with this standard, this standard is not applicable.

3. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length.

Finding: Complies as Proposed. The proposal is to modify the exterior of an existing structure. The proposal would not alter the windows, entrance points, arcades or awnings on the north or the west façade. The proposal would increase the transparency on the east façade (adjacent to Linn Avenue) from 33% ($20/60=0.33$) to 60% ($36/60=0.6$) and increase the transparency on the south façade (adjacent to Warner Parrott) from 15% ($18/118=0.15$) to 37% ($37/118=0.31$), however, there is a roof overhang of approximately 3.5 feet across the entire southern façade.

4. Building facades must include a repeating pattern that includes any one or more of the following elements:

a. Color change;

b. Texture change;

c. Material module change.

Finding: Complies as Proposed. The proposed modifications to the exterior of the structure includes material, color and texture change from cement panel board and cement panel lap siding, as well as tongue and groove wood paneling, resulting in changes to the color and texture of the texture building material.

5. Facades shall have an expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib.

Finding: Not Applicable. No changes to the building size or envelope are proposed. The structural beams of the roof are expressed at the roof eave and the existing entries to the building are inset to delineate an entrance.

6. Facades shall have at least one of elements subsections H.4. or H.5. of this section repeat horizontally. All elements shall repeat at intervals of no more than thirty feet, either horizontally or vertically.

Finding: Complies as Proposed. The façade will have horizontal breaks between panels that are similar the structural beams of the roof.

I. Facade Transparency.

1. Transparent windows or doors facing the street are required. The main front elevation shall provide at least sixty percent windows or transparency at the pedestrian level. Facades on corner lots shall provide at least sixty percent windows or transparency on all corner-side facades. All other side elevations shall provide at least thirty percent transparency. The transparency is measured in lineal fashion. For example, a one hundred-foot long building elevation shall have at least sixty feet (sixty percent of one hundred feet) of transparency in length. 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 proposal would increase the transparency on the east façade (adjacent to Linn Avenue) from 33% ($20/60=0.33$) to 60% ($36/60=0.6$) and increase the transparency on the south façade (adjacent to Warner Parrott) from 15% ($18/118=0.15$) to 37% ($37/118=0.31$), which is in greater conformance with the code. No changes to the transparency of the north or west façade are proposed.

2. Side or rear 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: Complies as Proposed. The walls that face walkways include actual windows and doors. No false doors or windows are proposed.

J. Roof Treatments.

1. All facades shall have a recognizable "top" consisting of, but not limited to:

- a. Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials; or*
- b. Sloping roof with overhangs and brackets; or*
- c. Stepped parapets;*
- d. Special architectural features, such as bay windows, decorative roofs and entry features may project up to three feet into street rights-of-way, provided that they are not less than nine feet above the sidewalk.*

Finding: Complies as Proposed. The roof has a 2/12 pitch with 4-foot overhangs.

2. Mixed use buildings: For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall). The maximum length of any

Finding: Not Applicable. This standard is not applicable. This is not a mixed-use structure.

3. Other roof forms consistent with the design standards herein may satisfy this standard if the individual segments of the roof with no change in slope or discontinuity are less than forty feet in width (measured horizontally).

Finding: Complies as Proposed. The roof eave line will be broken at the entry to enhance it. The roof is 33'-9" horizontally from the center ridgeline to the edge of the overhang. The roof is 24'-7" horizontally from the center ridgeline to the change in slope that occurs due to the new entry canopy. The overall dimensions of the roof are 120' by 67'-8".

K. 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. This standard is not applicable. No drive-through is proposed.

17.62.056 - Additional standards for large retail establishments.

Finding: Not Applicable. These standards are not applicable. The proposal is not for a retail establishment.

17.62.057 - Multi-family standards.

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

Finding: Not Applicable. This standard is not applicable. The proposal is not for a multi-family building.

17.62.059 - Cottage housing.

A. Applicability.

These guidelines apply to all cottage developments in any applicable zone within the city. Cottages are considered multi-family development and are subject to all the applicable sections of OCMC 17.62 Site Plan and Design Review and OCMC 17.52 Off Street Parking and Loading. However, this section replaces OCMC 17.62.057—Multifamily. The proposed development shall be processed under the Type II Land Use process and shall remain one lot. Where there is a

conflict between these standards and the standards in other chapters, the Cottage Housing standards shall apply.

Finding: Not Applicable. This standard is not applicable. The proposal is not for cottage housing.

17.62.065 - Outdoor lighting.

B. Applicability.

1. General.

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

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

Finding: Applicable. The proposal is for an institutional development and will comply with this section.

2. Lighting Plan Requirement.

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

Finding: Complies as Proposed. Exterior lighting is identified on the site plan. New lighting is proposed under the entrance canopy of the southern entryway and an up-light at the base of a new flagpole.

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. This standard is not applicable. No lighting identified as excepted is proposed.

C. General Review Standard. If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. For purposes of this section, properties that comply with the design standards of

subsection D. below shall be deemed to not adversely affect adjacent properties or the community.

D. Design and Illumination Standards.

General Outdoor Lighting Standard and Glare Prohibition.

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

Finding: Complies with Condition. The only new lighting proposed is located under the entrance canopy of the southern entryway. These are down lights only, with shielding to control the spread. No landscape lighting, building lighting that is casting upwards, or lighting along the sidewalk or property line, is proposed. Existing street lights affixed to utility poles provide safety lighting in the parking lots. Glare on adjacent properties will not exceed 0.5 footcandles. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as Proposed. No light source or lamp that emits more than 900 lumens is proposed. This standard is not applicable.

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

Finding: Not Applicable. This standard is not applicable. The proposal is not for a multi-family use.

4. Lighting levels:

Table 1-17.62.065. Foot-candle Levels

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

Abutting property	N/A	.5	
-------------------	-----	----	--

Finding: Complies with Condition. The only proposed exterior lighting is at the southern entrance to the Annex. The lights are down lights with shielding to control the spread of light. The lights will meet the minimum requirement for building entrances and bicycle parking areas of 3 foot-candles. The proposed bicycle parking is located adjacent to the southern entrance. Prior to issuance of a permit associated with the proposed development, the applicant shall submit documentation from a lighting specialist demonstrating that the proposed pedestrian accessways, bicycle parking and entryway lighting comply with this standard. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as Proposed. The site is currently lit by street lights on utility poles. No changes are proposed to the parking lot lighting.

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

Finding: Complies with Condition. Prior to issuance of a permit associated with the proposed development, the applicant shall submit documentation from a lighting specialist demonstrating that the proposed pedestrian accessways comply with the lighting requirements in this section. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as Proposed. This standard is not applicable. No off-site pedestrian accessways are proposed pursuant to OCMC 12.28.

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

Finding: Not Applicable. No floodlights are proposed.

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

Finding: Complies as Proposed. The proposed lighting in the canopies at the building entrances are fully recessed into the canopy.

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

Finding: Complies as Proposed. The proposed entry-way lighting (shielded down lighting) is incorporated into the canopy of the southern entrance and is consistent with a commercial architectural style and character.

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

Finding: Complies with Condition. Prior to issuance of a permit associated with the proposed development, the applicant shall submit documentation from a lighting specialist demonstrating that the proposed pedestrian accessways, bicycle parking and entryway lighting comply with this standard. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as Proposed. All outdoor lighting proposed is for security purposes.

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

Finding: Complies as Proposed. Lighting is proposed to illuminate a flag and will use a narrow cone and not extend beyond the flag.

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

Finding: Complies as Proposed. Upward directional lighting is proposed on a flagpole which will not be visible from beyond the roofline.

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

Finding: Complies as Proposed. No flickering or flashing lights are proposed.

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

Finding: Not Applicable. This standard is not applicable. This is not a wireless site.

17. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:

i. Maximum permitted light post height: eighty feet.

ii. Maximum permitted illumination at the property line: 0.5 foot-candles.

Finding: Not Applicable. No lighting is proposed for the existing play fields.

17.62.080 - Special development standards along transit streets.

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

C. Development Standards.

1. 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.

a. 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.

b. 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.

2. Main building entrances shall be well lighted and visible from the transit street. The minimum lighting level for building entries shall be three foot-candles. Lighting shall be a pedestrian scale with the source light shielded to reduce glare.

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

D. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection C. of this section:

1. Heavy equipment sales;

2. Motor vehicle service stations, including convenience stores associated therewith;

3. Solid waste transfer stations; and

4. Truck stops, including convenience stores, eating or drinking establishments, overnight accommodations or other similar services associated therewith. A use found by the community development director to be similar to the exempt uses above.

Finding: Complies as Proposed. The subject site is located along Linn Avenue which is a transit street, though a new building or addition to an existing building has not been proposed. The main entrances to the building are proposed to be well-lit and visible from the streets.

17.62.085 - Refuse and recycling standards for commercial, industrial, and multi-family developments.

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

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

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

C. Fully enclosed and visually screened;

- D. Located in a manner easily and safely accessible by collection vehicles;*
- E. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;*
- F. On a level, hard surface designed to discharge surface water runoff and avoid ponding;*
- G. Maintained by the property owner;*
- H. Used only for purposes of storing solid waste and recyclable materials;*
- I. Designed in accordance with applicable sections of the Oregon City Municipal Code (including Chapter 8.20—Solid Waste Collection and Disposal) and city adopted policies.*

Finding: Not Applicable. There is currently a refuse area on the northern portion of the site. No new refuse area is proposed.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

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

Finding: Complies as Proposed. The applicant is aware of the city's decision making process.

17.50.050 Preapplication Conference

Finding: Complies as Proposed. A pre-application conference was held on Friday, July 7, 2017.

17.50.055 Neighborhood Association Meeting

Finding: Complies as Proposed. A meeting was held with the Rivercrest Neighborhood Association and all necessary documentation was submitted with the development application.

17.50.060 Application Requirements.

Finding: Complies as Proposed. All application materials required are submitted with this narrative.

CHAPTER 17.39 - INSTITUTIONAL DISTRICT

17.39.20 Permitted Uses.

Permitted Uses in the Institutional district are:

- A. Private and/or public educational or training facilities;*
- B. Parks, playgrounds, playfields and community or neighborhood community centers;*
- C. Public facilities and services including courts, libraries and general government offices and maintenance facilities.*
- D. Stadiums and arenas*
- E. Banquet, conference facilities and meeting rooms;*
- F. Government offices*
- G. Transportation facilities*

Finding: Complies as Proposed. The proposal entails the relocation of the City's Community Development Department into the 6,850 square foot building on the south-east corner of the property. The proposed development will not limit the ability of the legally nonconforming elementary school to continue onsite, nor does the proposal grant permission for additional development onsite.

17.39.30 Accessory Uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

- A. Offices*
- B. Retail (not to exceed 20% of total gross floor area of all building)*
- C. Child care centers or nursery schools*
- D. Scientific, educational, or medical research facilities and laboratories.*
- E. Religious Institutions*

Finding: Not Applicable. No accessory uses are proposed with this application.

17.39.40 Conditional Uses.

Uses requiring conditional use permit are:

- A. Any uses listed under 17.39.030 that are not accessory to the primary institutional use.*
- B. Boarding and lodging houses, bed and breakfast inns.*
- C. Cemeteries, crematories, mausoleums, and columbariums;*
- D. Correctional facilities;*
- E. Helipad in conjunction with a permitted use,*
- F. Parking lots not in conjunction with a primary use;*
- G. Public utilities, including sub-stations (such as buildings, plants and other structures);*
- H. Fire Stations*

Finding: Not Applicable. No conditional uses are proposed at this time. The proposed development will not limit the ability of the legally nonconforming elementary school to continue onsite.

17.39.50 Dimensional Standards.

Dimensional standards in the I district are:

- A. Maximum building height: within 100 feet of any district boundary, not to exceed 35 feet; elsewhere, not to exceed 70 feet.*
- B. Minimum required setbacks: 25 feet from property line except when the development is adjacent to a public-right-of-way. When adjacent to a public right-of-way, the minimum setback is 0 feet and the maximum setback is 5 feet.*

Finding: Complies as Proposed. No new structures are proposed at this time for the site. Any new mechanical units installed on the roof will still result in a height well below the zoning height limit. The proposed flag pole will be less than 100 feet in height.

CHAPTER 17.16 R-3.5 DWELLING DISTRICT

Finding: Complies as Proposed. A portion of the site is within the R-3.5 Dwelling District but is not utilized as a residential use. The proposal would change the zoning designation to "I" Institutional.

CHAPTER 17.08 SINGLE-FAMILY DWELLING DISTRICT

Finding: Complies as Proposed. A portion of the site is within the R-10 Single-Family Dwelling District but is not utilized as a residential use. The proposal would change the zoning designation to “I” Institutional.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.010 - Applicability.

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

Finding: Complies as Proposed. This standard is not applicable. No alterations or new parking lots/structures are proposed.

17.52.015 - Planning commission adjustment of parking standards.

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

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

C. Approval criteria for the adjustment are as follows:

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

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

a. For the purposes of demonstrating the availability of on street parking as defined in [Section] 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the community development director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the community development director.

- b. The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:*
- i. Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and*
 - ii. Vacant on-street parking spaces between three hundred and six hundred feet of the [site] will reduce onsite parking requirements by 0.2 parking spaces.*
- 3. Function and Use of Site: The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.*
- 4. Compatibility: The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.*
- 5. Safety: The proposal does not significantly impact the safety of adjacent properties and rights-of-way.*
- 6. Services: The proposal will not create a significant impact to public services, including fire and emergency services.*

Finding: Not Applicable. No alterations to the parking requirements are requested.

17.52.020 - Number of automobile spaces required.

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

Table 17.52.020		
LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Elementary/Middle School	1 per classroom (17 Min)	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium (17+3+50=70 Max)
Office	2.70 (18 Min)	3.33 (23 Max)
Total	35	93

Finding: Complies as Proposed. The subject site currently contains an elementary school with 17 classrooms and 3 administrative staff and a gym which can accommodate 200 folding chairs. In addition, the annex structure is approximately 6,850 square feet and for the purposes of parking is being calculated for future office use. The subject site is currently constructed with 40 parking stalls, an additional 13 stalls fenced behind the northern portion of the building which are currently fenced, and 22 parallel on-street stalls which are also considered toward the minimum number of off-street parking stalls. The proposal includes the removal of 2, two zero degree parking stalls and the installation of 2 sixty degree stalls as well as the installation of 2 zero degree stalls along the drive aisle adjacent to the west side of the Annex. The proposal results in a 42 stalls available onsite, 13 stalls unavailable (within a fenced location). The parking exceeds the 35 stall minimum without exceeding the maximum of 93 parking stalls. Future changes to the site will require alterations to the parking calculation.



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

Finding: Complies as Proposed. The parking calculations include the sum of all uses onsite.

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

Finding: Complies as Proposed. The uses proposed are specifically 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.

Finding: Complies as Proposed. The calculations above were created utilizing the rounding identified in this section.

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

Finding: Complies as Proposed. The City has 5 vehicles which will be stored onsite overnight. The minimum parking requirements are met despite the use of the 5 parking stalls.

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

Finding: Not Applicable. This standard is not applicable. The property in question is not located in the MUD Design District or the Willamette Falls Downtown District or include an addition.

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

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

Finding: Not Applicable. The applicant did not utilize a parking reduction for mixed-use.

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

Finding: Not Applicable. The applicant did not utilize shared parking.

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

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

1. Parallel parking, each [twenty-two] feet of uninterrupted and available curb;

2. [Forty-five/sixty] degree diagonal, each with [fifteen] feet of curb;

3. Ninety degree (perpendicular) parking, each with [twelve] feet of curb.

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

Finding: Not Applicable. The required minimum parking can be accommodated on-site.

However, there are approximately 22 spaces available on-street.

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

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

2. Reduction in Parking for Tree Preservation. The community development director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a regulated tree or grove so that the reduction in the amount of required pavement can help

preserve existing healthy trees in an undisturbed, natural condition. The amount of reduction must take into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be approved by the community development director. This reduction is discretionary.

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

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

b. Transportation demand management (TDM) program has been developed for approval by, and is approved by the city engineer. The plan will contain strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the city determines the plan is not successful, the plan may be revised. If the city determines that no good-faith effort has been made to implement the plan, the city may take enforcement actions.

Finding: Not Applicable. This standard is not applicable. No reduction of parking is requested.

17.52.030 - Standards for automobile parking.

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

Finding: Complies as Proposed. The existing entrance driveway and an exit only driveway are located off of Warner Parrott Road an additional exit-only driveway is located off of Linn Avenue. The parking lots are located off of interior drive aisles so backing movements are solely contained on-site. The existing driveway slopes are less than fifteen percent.

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

Finding: Complies as Proposed. The existing parking lots and access aisles are paved with asphaltic concrete. Proposed site improvements do not trigger stormwater management requirements.

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

Finding: Complies as Proposed. Drainage of the parking lots and drive aisles is accommodated by an existing storm drain. Proposed site improvements do not trigger stormwater management requirements.

D. Dimensional Standards.

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

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

PARKING STANDARD

PARKING ANGLE SPACE DIMENSIONS

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

All dimensions are to the nearest tenth of a foot.

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

Finding: Complies as Proposed. The proposed development entails restriping the existing parking stalls near the Annex building with minor amendments. Within the existing parking lot between the Annex and the intersection of Warner Parrott, minor changes to the parking lot striping are proposed within the existing pavement. Two new zero degree parking stalls are proposed along the drive aisle adjacent to the west side of the Annex and two existing zero degree parking stalls in front of the entryway is proposed to be reconfigured to match the adjacent 60 degree stalls.

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

Finding: Complies as Proposed. This standard is not applicable. This is not a new development, nor are there more than 75 parking spaces.

17.52.040 - Bicycle parking standards.

A. Purpose-Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than single-family dwellings or duplexes.

Finding: Applies. The proposal calls for the installation of two uncovered, ground-affixed, bicycle parking racks, one on each side of the structure adjacent to the entryways.

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

TABLE A Required Bicycle Parking Spaces*

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

<i>USE</i>	<i>MINIMUM BICYCLE PARKING</i>	<i>MINIMUM BICYCLE PARKING - COVERED - The following percentage of bicycle parking is required to be covered</i>
<i>Elementary</i>	<i>4 per classroom (minimum of 2) 17 classrooms</i>	<i>50% (minimum of 1)</i>
<i>Bank, office</i>	<i>1 per 20 auto spaces (minimum of 2) 18 auto spaces</i>	<i>50% (minimum of 1)</i>

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

Finding: Complies as Proposed. The calculation for the elementary school is 68 bicycle spaces (17 classrooms) and the calculation for the proposed office is one (18 required auto spaces). The elementary school site is under a separate lease and the installation of additional bicycle parking in this lease area is limited. The conversion of the classrooms to office use in the annex should reduce the number of bicycle parking stalls required for the site and no changes to the

bicycle parking are proposed for the elementary school. The proposal entails installation of 4 bicycle parking stalls near the Annex building consisting of two bike racks, each holding two bikes. One of the bicycle racks is proposed under the shelter of the building eave.

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

Finding: Complies as Proposed. The proposed bicycle parking is in the form of ground-mounted, racks on site.

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

Location of Bicycle Parking:

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

Finding: Complies as Proposed. The proposed bicycle parking is to be located on-site as stationary racks, secured to the ground, adjacent to the entryways on the north and south side of the Annex.

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

Finding: Complies as Proposed. The proposed bicycle parking areas are plainly visible from the main building entrances; they are located adjacent to the north and south entrances to the structure.

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

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

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

Finding: Complies as Proposed. No pedestrian or vehicle conflicts are anticipated with the location of the proposed bicycle parking areas at the north and south entrances of the structure. The locations shall be raised from the parking lot and placed to allow 5 feet for pedestrian access adjacent to the bicycle parking.

4. Accessibility.

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

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

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

Finding: Complies as Proposed. The bicycle parking is proposed to be installed near a pedestrian accessway which connects to the entrances of the site with direct access to the Linn Avenue right-of-way. With the installation of the proposed pedestrian walkways from Linn Avenue and the existing pedestrian walkways on site, the proposed bike parking areas meet these criteria.

17.52.060 - Parking lot landscaping.

A. Development Standards.

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

Finding: Complies as Proposed. The existing landscaping is located in defined landscaped areas. Additional landscaping is proposed east of the 6,850 square foot Annex along Linn Avenue and along the southeastern edge of the southern most parking lot.

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

Finding: Complies as Proposed. All areas in the parking lots available for landscaping contain landscaping or are proposed to 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 to provide shade.

Finding: Complies as Proposed. The existing trees on site are both deciduous and coniferous and distributed throughout the parking lots. The proposed perimeter landscaping also contains both deciduous shade trees and coniferous trees.

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

Finding: Complies as Proposed. All proposed trees are specified as 2" caliper, will be planted according to American Nurseryman Standards, and none of the plants listed on the landscaping plan are identified on the Oregon City Nuisance Plant List.

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

Finding: Complies as Proposed. The proposed landscaping will include installation of an irrigation system for the proposed planting areas. The design of the irrigation plan will be submitted once the landscape plan is approved.

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

Finding: Complies as Proposed. A landscaping plan was submitted which was prepared by Gregory T. Covey, registered landscape architect. The proposed landscape plan calls for plants which are low maintenance, drought tolerant, and provide year-round visual interest. None of the plants listed on the landscaping plan are identified on the Oregon City Nuisance Plant List.

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

Finding: Complies as Proposed. The existing landscaping does not interfere with lines of sight. The proposed landscaping is located on the perimeter of the parking area and between the building and right-of-way. Lines of sight will not be obstructed by the proposed landscaping.

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

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

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

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

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

Finding: Complies as Proposed. The subject site was constructed prior to this standard being in place and does not comply with the landscaping requirement. In order to mitigate the proposed Minor Site Plan and Design Review, the proposal entails upgrading portions of the parking lot to be in greater conformance with this standard. Though the upgrade far exceeds the minimum amount of plantings required per OCMC Chapter 17.58 Lawful Nonconforming

Uses, Structures and Lots, the proposal would not result in a parking lot which fully complies with this standard. However, the incremental improvements within this landscaping area do comply.

The nonconforming upgrades focus on the southernmost parking lot between the front of the Annex and the street. The landscaping plan includes shrubs (placed every 4 feet) and groundcover along the eastern side of the southernmost parking lot, in compliance with this standard. In the locations where landscaping is proposed, the groundcover will cover one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.

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

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

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

b. Ground cover such as wild flowers, spaced a maximum of sixteen-inches on center covering one hundred percent

of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and

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

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

Finding: Complies as Proposed. The subject site was constructed prior to this standard being in place and does not comply with the landscaping requirement. In order to mitigate the proposed Minor Site Plan and Design Review, the proposal entails upgrading portions of the parking lot to be in greater conformance with this standard. Though the upgrade far exceeds the minimum amount of plantings required per OCMC Chapter 17.58 Lawful Nonconforming Uses, Structures and Lots, the proposal would not result in a parking lot which fully complies with this standard. However, the incremental improvements within this landscaping area do comply.

The nonconforming upgrades focus on the southernmost parking lot between the front of the Annex and the street. The site is constrained by the cost of the nonconforming upgrade as well as a limited physical space for the parking area/building buffer. The southernmost existing parking lot is separated from the base of the building by a landscaping area less than 4 feet in width. The proposal includes installation of groundcover and ornamental grasses in this narrow location. In the locations where landscaping is proposed, the groundcover will cover one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.

D. Interior Parking Lot Landscaping. Surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site landscaping

required by Section 17.62.050(1) unless otherwise permitted by the dimensional standards of the underlying zone district. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Interior parking lot landscaping shall include:

- a. A minimum of one tree per six parking spaces.
- b. Ground cover, such as wild flowers, spaced a maximum of sixteen-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.
- c. Shrubs spaced no more than four feet apart on average.
- d. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.
- e. Pedestrian walkways shall have shade trees spaced a maximum of every thirty-five feet in a minimum three-foot by five-foot tree wells; or Trees spaced every thirty-five feet, shrubs spaced no more than four feet apart on average, and ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.

Finding: Complies as Proposed. The subject site was constructed prior to this standard being in place and does not comply with the landscaping requirement. In order to mitigate the proposed Minor Site Plan and Design Review, the proposal entails upgrading portions of the parking lot to be in greater conformance with this standard. Though the upgrade far exceeds the minimum amount of plantings required per OCMC Chapter 17.58 Lawful Nonconforming Uses, Structures and Lots, the proposal would not result in a parking lot which fully complies with this standard. However, the incremental improvements within this landscaping area do comply.

The nonconforming upgrades focus on the southernmost parking lot between the front of the Annex and the street. The proposal includes installation of a tree within the interior parking lot landscaping as well as shrubs spaced no more than 4 feet apart. There are no spans of parking stalls greater than 8 spaces. In the locations where landscaping is proposed, the groundcover will cover one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them and a tree is proposed within the interior of the parking lot.

E. Installation.

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

Finding: Complies as Proposed. The landscaping shall be installed per American Nurseryman Standards and protected with the installation of an irrigation system. The species were chosen by a landscape architect to ensure the proper species and long-term viability of the

landscaping. A landscaping plan was submitted which was prepared by Gregory T. Covey, registered landscape architect.

17.52.070 - Alternative landscaping plan.

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

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

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

Finding: Complies as Proposed. An alternative landscaping plan has not been proposed.

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 City of Oregon City has the resources to and will maintain the site amenities in good condition. The City shall be 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.

17.52.090 - Loading areas.

B. Applicability.

- 1. Section 17.52.090 applies to uses that are expected to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week. The*

city engineer and decision maker shall determine through site plan and design review the number, size, and location of required loading areas, if any.

C. Standards.

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

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

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

a. Short in duration (i.e., less than one hour);

b. Infrequent (less than three operations daily between 5:00 a.m. and 12:00 a.m. or all operations between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);

c. Does not obstruct traffic during peak traffic hours;

d. Does not interfere with emergency response services; and

e. Is acceptable to the applicable roadway authority.

Finding: Complies as Proposed. No service or delivery trucks with a forty-foot or longer wheelbase are expected to be associated with the Annex. A new or amendments to any existing loading areas are not proposed.

CHAPTER 17.56 CONDITIONAL USES

Finding: Complies as Proposed. An elementary school is identified as a conditional use in the existing zoning designations, though no conditional use has been identified associated with the subject site. The elementary school use was established prior to the requirement to obtain a conditional use onsite. No alterations to the conditional use are proposed with this development and the elementary school use may continue as a nonconforming use until removed.

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

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

1. Grading activities in excess of ten cubic yards of earth;

2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;

3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;

4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or

5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.

Finding: Not Applicable. This standard is not applicable. The soil will be disturbed for landscape planting and sidewalk installation only, and will not trigger requirements of 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: Not Applicable. This standard is not applicable. A city grading permit is not required for the proposed exterior building modifications and site improvements.

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

17.47.070 Erosion and sediment control plans.

A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are

incorporated herein and made a part of this title and are on file in the office of the city recorder.

Finding: Complies as Proposed. This standard is not applicable. Only minor digging is required for installation of landscaping and sidewalk installation and does not exceed the threshold for the requirement of an erosion control permit.

CHAPTER 17.41 - TREE PROTECTION STANDARDS

17.41.020 - Tree protection—Applicability.

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

Finding: Applicable. The proposal includes compliance with Chapter 17.62, compliance with this section is applicable.

17.41.030 - Tree protection—Conflicting code provisions.

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

Finding: Not Applicable. No conflicting provisions have been identified.

17.41.040 - Same—Exemptions.

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

Finding: Not Applicable. The proposed development is not exempt.

17.41.050 - Same—Compliance options.

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

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

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

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

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

Finding: Not Applicable. This standard is not applicable. No trees are proposed for removal.

17.41.060 - Tree removal and replanting—Mitigation (Option 1).

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

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

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

Table 17.41.060-1

Tree Replacement Requirements

All replacement trees shall be either:

Two-inch caliper deciduous, or
Six-foot high conifer

<i>Size of tree removed (DBH)</i>	<i>Column 1 Number of trees to be planted. (If removed Outside of construction area)</i>	<i>Column 2 Number of trees to be planted. (If removed Within the construction area)</i>
<i>6 to 12"</i>	<i>3</i>	<i>1</i>
<i>13 to 18"</i>	<i>6</i>	<i>2</i>
<i>19 to 24"</i>	<i>9</i>	<i>3</i>
<i>25 to 30"</i>	<i>12</i>	<i>4</i>
<i>31 and over"</i>	<i>15</i>	<i>5</i>

Steps for calculating the number of replacement trees:

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

Finding: Not Applicable. This standard is not applicable. No trees are proposed for removal.

17.41.070 - Planting area priority for mitigation (Option 1).

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

A. First Priority. Replanting on the development site.

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

Finding: Not Applicable. This standard is not applicable. No trees are proposed for removal.

17.41.075 - Alternative mitigation plan.

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

Finding: Not Applicable. This standard is not applicable. No habitat is proposed for destruction.

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).

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

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

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

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

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

Finding: Not Applicable. This standard is not applicable. No trees are proposed for removal.

17.41.090 - Density transfers incentive for tree protection tracts (Option 2).

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

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

- 1. Provide a map showing the net buildable area of the tree protection tract;*
- 2. Provide calculations justifying the requested dimensional adjustments;*
- 3. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the tree protection tract created pursuant to Section 17.41.080;*

4. Demonstrate that, with the exception of the tree protection tract created pursuant to Section 17.41.080, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;

5. Meet all other standards of the base zone except as modified in section 17.41.100.

C. The area of land contained in a tree protection tract may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.

Finding: Not Applicable. This standard is not applicable. No trees are proposed for removal.

17.41.100 - Permitted modifications to dimensional standards (Option 2 only).

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

Table 17.41.100 A

Lot Size Reduction

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

Table 17.41.100 B

Reduced Dimensional Standards for Detached Single-Family Residential Units

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

Table 17.41.100 C

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

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

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

Finding: Not Applicable. This standard is not applicable. No modifications are requested and this is not a residential project.

17.41.110 - Tree protection by restrictive covenant (Option 3).

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

Finding: Not Applicable. This standard is not applicable. No Trees are proposed for removal.

17.41.120 - Permitted adjustments (Option 3 Only).

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

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

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

Finding: Not Applicable. This standard is not applicable. No adjustments are requested.

17.41.1[25] - Cash-in-lieu of planting (tree bank/fund) (Option 4).

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the community development director may approve the payment of cash-in-lieu

into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.

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

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

Finding: Not Applicable. This standard is not applicable, no mitigation is required.

17.41.130 - Regulated tree protection procedures during construction.

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

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

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

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

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

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

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

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

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

8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and

pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.

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

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

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

Finding: Complies as Proposed. The proposed development will adequately protect existing trees onsite as identified in this section with temporary fencing, etc. No ground disturbance within the protection area is anticipated. Arborists will be consulted as needed.

CHAPTER 17.54.100 – FENCES, HEDGES AND WALLS

Finding: Not Applicable. No new fences or walls are proposed.

CHAPTER 17.58 LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS

17.58.015 Applicability.

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

Finding: Complies as Proposed. The subject site is nonconforming for a variety of reasons including the setback from the property lines, the location of a parking lot in front of a structure, minimum transparency requirements, etc. This chapter is applicable.

17.58.040 Lawful nonconforming structure

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

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

Finding: Complies as Proposed. This standard is not applicable. The structure was not damaged or destroyed.

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

Finding: Not Applicable. This standard is not applicable. The structure was not removed or intentionally damaged.

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

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

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

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

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

Finding: Complies as Proposed. The application entails exterior alterations to a lawfully nonconforming structure. Including a new roof and exterior building materials, minor changes to the parking lot striping, and lighting. The cost of the proposed exterior alterations is anticipated to be approximately \$135,649, requiring nonconforming improvements. The total cost for the exterior alterations are provided below:

- Roof and exterior mechanical screen: \$ 61,271
- Siding: \$ 71,878
- Lighting: \$ 1,000
- Repainting the parking lot: \$ 1,500

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

- 1. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;*
- 2. Minimum perimeter parking lot landscaping;*
- 3. Minimum interior parking lot landscaping;*
- 4. Minimum site landscaping requirements;*

5. Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with Chapter 17.52—Off-Street Parking and Loading;

6. Screening; and

7. Paving of surface parking and exterior storage and display areas.

Finding: Complies as Proposed. The site currently does not comply with the pedestrian circulation, minimum perimeter parking lot landscaping, and bicycle parking standards. The proposal includes nonconforming upgrades to the following

- Pedestrian circulation -
 - New pedestrian accessway from the front of the annex to Linn Avenue
 - Removing the fencing to allow the pedestrian accessway to extend from the rear of the building to Linn Avenue.
- Minimum perimeter parking lot landscaping
 - Installation of bushes, trees, shrubs, groundcover and irrigation
- Bicycle parking standards
 - Installation of two bicycle parking facilities which each hold 2 bikes, for a total of 4 bicycle parking stalls.

c. Area of required improvements.

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

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

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

•The term of the lease. In all cases, there must be at least one year remaining on the ground lease; and

•A legal description of the boundaries of the lease.

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

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

Finding: Complies as Proposed. A majority of the subject site is leased by Marylhurst School. The proposed improvements are limited to the portion of the site associated with the proposed development, which is not within a lease agreement.

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

1. *Option 1. Required improvements may be made as part of the alteration that triggers the required improvements. The cost of the standards that shall be met, identified in subparagraph C.2.b. above, is limited to ten percent of the value of the proposed alterations. It is the responsibility of the applicant to document to the community development director the value of the required improvements. Additional costs may be required to comply with other applicable*

requirements associated with the proposal. When all required improvements are not being made, the priority for the improvements shall be as listed in subparagraph C.2.b. above.

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

Where this option is chosen, the following must be met:

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

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

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

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

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

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

Table 17.58—1

Compliance Periods for Option 2

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

Finding: Complies as Proposed. The applicant proposes to abide by Option 1. The required improvements will be made as part of the exterior remodel of the structure. The cost of the exterior alterations is \$135,649 which requires up to \$13,564.90 on nonconforming upgrades. The cost of the proposed upgrades is \$59,949, far exceeding the minimum requirement.

- o Landscaping: \$ 58,239 (Though a portion is not dedicated to nonconforming upgrades)
- o Changes to the pedestrian accessway: \$ 1,060
- o Installation of the bike parking stalls: \$500
- o Removal of the fence panel adjacent to the rear of the building: \$ 150

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

Finding: Complies as Proposed. The application includes a proposed amendment to the Comprehensive Plan and Zone Change which are not considered development and do not require street improvements. However, the application includes a Minor Site Plan and Design Review application to accommodate minor exterior alterations to the exiting Annex (such as a new roof, mechanical units, new exterior siding, windows, restriping the parking lot, and nonconforming upgrades to the site for pedestrian accessways, landscaping, and bicycle parking). Due to the small scale of Minor Site Plan and Design Review applications and thus the minor impact on the City's infrastructure, as well as a concern for requiring unproportional improvements, the City does not require street improvements with Minor Site Plan and Design Review applications.

Chapter 12.08 - PUBLIC AND STREET TREES

Finding: Complies as Proposed. The proposed amendment to the Comprehensive Plan and Zone Change which are not considered development and do not require street improvements. However, the application includes a Minor Site Plan and Design Review application to accommodate minor exterior alterations to the exiting Annex (such as a new roof, mechanical units, new exterior siding, windows, re-striping the parking lot, and nonconforming upgrades to the site for pedestrian accessways, landscaping, and bicycle parking). Due to the small scale of Minor Site Plan and Design Review applications and the minor impact on the City's infrastructure the City does not require street improvements with Minor Site Plan and Design Review applications.

CONCLUSION AND RECOMMENDATION:

No conclusion and recommendation from staff is provided.

EXHIBITS:

1. Vicinity Map
2. Applicant's Narrative and Plans
3. Additional Information from the Applicant- 9.11.18 Letter from Laura Terway
4. Transportation Letter from John Replinger