

PLANNING COMMISSION AGENDA
City Commission Chambers - City Hall
625 Center Street, Oregon City, Oregon 97045
May 23, 2011 at 7:00 p.m.

The Planning Commission agendas, including staff reports, memorandums, and minutes are available from the Oregon City Web site home page under meetings. (www.orcity.org)

1. CALL TO ORDER
2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA
3. PLANNING COMMISSION HEARING
 - a. LE 10-02 (Legislative): Request for continuance for the Oregon City Water Master Plan, an Ancillary Plan to the Oregon City Comprehensive Plan.
 - b. CU 07-04 (Conditional Use): Review of CU 07-04 by the Planning Commission to determine continued compliance with the 2007 Conditional Use approval under OCMC 17.56.
 - c. CU 11-01 (Conditional Use) and SP 11-03 (Minor Site Plan and Design Review): The applicant requested to utilize the sites located at 908 Jackson Street and 903 Van Buren as educational facilities.
4. WORK SESSION
 - a. 2011 Goals
5. ADJOURN

Video Streaming & Broadcasts: The meeting is streamed live on Internet on the Oregon City's Web site at www.orcity.org and available on demand following the meeting. The meeting can be viewed live on Willamette Falls Television on Channels 23 and 28 for Oregon City and Gladstone residents; Channel 18 for Redland residents; and Channel 30 for West Linn residents. The meetings are also rebroadcast on WFTV. Please contact WFTV at 503-650-0275 for a programming schedule.

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Agenda Item No. 3a
Meeting Date: 23 May 2011

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Planning Commission
FROM:	Pete Walter, Planner
PRESENTER:	Tony Konkol, Community Development Director
SUBJECT:	LE 10-02 (Request for Continuance): Update of the Oregon City Water Master Plan, an Ancillary Plan to the Oregon City Comprehensive Plan.
Agenda Heading: Public Hearing	
Approved by: Tony Konkol, Community Development Director	

RECOMMENDED ACTION (Motion):

Staff recommends that the Planning Commission take testimony from any member of the public who wishes to speak on this item, and continue the public hearing for file LE-10-02 to the date certain of August 22, 2011.

BACKGROUND:

The Planning Commission opened the public hearing for review of this application on March 14, 2011 and continued the item to today's date.

The applicant, Oregon City Public Works Department, requests that the hearing for this item again be continued to August 22, 2011.

BUDGET IMPACT:

FY(s):
Funding Source:

ATTACHMENTS:

1. Request for Continuance

Pete Walter

From: Nancy Kraushaar
Sent: Monday, May 16, 2011 11:16 AM
To: Pete Walter
Cc: Tony Konkol; John Burrell; David Wimmer
Subject: Water Master Plan - Continuance

Hi, Pete:

We are requesting to continue the Planning Commission's consideration of the Water Master Plan because we have chosen to refine the financial analysis and review more than one funding scenario in consideration of the City Charter-mandated 2014 water rate rollback. I have copied Section 58 of the charter (below) that applies to water rates. Our current rates are higher than those in effect as of October 31, 1994 to cover bond payments that will be retired in 2014. We believe it is important to address this funding issue in more detail before we take the master plan to the Planning Commission or City Commission.

Section 58 - Water Rates.

Upon passage of this amendment to the City Charter city water rates shall be those in effect as of October 31, 1994. The commission may not increase water rates by more than 3 percent annually without a vote of the people. The commission may not declare any ordinance or resolution establishing water rates to be an emergency nor use any other means to prevent their referral to the voters.

Thank you. Please let me know if you have additional questions. –Nancy



Nancy J.T. Kraushaar, PE
City Engineer/Public Works Director
City of Oregon City
PO Box 3040
625 Center Street
Oregon City, Oregon 97045
503.496.1545 phone
503.657.7892 fax
nkraushaar@orc.org
www.orcity.org



Agenda Item No. 3b
Meeting Date: 23 May 2011

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Planning Commission
FROM:	Laura Terway, Planner
PRESENTER:	Laura Terway, Planner
SUBJECT:	CU 07-04 (Conditional Use): Review of CU 07-04 by the Planning Commission to determine continued compliance with the 2007 Conditional Use approval under OCMC 17.56.
Agenda Heading: Public Hearing	
Approved by: Tony Konkol, Community Development Director	

RECOMMENDED ACTION (Motion):

Staff recommends the Planning Commission hear testimony from the applicant and the public and decide if there is evidence to suggest that when, or if, a boarding school operates on the property in the future, it will comply with the conditional use criteria of OCMC 17.56. If the Planning Commission determines that a future boarding school would not comply with OCMC 17.56, the Planning Commission shall direct staff to process an additional type II or III review of the Conditional Use. If no additional review is required, the original decision will stand and yearly review of the Conditional Use will continue for two additional years. Staff recommends the Planning Commission not require additional review at this time. The review in a year will determine if the site has continually complied with OCMC 17.56. If the applicant decides to eliminate the educational component in favor of existing as a single family home, a Conditional Use is not required.

BACKGROUND:

On October 8, 2007, the Planning Commission approved CU 07-04 for a residential boarding school for 3 to 5 girls at 206 Holmes, Oregon City, Oregon 97045. The approval included annual review of the Conditional Use which has not occurred since the use began in 2008. This hearing is a continuation of the first Planning Commission review on May 9, 2011. An annual review will be required for two additional years if the school use continues.

BUDGET IMPACT:

FY(s): N/A
Funding Source: N/A

ATTACHMENTS:



G A R V E Y S C H U B E R T B A R E R

MEMORANDUM

TO: Oregon City Planning Commission
FROM: Carrie Richter
DATE: May 13, 2011
RE: House of Hope Annual Review CU 07-04

A number of issues were raised during the Planning Commission hearing on the House of Hope annual review of the conditional use approval. This case is a bit unique in that the OCMC does not contain any standards governing annual reviews of previously granted approvals and the City does not have a practice of imposing such conditions meaning that the Commission is charting a bit of a new course in this case. For this reason, staff thought it might be helpful to sum up the review criteria in the hope that it may help to frame the issues going forward.

Impacts from the Use

The condition triggering this annual review provides that its purpose is to: “determine compliance with the Conditional Use approval under OCMC 17.56.” This initial review is preliminary. If the Planning Commission finds evidence that “the conditional use review criteria are not satisfied, that additional conditions are necessary or that the permit should be revoked, a Type II or Type III proceeding must be conducted.” The applicable conditional use criteria include, in relevant part:

The planning commission may allow a conditional use, provided that the applicant provides evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

- 1. The use is listed as a conditional use in the underlying district;*
- 2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;*
- 3. The site and proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use;*
- 4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;*



G A R V E Y S C H U B E R T B A R E R

5. The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use. 17.56.010 (A).

The findings for the original conditional use approval explained that the home would serve as a boarding school for 3-5 at risk girls providing live-in, in house counseling and tutoring. Once a week, parents of the students would come to the house to visit. On-site there is a two-car attached and a three-car detached garage as well as space for parking up to 5 cars either in the front driveway or in the rear parking area behind the house. Staff previously found that there would generally be no more than four of five cars at the site at any time. This suggests that there is adequate parking on-site to accommodate typical school operation and the Planning Commission responded imposing a condition of approval which required that “all parking for House of Hope shall be located onsite.” In sum, the Planning Commission found that the impacts, in terms of traffic, noise, and parking, from such use would be no greater than the potential intensity likely to result from any single family residence.

The findings from the initial approval go on to suggest that notwithstanding the finding that the proposed boarding school use will have no greater impact on the neighborhood than a single family home, the annual review was required to address “safety concerns from not only the girls but friends associated with the students that may come to the area to visit.” If the purpose of the annual review was directed primarily at safety, the Planning Commission must decide to what extent this review should focus primarily on safety to a greater degree than any other negative impact that might be raised.

The evidence presented as part of this review is that the applicant “has not had any problems with the neighbors.” Nancy Busch, Code Enforcement Manager, confirmed that despite minor complaints, the approval use has not been a chronic nuisance. The applicant testified that although special event parking may overflow onto the public streets, it is occasional, sometimes associated with the applicant’s personal activities and sometimes with school.

The opponent has argued that the applicant regularly holds events to support the girls that result in a significant amount of parking on the street that blocks her driveway as well as the vehicle travel area on Homes Lane. The opponent states that these events create noise and disruption in terms of slamming doors, car radios, excited and yelling voices. The opponent has not raised any incidents where her safety or the safety of others were threatened.

The question before you is whether the impacts resulting from the activities described go beyond those that would be anticipated as activities also associated with single family residential living, whether the site is suitable for this use and whether those activities go so far as to alter the overall single family character of the neighborhood.

The Nature of the Use

A question was asked about special conditional use criteria that apply to schools. There is one criterion and it provides:



G A R V E Y S C H U B E R T B A R E R

Schools. The site must be located to best serve the intended area, must be in conformance with the city plan, must have adequate access, and must be in accordance with appropriate State standards. 17.56.040(D)

An opponent has argued that the use occurring on the property is no longer a boarding school and that it has morphed into a foster care home or a headquarters for a non-profit religious organization. The opponent argued that these headquarters / fundraising activities have not been reviewed, and could not be permitted, as a home occupation. The opponent has submitted documentation from the Department of Human Services (DHS) indicating that the building was licensed in October, 2007 as a residential care facility. No evidence has been submitted that the facility was ever licensed as a “private school” by DHS. State law prohibits operating a “private school or other organization offering residential programs for children” without a current, valid license from DHS and contains procedures for filing a complaint, an investigation and shutting down facilities that do not comply with DHS requirements. ORS 418.327.

In response, the applicant explained that the school ceased operating on the property in March of 2011 leaving only a single family residential use. Although the evidence presented is not entirely clear, it appears that the open houses and tea or rummage sale fund-raising events have similarly ceased and only a weekly bible study promulgated by the property resident remains. The applicant testified that the use of the property is currently in transition. By September, 2011, the applicant believes she will know whether the school will re-open or whether the home will remain in single family residential use.¹

The question the Planning Commission must answer is to what extent an applicant must have an existing state-issued license to operate a boarding school in order to comply with a standard requiring compliance with State standards taking into consideration that the school is not currently operating on the property but could potentially do so in the future. The Planning Commission might consider the requirement in the existing conditions for subsequent annual review and / or whether an additional condition of approval might be imposed to make the scope of this obligation more clear. The Commission might treat this proposal consistent with the City’s practice when reviewing new uses that may not yet have state licenses or other authorizations in place and the City believes that the applicant can and will obtain the necessary approvals or face enforcement action from the state.

¹ If the property is not used as a school, the resident has expressed an interest in housing a number of foster children going forward. OCMC 17.04.415 defines the term “family” as those authorized to reside in a single-family home to include “individual or two or more persons related by blood, legal adoption, guardianship, domestic partners, common-law habitation, or marriage, plus not more than five additional persons, including foster and shelter care persons, or up to five unrelated persons, all living together as a single housekeeping unit in a dwelling unit.” Should the occupant of this home so elect, the home would be subject to only those regulations governing single family residential uses.



Good Neighbor Agreement

Finally at the hearing there was additional discussion surrounding the failure of the parties to enter into a good neighbor agreement. Nothing in the condition of approval or the OCMC dictates what terms must be contained in such an agreement or whether it must necessarily be signed by all affected parties to be effective. Further, the condition provides that in the event that an agreement is not reached within 90 days of the final city decision, the condition need not be satisfied.

In the event that the Commission findings, that the impacts from the school use have exceeded the conditional use criteria thresholds to such a degree that they require revisiting the good neighbor agreement requirement, the decision will have to be scheduled for a Type II or Type III hearing to impose a new condition of approval imposing this obligation.

Conclusion

Ultimately, the question before the Planning Commission is whether there is evidence to suggest that when, or if, a boarding school operates on the property in the future, it will comply with the conditional use criteria of OCMC 17.56. If not, the Planning Commission should make a preliminary recommendation that additional formal review is necessary. Staff will then move forward with issuing a broader notice for this decision and the matter will be set for a new hearing.

PDX_DOCS:466172.1 [34758.00400]

Good Neighbor Agreement

House of Hope Portland strives to ensure it will be a valuable addition to the Rivercrest neighborhood. House of Hope holds its staff and clients to a high standard.

In the event that you ever have a concern regarding House of Hope please contact us in person during regular business hours (10 am - 4 pm, Monday - Friday) at the office located at 206 Holmes LN or by calling these numbers.

503-805-9212 Rita Cosenza, President / Founder
503-349-1933 Troy Wagner, Executive Director
503-235-3725 Main office phone number

It is our policy to respond to concerns within 24 hours.

Residents in the House of Hope program are not permitted to be unsupervised, nor are they allowed unauthorized visits.

Additionally the residents are not allowed to play loud music or engage in behavior that would offend or disturb our neighbors. These offenses are grounds for disciplinary action. It is our goal to provide a safe and secure environment for our clients, staff, and neighbors. If you have any questions regarding supervision of residents please contact us.

House of Hope intends to maintain the ground surrounding the home.

We have several volunteers who will remove trash, maintain the yard, and make general improvements to the property. We intend to make the property at 206 Holmes LN welcome sight to our community.

We would also like to extend an invitation to our neighbors to tour

the House of Hope. If you would like to visit, we simply ask that you schedule an appointment.

We try and limit the amount of activity at the property. We schedule parenting classes for one night each week. There will not be more than four or five families visiting the property at that time. All visitors are required to park on the property, and they will not stay later than 10 pm. Additional appointments may be scheduled on other week nights, but these are limited to one family at a time. We strive to make no greater impact in the community than a normal family would.

If you have any additional questions or concerns regarding our program, please contact us.

Thank You.

Rita Cosenza
President / Founder
10/05/2007

Troy Wagner
Executive Director
10/05/2007

President / Founder
Rita Cosenza

October 4, 2007

Roger Rada
Superintendent, Oregon City School District
1417 12th St.
Oregon City, Oregon 97045

*To turn the
hearts of the
fathers and
mothers to the
children and
the hearts of
the children to
the mothers
and fathers.*

Malachi 4:6

Mr. Rada;

I would like to inform you that House of Hope Portland is planning to open a Residential Program in Oregon City at 206 Holmes Lane. This residential program includes a home schooling component for the 3 - 5 residents who are in the program. House of Hope Portland is a affiliate of the National House of Hope with has a 22 year track record. The affiliate in Orlando, FL serves as the model for the program that will be operated in the Oregon City School District. Our program will serve girls between the ages of 13 -17 and will most likely come from schools within the Oregon City district as well as surrounding districts. We hope to become a great asset to the community!

I would be happy to answer any questions you might have regarding our program.

Sincerely yours,

**PO Box 3057
Oregon City, OR
97045-0391**

503-655-8960

houseofhope-portland.org

Troy Wagner
Executive Director
House of Hope Portland

Linda Lord
142 Holmes Lane
Oregon City, Oregon 97045
May 10, 2010

2011 MAY -2 AM 5:00
RECEIVED
CITY OF OREGON

TO: Oregon City Planning Commission
RE: CU 07-04

I live at 142 Holmes Lane in Oregon City, and am a next-door neighbor to the applicants.
I ask that you deny the renewal for two reasons:

* The nature of the residential care facility has changed to a foster care home rather than a residential school, and a foster care home that is duly licensed by DHS does not require a conditional use permit under ORS 418.

*The applicant seeks to retain the permit as a business license for the headquarters of its non-profit religious organization.

This house was purchased by the organization last autumn; the great majority of the organization's meetings continue to be held there, as they have been in the past three years. Operating the non-profit is not a home occupation because it is not "unobstructively and inoffensively pursued", with "no off-site employees or partners" that "do not report for work at the subject residence."

"Home occupation" means an occupation carried on solely by the resident or residents of a dwelling unit as a secondary use, in connection with which no assistants are employed, other than residents of the home, no commodities are sold other than services, no sounds are heard beyond the premises, and there is no display, advertisement or sign board except such signs as by this title may be permitted in the district where the home or occupation is situated, including such occupations as lawyer, public accountant, artist, writer, teacher, musician, home office of a physician, dentist or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobstructively and inoffensively pursued in a residential dwelling or accessory building of a residence, and not more than one-half of the square-footage is devoted to such use. The business may have off-site employees or partners provided that they do not report for work at the subject residence. No outdoor storage of materials or commercial vehicles associated with the business shall occur on-site.

I request that Planning Commission deny the renewal of this permit for the operation of the headquarters of the organization because it generates excessive traffic, noise, and inappropriate activity for a residential zone. I do not object to the foster care provided, but to management of the property and the non-profit that impinges on the rights of neighbors.

I have submitted documents showing that from the time when the permit was first issued in 2007, the staff of the organization began a continuing series of "Open Houses," inviting the public (potential donors) to the residence to see the results of their efforts and be inspired to contribute. The invitation was published in the Oregonian. At Christmas, it

Oregon City Planning Commission

Hearing Date: May 9, 2011

File Number: CU 07-04

Exhibit: 1

was a Tea. I have included a newsletter published by the organization announcing a monthly Open House. I believe I remember an article announcing an opening for another girl to take residence. There is an annual Open House on the anniversary of the granting of the permit, a celebration for the purchase of the property, large work parties to assist with yard and house repairs, and it seems a celebration for anything else that will get people to the property for an opportunity to "support the girls." The residence is the draw to show people what the organization has accomplished, but the showing generates a lot of traffic to our neighborhood. It creates a lot of traffic, noise, and disruption. There are slamming doors, car radios, excited voices, and people yelling across the streets to be heard by one another (not thinking about neighbors' peace or privacy). My north driveway is routinely blocked when HOH has one of these functions, and since Holmes is a narrow street, people routinely end up parking in the flow of traffic. It's not just potential donors, because often at Open Houses people just stop to see what's happening. The Open Houses and the other meetings required to keep a non-profit running are not the usual load associated with a foster care home.

In the hearing for permit, the applicant said there would never be more than four or five vehicles on the property at a time and that there is ample parking. That is not true.

Other instances reflect this applicant's lack of sensitivity to their neighbors' rights and unwillingness to accept responsibility to know and respect their boundaries. HOH has very large annual rummage sales, and at a recent sale they posted a very large HOH sign on the front of the house. It was much larger than the sign ordinance allows, about 6' x 8'. They left it posted for the two days of the rummage sale, and then for the two weeks that the house was empty when the residents went on vacation. I contacted the Code Enforcement Officer to inform them of their responsibilities under the sign codes. It was an ugly eye sore that I am sure no HOH member had ever seen on our neighborhood.

More recently, I was shocked to see that the Port Orford cedar hedge that separates our properties had been cut on my side to the extent that I could see through to the HOH property. I have lived here for 23 years and enjoyed the beauty and privacy provided by the trees all these years. When the previous owner at 206 Holmes decided to trim them back on his side, I adamantly stated that I did not want my side of the trees cut, and I filed a notice in the property records with the County Recorder to inform subsequent owners. I also established a boundary with wire fencing. When I asked the present owner about it, she told me a volunteer gardener did it. She had told him it was OK to work in the yard, without any oversight or instruction, and he "cleaned up." There had been no attempt to provide supervision to assure that neighbors' property was not damaged, or any offer to make amends when I told her how I valued what had been destroyed.

The management of this organization is focused on the organization's needs, with little consideration for the requirements or interests of the neighborhood. If all it was attempting to do at 206 Holmes Lane was provide foster care for 5 girls in a nice residential neighborhood, I think we'd have a different situation. Please deny the permit.

**APPLICATION FOR LICENSE
TO OPERATE A CHILD CARING OR PLACING AGENCY**
(Pursuant to ORS 418.240, 418.327)
(This form is not for family foster parents)

LICENSEE: HOUSE OF HOPE PORTLAND ... Within House of Hope Portland
(Corporation or Agency Name)

ADMINISTRATIVE OFFICE ADDRESS 206 HOLMES LANE Oregon City 97216
(Street) (City) (Zip)

MAILING ADDRESS (if different) PO BOX 33114 PORTLAND, OR 97292
(Street) (City) (Zip)

COUNTY Clackamas Phone # 503-235-3725 Fax # SAME E-mail address houseofhopepdx@aol.com

PURPOSE: ☒ Initial License ☐ Re-License ☐ Addition (of facility or programs) ☐ Change (of facility or programs)

II) PROGRAM TYPE (If more than one, skip below to III):

- ☐ (A) Residential Care (ORS 418.205)
☐ (B) Residential Care using foster homes approved by DHS and/or OYA
☐ (C) Private Residential School (ORS 418.327)
☐ (D) Agency Making Adoption Placements (ORS 418.205)
☐ (E) Agency Making Family Foster Care Placements (ORS 418.205)
☐ (F) Day Treatment Facility for Disturbed Children (ORS 418.205)
☐ (G) Outdoor Youth Program (ORS 418.205)

III) LIST EACH OF THE ABOVE PROGRAM COMPONENTS for which you are requesting licensure. Also provide details as requested below. (Use additional paper if needed)

PROGRAM/ COMPONENT/NAME	ADDRESS	TYPE (Choose Letter Above)	CHILDREN Gender	Age Range	Capacity
Residential Care	206 Holmes LN OR 97216	A	F	13-17	5
Private Residential School	206 Holmes LN OR 97216	C	F	13-17	5

Executive Director: (Print or type full name) TROY WAGNER

Executive Director: [Signature] 10/23/2007
(Signature) (Date)

Chairman of the Board: [Signature] 10-25-07
(Signature) (Date)

STATE OF OREGON
DEPARTMENT OF HUMAN SERVICES
CHILDREN, ADULTS AND FAMILIES

RETURN TO: Licensing Unit
Human Services Building
DHS/Treatment Services & Licensing
500 Summer Street, NE E83
Salem, OR 97301-1069
(503) 947-5168

NOV 2007

We often share with you the news of the our progress at House of Hope, we also want to share with you our successes as we help families find healing. These are the words of Jennifer a 16 year old who came to House of Hope Portland a year ago.

My name is Jennifer. I am 16 years old. When I was 3 my mother died and after a long, lengthy process, my aunt and uncle, Frank and Shelby adopted me and I now call them my mom and dad.

My mom home-schooled me until the 4th grade when I started attending a public school. I basically cheated my way into the 6th grade where I started hanging out with the wrong group of friends. We would go through our days lying and cussing like no other until right before Thanksgiving my parents decided I needed to go to a private school. One day at South Clackamas my teacher, who my family had known forever, was talking to us about when we die— where will we be? I was 13 and had gone to church, sung the songs, and prayed the prayers but I still acted as though I wasn't religious at all. That day, on the way home, I told my teacher I wanted to go to heaven so I became a Christian.

The temporary spiritual "high" didn't last long and the things spiraled downward faster and faster. By 16 I was lying, cheating, cutting*, and seriously hurting those around me emotionally. I had put my parents through so much that they didn't even now what to do. I was out of control! After various counseling visiting my mom was told about House of Hope.

I'll never forget my first time with Rita and Troy. I had ditched school that day and called my brother's 20 year

old friend to come get me. I was sure that would be my last day. That night, my parents took me to meet Rita and Troy. I remember how I wouldn't even talk to them but inside I knew I needed help. Rita let me stay at her house for the night and showed me the House of Hope video. I kept thinking, "that will never be me." I was proven wrong. We began meeting weekly with Rita, Troy, my parents, and I. Amazingly they had a way of helping me understand things. I began talking and taking advice. After many tears I stopped cutting and over the months I started talking with my parents. Rita and Troy helped show me God's undying love for me. They explained how much my parents care for me, and I believed them.

Now, almost a year after that first visit, I am happy, healthy, and I sincerely love my parents and Rita and Troy. I still have normal teenage problems, but it's much easier to handle them with House of Hope by my side. I am forever thankful for God blessing my family with Rita and Troy. If they can help me, they can help anyone. I am convinced.

Jennifer

* People who "self-injure" are not usually suicidal. They do however, intentionally inflict injuries upon themselves, usually in response to stress or trauma. Their injuries may vary from minor cuts that heal quickly to very serious wounds that leave permanent scars. Self-injury usually indicates that somewhere during development that person didn't learn good ways of coping with overwhelming feelings or stress. They're not sick or insane; they just never learned positive ways to deal with feelings and emotions for various reasons. The majority of people who are "cutters" are women between the ages of 13 and 30.

Beginning March 8th we will open the house each month for visitors. These open house events will be a great opportunity for you to see the work that God is doing through House of Hope. You will be able to meet the residents, find out how you can volunteer, and introduce this ministry to friends and church leaders.

Please make plans to join us for coffee and cookies March 8th between 10 am and 2 pm. If you would like to find out how you can help with these events, just give Rita a call at (503)805-9212.

If you are unable to join us call and ask about April's open house.

Open House
= monthly

W E G V I

Last year House of Hope Portland received \$53 from Goodsearch. That is not a great deal of money, but it has the potential to be a great beginning. There is a simple way you can help House of Hope. Reset your homepage to www.goodsearch.com. You can then type House of Hope Portland as your charity. Whenever you use the internet start with Goodsearch. When you search from this homepage (set to House of Hope Portland) you will be helping us raise money! The more people who search, the more we earn!

I can't believe it is fall and my last post was in January! Much has happened for far this year. For a while we had a full house. Jennifer was here, Kristen came in January and Lee came in February. It was a busy time for us and God did amazing things in these girls' lives. I have been blessed to share the triumphs as well as the disappointments.

Fall
House = 3

In March, Jennifer decided to leave the program. She only had a few months left, but she had turned 18 and the enemy had convinced her life on her own would be fun and she could do anything she wanted. She tried that live and it broke me heart to see her doing things that were so harmful to her soul as well as her wellbeing. In July I received a call from her saying her life was a mess and she did not know what to do. She came to the house and we talked for a long time and then prayed for forgiveness and wisdom in what her next steps should be. She called me the next day and said her Aunt and Uncle in Alaska were sending her a plane ticket so she could move up there to live. I am happy to report, she is doing great. She is enrolled in a bible college, involved in her church and has a new love for the Lord! I am so grateful it only took her a few

OREGON OFFICE OF STATE FIRE MARSHAL
4760 Portland Road NE, Salem, OR 97305

LICENSED FACILITIES REFERRAL
FOR FIRE SAFETY INSPECTION

ALL INFORMATION MUST BE COMPLETED FOR FORM TO BE PROCESSED

Licensing Agency Information

Date: 11/19/07 Licensing Contact Name: Inez Andrus
Licensing Agency Name: DHSICAF
Agency Address: 500 Summer St NE, E-83
City/Zip: Salem 97301 Phone #: (503) 947-5168
(Occupancy Type Defined on Reverse)

Residential Care (SR) ☐

Adult Foster Home (R-3): ** ☐

Assisted Living Facility (SR) ☐

Date of Licensing Agency On-Site Inspection of Adult Foster Home: **Describe the area(s) of concern

Please indicate the number of clients _____

Health Care Facility (I-2) ☐

Children's Residential Facility or
Day Treatment Facility (L): ☒

*****FOR CHILD CARE FACILITIES*****

Day Care Center (E): ☐
Day Care Facility (I-4): ☐
Increase # of Occupants ☐
Original # of children _____ # increased to _____

Facility Information (To be Completed by Owner/Manager)

Name of Facility: The House of Hope
Street Address: 206 Holmes Lane City: Oregon City
Zip: 97216 County: Clackamas Nearest Cross St. (If known): _____
Provider/Manager: Tray Wagner Phone #: (503) 655-8960
License Expiration Date: _____ # Residents/Children/Capacity: Female/13-17/15/5 Cap.
Reason for Referral:
☒ New Facility/New License ☐ Renewal of Licensed Facility
☐ Other (Explain): _____

To Be Completed By DEPUTY/INSPECTOR

Name of Deputy/Inspector: _____ (Please Print)
Inspecting Agency: _____ Inspection Date: _____
Phone #: () _____ Fire Inspection # _____
☐ APPROVED for occupancy (no deficiencies noted).
☐ APPROVED with corrections listed on fire inspection notice.
☐ NOT APPROVED until all deficiencies are corrected. Refer to fire inspection notice.
Deputy/Inspector Signature: _____

ENTERED INTO THE RECORD

DATE RECEIVED: 5.9.11

SUBMITTED BY: L. LOPEZ

SUBJECT: 3a-

EXHIBIT 2

Distribution: White-Provider Yellow-OSFM, Salem Green-District Deputy/Local Inspector Pink-Licensing Agency



CONDITIONAL USE UPDATE

File Numbers: CU 07-04

FILE NO.: CU 07-04

APPLICATION TYPE: Type III

APPLICANT/OWNER: House of Hope
Rita Consenza
President/Director
P.O. Box 3057
Oregon City, OR 97045

REQUEST: Annual review by the Planning Commission to determine continued compliance for and approved Conditional Use (CU 07-04).

LOCATION: 206 Holmes, Oregon City, Oregon 97045
Clackamas County Map 3-2E-06AC, Tax Lot 1700
Zoned "R-10" Dwelling District

REVIEWER: Christina Robertson-Gardiner, Planner
Laura Terway, Planner

DECISION: On October 8, 2007, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opponents and interested parties, the Planning Commission concluded by a 4-0 vote that the Conditional Use Permit to operate as a residential boarding school for 3 to 5 girls would meet all of the requirements of each applicable section of the Oregon City Municipal Code. The Planning Commission unanimously approved with conditions the application.

The following conditions were placed on the approval:

1. Within one year, but no less than 10 months, of establishing the use pursuant to this Conditional Use approval, and repeated annually for three years, the Applicant shall seek review by the Planning Commission to determine compliance with the Conditional Use approval under OCMC 17.56. This shall be a preliminary determination. Only the neighborhood association shall be provided notice of this hearing and no fee shall be assessed to the Applicant for this preliminary review. If, after the preliminary review, the Planning Commission concludes that conditions of compliance have not been satisfied, additional conditions are necessary, or that the permit should be revoked, a Type II or Type III proceeding shall be conducted. *(Revised by the Planning Commission at the 10.8.07 hearing)*
2. The applicant shall create a good neighbor agreement with the Rivercrest Neighborhood Association. This agreement will contain, at a minimum, the following items:
 - a. A primary contact person for both organizations to facilitate timely communications.
 - b. A yearly meeting with the Rivercrest Neighborhood Association and owners within 300 feet of the subject property is encouraged to discuss any concerns they may have with the use.

- c. An information sheet to be provided to all teachers, volunteers, councilors, visitors parents, and students of the House of Hope indicating that the House of Hope is a Conditional Use within a Single-Family Residential District. The letter shall also explain that the Neighborhood will be monitoring issues such as parking, noise and visitors as part of the Conditional Use approval.

If the Neighborhood Association or the Applicant fails to work together in good faith, to complete the agreement within 90 days of a final city decision, the agreement will no longer be required as part of the Conditional Use Approval.

As demonstrated within this report, the use of the property is compliant with the approved Conditional Use (file CU 07-04). The applicant began to utilize the facility as the approved conditional in June, 2008. Though the applicant was required to receive an annual review per condition of approval #1, no review has been conducted in the nearly three years since operations began. Annual review will be required for two additional years. The applicant did not create a good neighbor agreement within 90 days of the Conditional Use approval and thus condition of approval #2 is no longer required.

CU 07-04 UPDATE

Details about the House of Hope.

In 2007, the applicant provided the following information about their program:

House of Hope Portland is a non-denominational Christian program for struggling boys and girls between the ages of 13 to 17. The mission of House of Hope is "to restore hurting families by allowing God to bring healing to the physical, spiritual and emotional needs of troubled teenagers and their families." At House of Hope Portland, this is accomplished through a multi-pronged approach: individual counseling, family counseling, schooling and living skills training.

In September 2006, House of Hope Portland began as a non-residential counseling program to temporarily meet the needs of the community. 4 teens and their families have received treatment in the first 7 months of the program. House of Hope: Portland works closely with both the family and the teen to ensure they are receiving the care and support they need for mutual progress to occur.

In some cases, a teen's issues are too deep to be dealt with while living at home. Some times it is simply unsafe for the teen to return home, as in cases of negative peer influences, running away, self-mutilation or suicidal depression. In these cases, residential treatment allows the teen and family to heal together while the teen remains in a safe, loving, structured Christian environment. Currently, House of Hope: Portland is looking for its first residential treatment facility. It will house between 3 and 5 girls.

The applicant submitted a daily schedule identifying the times and activities for the girls to be living on site in the Conditional Use application (Exhibit 3). According to the applicant, outside visitors are only allowed with proper approval and are supervised at all times. The subject site is currently occupied by a single-family residence on a 24,829 square foot lot. The 1940s era home is situated at the front of the oversized lot near Holmes Lane and has both an attached two-car garage and a detached three-car garage in the rear with an additional gravel parking area for 3-5 cars. There are currently no street improvements on the site.

As part of the update, the applicant submitted the following information in an email to city staff in Exhibit 2.

As you know we have been operational with residents since June of 2008. In that time we have not had any problems with any of our neighbors with the exception of one day when we had a work day and some people parked along the street and a neighbor called the police. The police came by and did not ask anyone to move their cars. We have had to call the police 3 times. Twice when girls have run away (both times they left the city and were later located. One in downtown Portland and one in Salern.) One time we had to call an ambulance for a girl who had cut herself and was refusing to let me take her to the ER. We have maintained a census of 1-3 girls. In the future we would like to convert the garage into

living space which would enable us to care for 5 girls which is what our conditional use permit allows. Since we have been here we have improved the landscaping and removed the blackberries from the back yard. The blackberries had been a nuisance to the neighbor to the south and now she is happy with the way the back yard is being taken care of. She told me last fall that we have been the best neighbors she has had for a very long time. If there is additional information you need, please let me now and I will provide it.

Nancy Busch, Code Enforcement Manager, confirmed that despite minor complaints, the approved Conditional Use has not been a chronic nuisance (Exhibit 5). Chris Taylor, Executive Assistant for the Oregon City Police Department confirmed that the Police have periodically responded to the residence since the use has been in place since June, 2008 (Exhibit 6).

The applicant ceased the use of the site as a school in March, 2011 due to a loss of funding and is contemplating using the home for residential purposes to house up to 5 foster children (Exhibit 7). The proposed residential use would not require a Conditional Use approval. If funding becomes available, the applicant would like to resume the teaching activities. Given the applicant's request to retain the school approval and the conditions requiring an additional annual review of the use, staff recommends that the Planning Commission defer any action on the change in use issue until the next review when the applicant has a better sense of her intentions.

Noticing

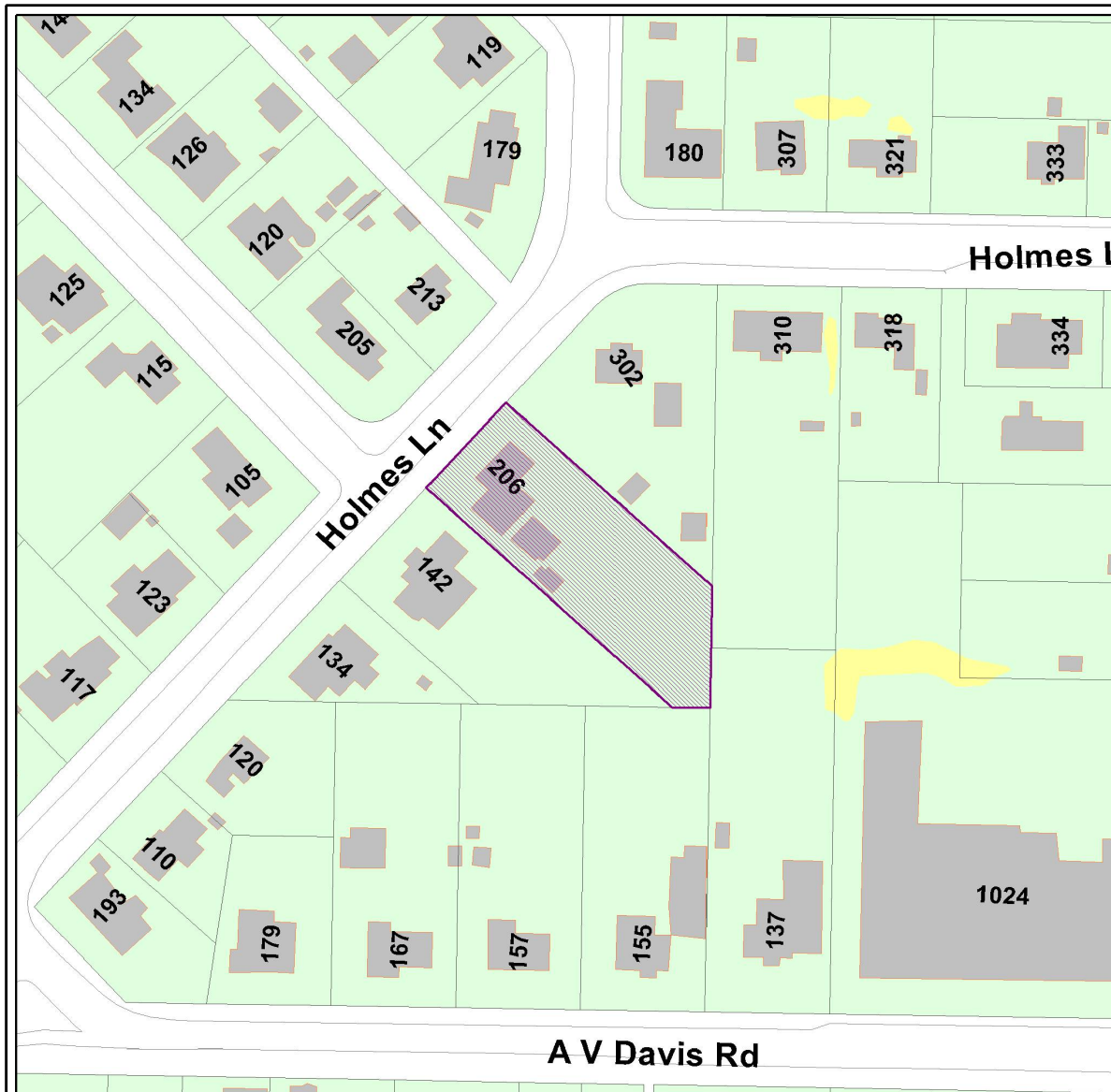
Notice of the update was sent to all parties with standing and the Rivercrest Neighborhood Association. No public comments have been received for this application.

Staff Recommendation:

Staff recommends the Planning Commission hear testimony from the Applicant and any neighbors who choose to comment on the application and decide if a formal Type II or Type III review is required for this file. If no formal review is required, the original decision will stand. Staff recommends an additional yearly review be required and if no change in use is desired, the existing approval can be amended to eliminate any additional review requirement. If the applicant decides to eliminate the educational component in favor of existing as a single family home, no additional review will be required.

Exhibits:

1. Vicinity Map
2. CU 07-04 Notice of Decision
3. CU 07-04 Staff Report
4. April 4, 2011 Email from Rita Cosenza- President/Director House of Hope Portland
5. May 2, 2011 Email from Nancy Busch, Code Enforcement Manager
6. May 2, 2011 Email from Chris Taylor, Executive Assistant for the Oregon City Police Department
7. May 2, 2011 Emails from Rita Cosenza- President/Director House of Hope Portland



206 Holmes Lane



4



City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
(503) 657-0891
www.oregocity.org

This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

Map created with OCMap 2011

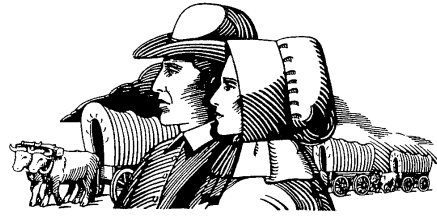
04/20/2011

CITY OF OREGON CITY

Land Use Decision

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 722-3880



NOTICE OF TYPE III LAND USE DECISION

File Numbers: CU 07-04

DATE OF MAILING OF THE DECISION: October 10, 2007

FILE NO.: CU 07-04

APPLICATION TYPE: Type III

APPLICANT/OWNER: House of Hope
c/o Troy Wagner
P.O. Box 33114
Oregon City, OR 97045

REQUEST: The applicant is requesting approval of a Conditional Use permit to operate as a residential boarding school for 3 to 5 girls.

LOCATION: 206 Holmes, Oregon City, Oregon 97045
Clackamas County Map 3-2E-06AC, Tax Lot 1700
Zoned "R-10" Dwelling District

REVIEWER: Christina Robertson-Gardiner – Associate Planner, City of Oregon City

DECISION: On October 8, 2007, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opponents and interested parties, the Planning Commission concluded by a 4-0 vote that the Conditional Use application would meet all of the requirements of each applicable section of the Oregon City Municipal Code. The Planning Commission unanimously **APPROVED WITH CONDITIONS** the application.

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. **Notice of appeal of any Type II, Type III or IV decision must be received in writing by the planning division within ten calendar days from the date notice of the challenged decision is provided to those entitled to notice.** Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

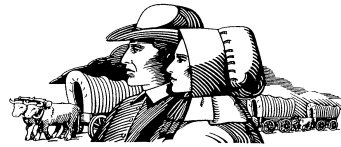
The application, decision, and supporting documents are available for inspection at the Oregon City Planning Division located at 320 Warner-Milne Road, Oregon City, OR 97045, (503) 657-0891, between the hours of 8am and 1pm. Copies of these documents are available (for a fee) upon request.

Revised Conditions of Approval
Planning Files: CU 07-04
October 10, 2007

1. Within one year, but no less than 10 months, of establishing the use pursuant to this Conditional Use approval, and repeated annually for three years, the Applicant shall seek review by the Planning Commission to determine compliance with the Conditional Use approval under OCMC 17.56. This shall be a preliminary determination. Only the neighborhood association shall be provided notice of this hearing and no fee shall be assessed to the Applicant for this preliminary review. If, after the preliminary review, the Planning Commission concludes that conditions of compliance have not been satisfied, additional conditions are necessary, or that the permit should be revoked, a Type II or Type III proceeding shall be conducted. *(Revised by the Planning Commission at the 10.8.07 hearing)*
2. The applicant shall create a good neighbor agreement with the Rivercrest Neighborhood Association. This agreement will contain, at a minimum, the following items:
 - a. A primary contact person for both organizations to facilitate timely communications.
 - b. A yearly meeting with the Rivercrest Neighborhood Association and owners within 300 feet of the subject property is encouraged to discuss any concerns they may have with the use.
 - c. An information sheet to be provided to all teachers, volunteers, councilors, visitors parents, and students of the House of Hope indicating that the House of Hope is a Conditional Use within a Single-Family Residential District. The letter shall also explain that the Neighborhood will be monitoring issues such as parking, noise and visitors as part of the Conditional Use approval.

If the Neighborhood Association or the Applicant fails to work together in good faith, to complete the agreement within 90 days of a final city decision, the agreement will no longer be required as part of the Conditional Use Approval.

CITY OF OREGON CITY
TYPE III – CONDITIONAL USE PERMIT
320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
Tel 657-0891 Fax 657-7892



STAFF REPORT and RECOMMENDATION
October 1, 2007

FILE NO.: CU 07-04

Complete: August 23, 2007
120-Day: December 21, 2007

APPLICATION TYPE: Type III
Planning Commission Hearing Date: October 8, 2007

APPLICANT/OWNER: House of Hope
c/o Troy Wagner
P.O. Box 33114
Oregon City, OR 97045

REQUEST: The applicant is requesting approval of a Conditional Use permit to operate as a residential boarding school for 3 to 5 girls.

LOCATION: 206 Holmes, Oregon City, Oregon 97045
Clackamas County Map 3-2E-06AC, Tax Lot 1700
Zoned "R-10" Dwelling District

REVIEWER: Christina Robertson-Gardiner – Associate Planner, City of Oregon City

RECOMMENDATION: Approval with Conditions.

Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

IF YOU HAVE ANY QUESTIONS ABOUT THIS DECISION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 657-0891.

DECISION CRITERIA: Chapter 17.08 R-10 SINGLE FAMILY DWELLING DISTRICT
Chapter 17.50 ADMINISTRATION AND PROCEDURES
Chapter 17.56 CONDITIONAL USES

I. BACKGROUND

The applicant, House of Hope, is requesting approval of a Conditional Use permit to operate as a residential boarding school for 3 to 5 girls. The applicant has provided the following information about their program:

House of Hope Portland is a non-denominational Christian program for struggling boys and girls between the ages of 13 to 17. The mission of House of Hope is "to restore hurting families by allowing God to bring healing to the physical, spiritual and emotional needs of troubled teenagers and their families." At House of Hope Portland, this is accomplished through a multi-pronged approach: individual counseling, family counseling, schooling and living skills training.

In September 2006, House of Hope Portland began as a non-residential counseling program to temporarily meet the needs of the community. 4 teens and their families have received treatment in the first 7 months of the program. House of Hope: Portland works closely with both the family and the teen to ensure they are receiving the care and support they need for mutual progress to occur.

In some cases, a teen's issues are too deep to be dealt with while living at home. Some times it is simply unsafe for the teen to return home, as in cases of negative peer influences, running away, self-mutilation or suicidal depression. In these cases, residential treatment allows the teen and family to heal together while the teen remains in a safe, loving, structured Christian environment. Currently, House of Hope: Portland is looking for its first residential treatment facility. It will house between 3 and 5 girls.

The applicant has additionally submitted a daily schedule (Exhibit 3) identifying the times and activities for the girls to be living on site. According to the applicant, outside visitors are only allowed with proper approval and are supervised at all times.

The subject site is currently occupied by a single-family residence on a 24, 829 square foot lot.. The 1940s era home is situated at the front of the oversized lot near Holmes Lane and has both an attached two-car garage and a detached three-car garage in the rear with an additional gravel parking area for 3-5 cars. There are currently no street improvements on the site.

II. FACTS

1. **Location.** The site is located on the south side of Holmes Land between McCarver Avenue and Cherry Avenue and is identified as Clackamas County Map 3-2E 06AC TL 1700.
2. **Surrounding Zoning and Land Uses.** The subject site is zoned R-10 Single-Family Dwelling District. The properties to the north, south, east and west of the site are zoned R-10 Single-Family Dwelling District. Surrounding the site are single-family lots of sizes that range from 10,000 to 24,000 square feet. To the Southeast of the property along AV Davis and Linn Avenue is the Oregon City Evangelical Church (TL s 6400,600,500 &400). Also owned by the

Oregon City Evangelical Church is 155 A.V. Davis. This property was not included in their 2005 Conditional Use Review. The Oregon City Transportation System Plan identifies this section of Holmes Lane as a neighborhood collector.

3. **Public Comment.** The subject site was posted, the hearing was advertised in the Clackamas Review and notice of this proposal was sent to property owners within three hundred feet of the subject property and various City departments and other agencies requesting written comments and identifying the night and location of the hearing to present testimony. A memo has been prepared by Bill Kabeiseman, Assistant City Attorney responding to concerns relating to city's ability to enforce CC &R's on the property. Additionally, Carrie Richter, Assistant City Attorney, will be available at the October 8, 2007 hearing to answer any questions the Planning Commission may have regarding the submitted public comments.

Rivercrest Neighborhood Association Steering Committee, c/o Patty Brown PO Box 1223

The Steering Committee submitted minutes from their meeting with the applicant and notified staff that they do not object to the application.

Nancy K. Miller, 180 McCarver Avenue. Mrs. Miller, a resident of the neighborhood for 37 years raised concerns with the amount of non-single family use in the area and the associated security issues relating to the intended uses of the site.

Glenda Durham, PO Box 1006. Ms. Durham, representing an unidentified number of clients, raises issues relating to the appropriateness of the Conditional Use and to ongoing court action regarding the ability to enforce the CC&Rs of the Rivercrest Addition in Oregon City.

Linda Lord, 142 Holmes Lane. Ms. Lord is not in favor of the application and has identified concerns relating to noticing, licensing, social service agencies being allowed in a residential zone, traffic, noise, and the deed restriction on property.

Cheryl Hooper, 818 Linn Avenue. Ms. Hooper has concerns with the application and sees the proposal as more of a correctional institution than a boarding school.

Erlyn and Lesley Krueger, 631 Charmen Street. The Krueger's are uncomfortable with the proposed use being in a residential district.

Bob Krueger, 130 Telford Road. Mr. Krueger opposes the proposed use to be allowed through the Conditional Use process.

Mardel Lewis and Catherine West, 203 Cherry. Ms. West and Mr. Lewis are concerned that the proposed use does not meet the CC&Rs of the subdivision as well as having concerns over safety, traffic and property values.

Bill and Eileen Johnson, 886 Linn Avenue. The Johnsons' concerns relate to safety, compatibility of the use in the neighborhood as well as the need for more landscaping and property security.

III. CONDITIONAL USE PERMIT FINDINGS:

OREGON CITY ZONING CODE

Chapter 17.08: R-10 Single-Family Dwelling District

17.08.010 Designated.

This residential district allows for areas of single-family homes on lot sizes of at least ten thousand square feet. (Prior code §11-3-2(part))

17.08.020 Permitted uses.

Permitted uses in the R-10 district are:

- A. Single-family detached residential units;
- B. Publicly-owned parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on site is permitted);
- E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- F. Accessory uses, buildings and dwellings;
- G. Family day care provider, subject to the provisions of Section 17.54.050.

Finding: *Not Applicable.* The applicant has not proposed a permitted use.

17.08.030 Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Uses listed in Section 17.56.030. (Prior code §11-3-2(B))

Finding: *Complies.* Section 17.56.030 identifies "Schools" as a use requiring a Conditional Use Permit.

17.08.040 Dimensional standards.

Dimensional standards in the R-10 district are:

- A. Minimum lot areas, ten thousand square feet;
- B. Minimum lot width, sixty-five feet;
- C. Minimum lot depth, eighty feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
 - 1. Front yard, twenty feet minimum depth,
 - 2. Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.

3. Interior side yard, ten feet minimum width for at least one side yard; eight feet minimum width for the other side yard,
 4. Corner side yard, fifteen feet minimum width,
 5. Rear yard, twenty feet minimum depth,
 6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-2(C))
- F. Garage Standards: See Section 17.20 – Residential Design Standards
- G. Maximum Building Coverage: See Section 17.20 – Residential Design Standards.

Finding: Complies. The existing single family residence on the 24,829 square foot lot meets all of the setbacks of the R-10 District.

Chapter 17.56 Conditional Uses

17.56.010 Permit--Authorization--Standards--Conditions.

The planning commission may allow a conditional use, provided that the applicant provides evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

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

Finding: Complies. Section 17.56.030 identifies “Schools” as a use requiring a Conditional Use Permit. There has been some public comments submitted to the city questioning the nature of the proposed use as a school. Based on the information provided by the applicant, Staff has classified this use as a private boarding school. The students are minors between the ages of 13 and 17 and are being sent to the House of Hope by their parents where they will be provided with in home schooling. The applicant has indicated that they are pursuing the local and state licensing required to operate a school of this nature parallel to this Land Use process.

This Conditional Use is examining the impacts the proposal may have on the abutting single-family residential neighborhood and identify specific conditions of approval that may mitigate any potential impacts to the neighborhood.

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

Finding: Complies with Conditions. The subject site is a 24,829 square foot lot. The applicant is proposing to utilize the site for a boarding school for 3-5 girls. The purpose of the program is to provide in-house counseling and tutoring program for at risk girls with outside tutors and councilors who would come to the house at various points in the day/week. Once a week, parents of the students would come to the house to visit. The applicant has submitted a daily schedule in their submission packet which illustrates the controls the applicant plans to place on the girl’s activities.

The applicant has also indicated that there would generally be no more than four or five cars at the site at any time. There is a two-car attached and three-car detached garage onsite as well as space for parking up to 5 cars either in the front driveway or in the rear parking area behind the house.

Staff finds that the proposed use of a boarding school for 3 to 5 girls is appropriate for the general area as it will have no more impact on the neighborhood than the potential intensity of any single family residence. Moreover, the Conditional Use process will provide an avenue for future neighborhood concerns of noise, parking and other nuisances to be addressed, which are not regulated in other single-family residences.

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

Finding: Complies with Conditions.

Traffic/Transportation –

The anticipated traffic trips generated by the proposed use are no greater than that of the typical single-family residence. Parental visits and outside tutors are at a level of normal weekly single-family activity. As conditioned, all parking for the House of Hope shall be provided onsite and will not be allowed to spill into the neighboring streets

Sanitary Sewer – The existing home is not proposed to be altered for the conditional use.

Water – The existing home is not proposed to be altered for the conditional use.

Storm Drainage – The existing home is not proposed to be altered for the conditional use.

Fire – The existing home is not proposed to be altered for the conditional use.

Finding: Complies with Conditions.

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

Finding: Complies with Conditions.

The applicant has contended and staff agrees that the proposed use will have no more affect on a neighborhood than a single-family residence. Neighborhood comments, however, do not agree with this statement. While the Land Use Committee of the Neighborhood Association does not opposes the application, numerous neighbors have submitted comments that strenuously appose the proposed use in their neighborhood. They contend that the proposed use will bring safety concerns from not only the girls but friends associated with the students that may come to the area to visit. They do not see the proposed use as compatible with a single-family neighborhood. No mitigation measures have been identified in the public comments that could alleviate their concerns. Therefore, staff is recommending the Planning Commission approve the use but require the applicant, to submit an application to show compliance with the Conditional Use approval under OCMC 17.56 within one year of the Conditional Use approval. This will be processed as a Type II Administrative procedure, which is appealable to the City Commission.

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

Comprehensive Plan Policies

Section 6 – Quality of Air, Water and Land Resources

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

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

Policy 6.4.2: *Encourage land-use patterns along high-traffic corridors that minimize noise impacts from motorized traffic through building location, design, size and scale.*

Finding: *Complies.* The proposed use as conditioned is not anticipated to created an impact greater than that of a single family residence.

Section 10 – Housing

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

Policy 10.1.1:*Maintain the existing residential housing stock in established older neighborhoods by maintaining existing comprehensive plan and zoning designations where appropriate.*

Finding: *Complies.* The applicant has proposed a boarding school in the R-10 Single Family Dwelling District, a conditional use. The applicant does not propose to alter the building in a manner that it cannot be returned as a single-family residence if the Conditional Use is removed from the site. Oregon City has moat of the schools located in residential zone districts. The proposed use is compatible with the adjacent residential character of the neighborhood. It is appropriate to maintain the existing comprehensive plan and zoning designations for this site.

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

Finding: *Complies.* The applicant has not requested any restriction, condition or safeguard beyond what is normally required by the city to uphold the spirit and intent of the zoning ordinance and mitigate adverse effect upon neighborhood properties. Staff has recommended conditions of approval that would appear to be appropriate to ensure compliance with the Oregon City Municipal Code.

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

Finding: *Complies.* The applicant has indicated that the dimensional standards of the zone will be met.

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

Finding: Not Applicable. There is no pre-existing Conditional Use on the parcel.

E. The planning commission may specifically permit, upon approval of a conditional use, further expansion to a specified maximum designated by the planning commission without the need to return for additional review. (Ord. 91-1025 §1, 1991; prior code §11-6-1)

Finding: Not applicable. The applicant has not proposed a phased Conditional Use approval.

17.56.020 Permit--Application.

Finding: Complies. The applicant has properly filed the Conditional Use request and a public hearing will be held before the Planning Commission.

17.56.040 Criteria and standards for conditional uses.

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

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

Finding: Not Applicable. There are no new building openings proposed within fifty feet of residential property.

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

Finding: Complies. Holmes Lane in this section is identified as a Neighborhood Collector in the Oregon City Transportation System Plan, which requires a right-of-way (ROW) width of 52 to 81 feet. Currently, Holmes Lane has a 60-foot ROW width along the site's frontage. As this use is not anticipated, nor conditioned, to be of more impact than a single-family residence, no street improvements are being proposed at this time. This criterion will be revisited if the applicant chooses to expand the Conditional Use or request approval for a land partition.

17.56.060 Revocation of conditional use permits.

Finding: Complies with Conditions. The applicant has requested a Conditional Use Permit approval for a Boarding School for 3-5 girls. Neighbors have submitted comments questioning the level of impact the school will have on the neighborhood. Their concerns can be addressed by having the Applicant, submit an application to show compliance with the Conditional Use approval under OCMC 17.56 within one year of the Conditional Use approval. This will be processed as a Type II Administrative procedure. No fees are to be assessed to the applicant for this process

17.56.070 Periodic review of conditional use permits.

Finding: *Not Applicable.* The site has not been identified as needing a periodic review of a previously issued permit.

CONCLUSION AND DECISION:

Based on the analysis and findings as described above, the House of Hope can meet the requirements as described in the Oregon City Municipal Code for Conditional Use Permit by complying with the Conditions of Approval provided in this report.

Therefore, staff recommends approval of files CU 07-04 with conditions, based upon the findings and Exhibits contained in this staff report.

EXHIBITS:

1. Vicinity Map
2. Birds eye view of the site (acquired by staff from OC Web map)
3. House of Hope Land Use Application
4. Public Comments
5. September 26, 2007 Letter form Bill Kabeiseman

Recommended Conditions of Approval

Planning Files: CU 07-04

1. Within one year of the Conditional Use approval, the Applicant shall submit an application to show compliance with the Conditional Use approval under OCMC 17.56. This will be processed as a Type II Administrative procedure. No fees are to be assessed to the applicant for this process.
2. The applicant shall create a good neighbor agreement with the Rivercrest Neighborhood Association. This agreement will contain, at a minimum, the following items:
 - a. A primary contact person for both organizations to facilitate timely communications.
 - b. A yearly meeting with the Rivercrest Neighborhood Association and owners within 300 feet of the subject property is encouraged to discuss any concerns they may have with the use.
 - c. An information sheet to be provided to all teachers, volunteers, councilors, visitors parents, and students of the House of Hope indicating that the House of Hope is a Conditional Use within a Single-Family Residential District. The letter shall also explain that the Neighborhood will be monitoring issues such as parking, noise and visitors as part of the Conditional Use approval.
 - d. If the Neighborhood Association or the Applicant fails to work together in good faith, to complete the agreement within 90 days of a final city decision, the agreement will no longer be required as part of the Conditional Use Approval.
3. All parking for the House of Hope shall be located onsite.

Laura Terway

From: Rita Cosenza [hohportland@mac.com]
Sent: Monday, April 04, 2011 12:14 PM
To: Laura Terway
Subject: House of Hope

Laura,

As you know we have been operational with residents since June of 2008. In that time we have not had any problems with any of our neighbors with the exception of one day when we had a work day and some people parked along the street and a neighbor called the police. The police came by and did not ask anyone to move their cars. We have had to call the police 3 times. Twice when girls have run away (both times they left the city and were later located. One in downtown Portland and one in Salem.) One time we had to call an ambulance for a girl who had cut herself and was refusing to let me take her to the ER. We have maintained a census of 1-3 girls. In the future we would like to convert the garage into living space which would enable us to care for 5 girls which is what our conditional use permit allows. Since we have been here we have improved the landscaping and removed the blackberries from the back yard. The blackberries had been a nuisance to the neighbor to the south and now she is happy with the way the back yard is being taken care of. She told me last fall that we have been the best neighbors she has had for a very long time. If there is additional information you need, please let me now and I will provide it.

Blessings,

Rita Cosenza
President/Director
House of Hope Portland
PO Box 3057
Oregon City, OR 97045
Office 503-655-8960
Cell 503-805-9212

Be joyful in hope, patient in affliction, faithful in prayer. Romans: 12:12

I GoodSearch & GoodShop for House of Hope Portland

Help us raise money just by searching the Internet with GoodSearch.com (powered by Yahoo), or shopping online with GoodShop.com

From: [Nancy Busch](#)
To: [Laura Terway](#)
Subject: 206 Holmes
Date: Monday, May 02, 2011 4:06:10 PM

We have received two complaints since July 2008, they are as follows;

8/5/08 overgrown vegetation and sign complaint

7/2/10 sign complaint



Nancy Busch
nbusch@orcity.org
Code Enforcement Manager
PO Box 3040
320 Warner Milne Rd.
Oregon City, Oregon 97045
503-496-1571 Direct phone
503-657-0891 City phone
503-657-6629 Fax
Website: www.orcity.org

NEIGHBORHOOD LIVABILITY STARTS WITH YOU!

PUBLIC RECORDS LAW DISCLOSURE: This email is subject to the State Retention Schedule and may be available to the Public.

From: [Chris Taylor](#)
To: [Laura Tenway](#)
Subject: 206 Holmes Lane
Date: Monday, May 02, 2011 1:09:37 PM

Laura:

Field Contact Report = 1

Runaway Juvenile = 3

Welfare Check = 1

Suicide Attempt = 1

Activity between April 4, 2010 and November 28, 2010

Prior calls date back to November 2007

Thank you

Chris



From: [Rita Cosenza](#)
To: [Laura Tenway](#)
Subject: House of Hope
Date: Monday, May 02, 2011 12:44:37 PM

Hi Laura,

Regarding our conditional use permit. We will no longer be doing on site schooling and will be looking at changing our program to do foster care instead. We would like to maintain our nonprofit status as House of Hope so that those who wish to continue to support our mission to provide safe stable housing to young women could do so.

We would also like to have a large garden in our back yard as a way to support the needs of our house and would like to make it available to those we know who live in apartments and have no place to garden. It would be our version of a community garden. The access to the back yard is on the north side of our property and will not affect either of our neighbors.

Thank you for looking into these matters and I look forward to hearing your feedback.

Blessings,

Rita Cosenza
President/Director
House of Hope Portland
PO Box 3057
Oregon City, OR 97045
Office 503-655-8960
Cell 503-805-9212

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From: [Rita Cosenza](#)
To: [Laura Terway](#)
Subject: House of Hope
Date: Monday, May 02, 2011 1:57:32 PM

The former girls vs the future girls.

The girls who were in the program called House of Hope were girls placed here by their parents. They were girls who were having problems at home with rebellion issues. Some of them had experimented with drugs, had run away, and had been having sex. We provided on site schooling, counseling and daily living skills training for the girls. We provided counseling, and parenting classes for the parents.

The girls I were be working with in the future will be foster girls placed here by the State. I plan to take in 3-5 girls. If I get more than 3 girls, another single woman will move in to help take care of them. The girls who will be living here will go to school, have part time jobs and have normal activities. Currently we do not have any girls living at the house and we have quit the on site schooling.

Blessings,

Rita Cosenza
President/Director
House of Hope Portland
PO Box 3057
Oregon City, OR 97045
Office 503-655-8960
Cell 503-805-9212

Be joyful in hope, patient in affliction, faithful in prayer. Romans: 12:12

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COMMISSION REPORT: CITY OF OREGON CITY

TO:	Planning Commission
FROM:	Laura Terway, Planner
PRESENTER:	Laura Terway, Planner
SUBJECT:	The applicant requested to utilize the sites located at 908 Jackson Street and 903 Van Buren as educational facilities.
Agenda Heading: Public Hearing	
Approved by: Tony Konkol, Community Development Director	

RECOMMENDED ACTION (Motion):

Staff recommends that the Planning Commission approve Planning files CU 11-01: Conditional Use and SP 11-03: Minor Site Plan and Design Review as submitted by the applicant with the recommended conditions of approval.

BACKGROUND:

Oregon City Public School District requested a Minor Site Plan and Design Review and a Conditional Use permit to change the use of two dwellings (located at 908 Jackson and 903 Van Buren) from residential to educational facilities. Each structure will be utilized for a different educational purpose. A description of each site is identified below:

- **908 Jackson: Oregon City School District's Transitions Program -**

This Federal and State mandated program provides life skills training for 18 to 21 year-old students with learning disabilities. The program assists students in transition into jobs or volunteer programs. The use involves 10 students who are on-site Monday through Friday from 11:30 am to 3:30 pm with one teacher and two aids at the site. The applicant has not proposed exterior alterations with this development.

- **903 Van Buren: Hera Community School (Alternative School)**

Hera Community School is certified by the Oregon State Department of Education for learning disabled and/or emotionally handicapped students. The school is accredited by the Northwest Association of Accredited Schools as a special purpose school. Classes are conducted in two sessions, one from 8:00-11:00 am and the other from 12:00-3:00 pm. Each session has 15 students and three staff at the site. The applicant has not proposed exterior alterations with this development.

It is not clear when the Oregon City School District began to utilize the sites as educational facilities. The Oregon City School District was cited by the Oregon City Code Enforcement Division for operating educational facilities without approval from the City and required to submit this application if the applicant wished to continue the use. The applicant concurrently requested that the City vacate a 10-foot strip of alley right-of-way that abuts the subject properties along their north boundaries. Should a street vacation ultimately be approved, the approval would apply to the land which would become a part of the subject properties.

BUDGET IMPACT:

FY(s): N/A
Funding Source: N/A

ATTACHMENTS:



FILE NO.: CU 11-01: Conditional Use
SP 11-03: Minor Site Plan and Design Review

**HEARING DATE /
LOCATION:** May 23, 2011
Oregon City City Hall – Chambers
625 Center Street
Oregon City, Oregon 97045

**APPLICANT/
PROPERTY OWNER:** Oregon City Public Schools
Ted Thonstad
1417 12th Street
Oregon City, Oregon 97045

REPRESENTATIVE: Rick Givens
204 SE 10th Avenue
Canby, Oregon 97013

REQUEST: The applicant requested to utilize the sites located at 908 Jackson Street and 903 Van Buren as educational facilities.

LOCATION: 908 Jackson Street, Oregon City, OR 97045,
Clackamas County Map 2-2E-32BC-04700

903 Van Buren Street, Oregon City, OR 97045,
Clackamas County Map 2-2E-32BC-04600

The public right-of-way (alley) adjacent to 903 Van Buren Street

REVIEWER: Laura Terway, Planner, AICP, (503) 496-1553
Bob Cullison, Development Services Manager

RECOMMENDATION: Approval with conditions.

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. A city-recognized neighborhood

association requesting an appeal fee waiver pursuant to 17.50.290(c) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

I. BACKGROUND:

Oregon City Public School District requested a Minor Site Plan and Design Review and a Conditional Use permit to change the use of two dwellings (located at 908 Jackson and 903 Van Buren) from residential to educational facilities. Each structure will be utilized for a different educational purpose. A description of each site is identified below:

- 908 Jackson: Oregon City School District's Transitions Program -
This Federal and State mandated program provides life skills training for 18 to 21 year-old students with learning disabilities. The program assists students in transition into jobs or volunteer programs. The use involves 10 students who are on-site Monday through Friday from 11:30 am to 3:30 pm with one teacher and two aids at the site.

The site is constructed with a single-family dwelling and an accessory structure within the "R-6" Single-Family Dwelling District. The site is within the McLoughlin Conservation District but is not designated as an historic structure. The applicant has not proposed exterior alterations with this development.

- 903 Van Buren: Hera Community School (Alternative School)
Hera Community School is certified by the Oregon State Department of Education for learning disabled and/or emotionally handicapped students. The school is accredited by the Northwest Association of Accredited Schools as a special purpose school. Classes are conducted in two sessions, one from 8:00-11:00 am and the other from 12:00-3:00 pm. Each session has 15 students and three staff at the site.

The site is constructed with a single-family dwelling and an accessory structure within the "R-6" Single-Family Dwelling District. The site is an individually designated historic structure within the McLoughlin Conservation District. The applicant has not proposed exterior alterations with this development.

It is not clear when the Oregon City School District began to utilize the sites as educational facilities. The Oregon City School District was cited by the Oregon City Code Enforcement Division for operating educational facilities without approval from the City and required to submit this application if the applicant wished to continue the use. The applicant concurrently requested that the City vacate a 10-foot strip of alley right-of-way that abuts the subject properties along their north boundaries. Should a street vacation ultimately be approved, the approval would apply to the land which would become a part of the subject properties. The School District owns additional property adjacent to the subject sites but is not proposing that the Conditional Use approval include the adjacent properties.

II. DECISION-MAKING CRITERIA:

Chapter 17.56 Conditional Uses

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

Finding: Complies as Proposed. Private and/or public educational or training facilities are listed as a conditional use in OCMC 17.12.030.G. Both the alternative school and the transitions program fall within this category of use.

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

Finding: Complies as Proposed. The subject property consists of two properties totaling 21,513 square feet. The site is located near the Jackson Campus which formally operated as the Oregon City High School. There are no natural hazard areas or other physical constraints to development on the site. The conditional use activities will take place within the two existing residences on the properties. No changes to the exterior of the structures are proposed with this development.

17.56.010.A.3. The site and proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use;

Finding: Complies as proposed. Sewer, water and storm drainage utilities are present and adequately function at the subject properties. The abutting portion of Jackson Street is improved with a sidewalk and planter strip. The applicant is required to install improvements along the Van Buren frontage. Since the sites have been operating as educational facilities without the proper approval, this application is timely.

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

Finding: Complies as Proposed. The existing homes and garages will not be changed in appearance in order to allow the exteriors to remain consistent with the character of the surrounding residential neighborhood. The Van Buren Street property is adjacent to a vacant lot owned by the School District while the Jackson Street property abut school district property to the south and another single-family property to the north (which a garage and a cedar fence provide buffering). The proposed uses will not limit or impair the use of surrounding properties. The applicant submitted a traffic prepared by Michael Ard, PE of Lancaster Engineering, dated March 17, 2011 which concluded the traffic impact of the use would be minimal. John Replinger, a City consultant at Replinger and Associates, concurred with the analysis (Exhibit 4).

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

Finding: Complies as Proposed. The applicable Comprehensive Plan policies are as follows:

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: The proposed Transition Program and alternative school uses provide for educational services that are needed in the community. The conditional use process allows for these uses to be authorized in a residential neighborhood such as this, consistent with this policy.

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: The proposed uses are centrally located within the service area of Oregon City Public Schools. TriMet bus service is immediately available to the property, with a stop at the corner of 9th and Jackson Streets.

Goal 11.8 Health and Education

Work with healthcare and education providers to optimize the siting and use of provider facilities.

Finding: The subject properties are owned by Oregon City Public Schools and adjacent to the Jackson Campus. Allowing the use of these properties as proposed through the conditional use permit process would optimize their use for educational purposes, consistent with this policy.

Policy 11.8.3

Coordinate with the Oregon City School District to ensure that elementary and middle school sites are located centrally within the neighborhoods they serve, to the extent possible.

Finding: The proposed location of these educational services is centrally located within Oregon City Public School District's service area. Approval of the conditional use permit is consistent with this policy.

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

Finding: Complies as Proposed. The applicant recognizes the authority of the City to impose reasonable conditions of approval pursuant to this section.

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

Finding: Not Applicable. The applicant has not proposed physical development with this application.

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

Finding: Not Applicable. The proposed use was not existing prior to adoption of this Ordinance.

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

Finding: Not Applicable. The applicant has not requested the Planning Commission approve a future expansion to the Conditional Use.

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

Finding: Not Applicable. The applicant has not proposed an exterior alteration to the subject sites.

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

Finding: Not Applicable. The existing 60-foot rights-of-way on Jackson and Van Buren Streets exceed the minimum 53-foot width required for local streets. No additional dedication is needed.

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

Finding: Not Applicable. No such facilities are proposed with this development application.

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

Finding: Complies as Proposed. The subject properties are well located for the proposed school uses. They are centrally located within the District's service area, have access to public transit at Jackson and 9th Streets, are within close proximity to the District's Administration offices (which allows for ease of monitoring by District) and are owned by Oregon City Public Schools.

17.56.040.E Helipad Landing Facility. *In evaluating a conditional use application for a helipad, the planning commission shall consider such matters as the following:*

Finding: Not Applicable. A helicopter landing facility is not proposed with this development.

17.56.040.F Residential Care Facilities.

Finding: Not Applicable. A residential care facility is not proposed with this development.

17.56.040.G Bed and Breakfast Inns.

Finding: Not Applicable. A bed and breakfast is not proposed with this development.

17.56.060 Revocation of conditional use permits.

Finding: Not Applicable. No previous conditional use permit is being revoked with this application.

17.56.070 Periodic review of conditional use permits.

Finding: Not Applicable. The site has not been identified as needing a periodic review by staff.

Chapter 17.62 Site Plan and Design Review

17.62.050.A.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.*

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).

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.

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.

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.

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

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

Finding: Complies as Proposed. No changes to the existing landscaping is proposed or required. The Van Buren site consists of a 14,059 square foot lot with approximately 12,298 square feet of lawn, trees and shrubs (87 percent). The Jackson property consists of a 7,455 square foot lot with approximately 5,773 square feet of lawn, trees and shrubs (77 percent). The landscaping on both properties is visible from the public right-of-way. The properties are not located within the Downtown Design District or the Natural Resource Overlay District.

17.62.050.A.2 Vehicular Access and Connectivity.

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

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

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.

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

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 public 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.

f. Development shall be required to provide existing or future connections to adjacent sites through the use of a vehicular and pedestrian access easements where applicable.

g. Parking garage entries (both individual, private and shared parking garages) 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.

h. 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. Prior to this change in use, the subject properties operated as single family dwellings with driveways which provided access to the site and an opportunity for vehicular access to the site and connectivity with the public right-of-way. The applicant has not proposed to alter the existing off-street parking in order to retain the character of the properties and avoid a commercial appearance. Though the subject site would comply with the number of parking stalls required, the off-street parking does not comply with the standards in the Oregon City Municipal Code (such as the location, interior and perimeter parking lot landscaping, etc). The applicant has not proposed to alter the property to such a degree so as to trigger additional improvements to the nonconforming vehicular access per OCMC 17.58 Lawful Nonconforming Uses, Structures and Lots.

17.62.050.A.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 Construction (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 applicant has not proposed to alter the exterior of any structure. The sites will retain their residential character despite the educational uses of the facilities occurring inside. Future alterations shall be subject to review by the Planning Division.

17.62.050.A.4 *Grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.*

Finding: Not Applicable. No site grading is proposed or required with this development.

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

Finding: Not Applicable. The subject sites are not located in a Geologic Hazard area.

17.62.050.A.6 *Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards.*

Finding: Not Applicable. No changes to the structures or impervious areas are proposed that would warrant a change in the stormwater system onsite.

17.62.050.A.7 *Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, Chapter 17.52.*

Finding: Please refer to the analysis in Chapter 17.52 of this report.

17.62.050.A.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 with Conditions. There are existing sidewalks and curbs on Jackson and 9th Streets, but the ADA ramps on the east corner of 9th and Jackson and the north corner of 9th and Van Buren do not comply with current city standards and there are no sidewalks to provide a safe space for pedestrians along the frontage of the subject site on Van Buren. The Jackson Street frontage is not compliant with minimum City standards in that the driveway approach and sidewalks on the subject site is damaged.

The City generally requires installation of sidewalks to City standards as part of development approval for all structures, including single-family residential uses. The change in use from a single-family dwelling to an

educational training facility results in impacts to the neighborhood adding pedestrian, bicycle and vehicular traffic from students and staff during school hours that extend beyond what would be anticipated for a single family use. Within 90 days of this approval and in order to mitigate the impact of the proposed use, the following public improvements shall be required: ADA ramps on the east corner of 9th and Jackson and the north corner of 9th and Van Buren Street, repair damage to the driveway approach and sidewalks abutting Jackson, and the following improvements along the Van Buren frontage: a 5-foot sidewalk with a 5-foot planter strip, street trees and curb (or an alternative “green street” standards for vehicle/pedestrian use as approved by the City Engineer to lessen or eliminate stormwater impacts.) **The applicant can meet this standard by complying with conditions of approval 1-3.**

17.62.050.A.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.*
- 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.*
- 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.*
- d. The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.*
- 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.*
- 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. Prior to this change in use, the subject properties operated as single family dwellings with 5-foot wide hard surfaced walkways which provided a safe space for pedestrians from the public right-of-way to the main entrance. There are no elevated walkways and no need to connect to adjacent sites. The applicant has not proposed alterations to the pedestrian system with this application. The pedestrian circulation system does not comply with the standards in the Oregon City Municipal Code; however, the proposed development does not meet the minimum threshold to trigger requiring improvements to the nonconforming parking lot per OCMC 17.58 Lawful Nonconforming Uses, Structures and Lots.

17.62.050.A.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 property is owned by the School District and it will provide maintenance for all areas of the site.

17.62.050.A.11 *Site planning shall conform to the requirements of OCMC Chapter 17.41 Tree Protection.*

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

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

Finding: Not Applicable. The subject sites are not within the Natural Resource Overlay District.

17.62.050.A.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 with Condition. The applicant indicated that proposed uses are educational in nature and will not have any significant impacts upon the environment. The applicant shall assure 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. **The applicant can meet this standard by complying with condition of approval 4.**

17.62.050.A.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. Sewer, water and storm drainage facilities are all available to serve the subject property and are adequate to serve the proposed uses.

17.62.050.A.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.*

When approving land use actions, Oregon City requires all relevant intersections to be maintained at the minimum acceptable level of service (LOS) upon full build-out of the proposed land use action. The minimum acceptable LOS standards are as follows:

- a. For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of critical movements.
- b. For signalized intersections within the Regional Center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0.
- c. For unsignalized intersection throughout the city a LOS "E" or better for the poorest approach and with no movement serving more than twenty peak hour vehicles operating at worse than LOS "F" will be tolerated for minor movements during a peak hour.

Finding: Complies with Conditions. The applicant submitted a traffic analysis letter (TAL) prepared by Michael Ard, PE of Lancaster Engineering, dated March 17, 2011. The traffic analysis was reviewed by John Replinger, a City consultant at Replinger and Associates (Exhibit 4). The TAL predicts the facility on Van Buren will produce 13 AM peak hour trips, 3 PM peak hour trips, and 42 daily trips. The facility on Jackson Street is predicted to generate fewer trips and because of the hours of operation, only trips by the four staff members are possible during the AM and PM peak hours.

The applicant's study identified the need for sidewalks to be installed along the frontage of the Van Buren site. Mr. Replinger agreed with this recommendation and noted that "sidewalks would also help accommodate loading and unloading of students dropped off at the site". The TAL met the city requirements and provided an adequate basis upon which impacts can be assessed. Staff believes installation of the ADA ramps on the east corner of 9th and Jackson and the north corner of 9th and Van Buren are required to satisfy the City's sidewalk standards. The Jackson Street frontage is not compliant with minimum City standards and includes damaged to the driveway approach on the subject site, sidewalks and the ADA ramp at the intersection of 9th Street.

Within 90 days of this approval and in order to mitigate the impact of the proposed use, the following public improvements shall be required: ADA ramps on the east corner of 9th and Jackson and the north corner of 9th and Van Buren Street, repair damage to the driveway approach and sidewalks abutting Jackson, and the following improvements along the Van Buren frontage: a 5-foot sidewalk with a 5-foot planter strip, street trees and curb (or an alternative "green street" standards for vehicle/pedestrian use as approved by the City Engineer to lessen or eliminate stormwater impacts.) **The applicant can meet this standard by complying with conditions of approval 1-3.**

17.62.050.A.16. This standard requires the proposed development to be reviewed by Tri-Met to determine whether transit service is or reasonably can be made available to serve the site.

Finding: Not Applicable. A TriMet bus stop is located on the corner of 9th and Jackson, approximately 0.03 miles from the subject sites, and thus adequate service is provided to the site. The relatively small scale of the development does not warrant additional review by TriMet.

17.62.050.A.17. This standard requires that all utilities shall be placed underground.

Finding: Not Applicable. The applicant has not proposed and is not required to provide changes to the utility system.

17.62.050.A.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: Not Applicable. The development proposal does not include construction. Future construction will be reviewed by the Building Division upon submittal of permits.

17.62.050.A.19. This standard requires minimum densities for residential developments.

Finding: Not Applicable. This project is not a residential development.

17.62.050.A.20 Screening of Mechanical Equipment:

Finding: Not Applicable. No exterior mechanical equipment exists or is proposed.

17.62.050.A.21 Building Materials.

Finding: Not Applicable. No construction is proposed with this development application. The exterior of the structures will remain unchanged.

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

Finding: Complies with Condition. The applicant recognizes the authority of the city to impose reasonable conditions of approval pursuant to this section. Within 90 days of the Planning Commission approval, the applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement; this includes paying the document recording fee. **The applicant can meet this standard by complying with condition of approval 2.**

17.62.055.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. The applicant has proposed to utilize the sites at 908 Jackson and 903 Van Buren as an institutional use. Compliance with OCMC 17.62.055 is required.

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

Finding: Not Applicable. Each subject site is developed with a single family dwelling and a garage. The site does not comply with this criterion, however the applicant has not proposed any exterior alterations. The proposed development does not meet the minimum threshold to require improvements to the nonconforming parking lot per OCMC 17.58 Lawful Nonconforming Uses, Structures and Lots.

17.62.055.D Relationship of Buildings to Streets and Parking.

Finding: Not Applicable. Prior to this change in use, the subject properties operated as single family dwellings with driveways which provided access to the site and an opportunity for off street parking. The applicant has not proposed to alter the existing off-street parking in order to retain the character of the properties and avoid a commercial appearance. Though the subject site would comply with the number of parking stalls required, the off-street parking does not comply with the standards in the Oregon City Municipal Code (such as the location of the parking lot, interior and perimeter parking lot landscaping, etc). The applicant has not proposed to alter the property to such a degree so as to trigger additional improvements to the nonconforming vehicular access per OCMC 17.58 Lawful Nonconforming Uses, Structures and Lots.

17.62.055.E Corner Lots.

Finding: Not Applicable. The property at 903 Van Buren is a corner lot while 908 Jackson is not. The applicant has not proposed any exterior alterations. The proposed development does not meet the minimum

threshold to require improvements to the nonconforming parking lot per OCMC 17.58 Lawful Nonconforming Uses, Structures and Lots.

17.62.055.F Commercial First Floor Frontage.

Finding: Not Applicable. Each subject site is developed with a single family dwelling and a garage. The applicant has not proposed any exterior alterations. The proposed development does not meet the minimum threshold for improvements associated with this criterion per OCMC 17.58 Lawful Nonconforming Uses, Structures and Lots.

17.62.055.G Variation in Massing.

Finding: Not Applicable. Each subject site is developed with a single family dwelling and a garage. The applicant has not proposed any exterior alterations. The proposed development does not meet the minimum threshold for improvements associated with this criterion per OCMC 17.58 Lawful Nonconforming Uses, Structures and Lots.

17.62.055.H Minimum Wall Articulation.

Finding: Complies as Proposed. Each subject site is developed with a single family dwelling and a garage. The applicant has not proposed any exterior alterations. The proposed development does not meet the minimum threshold for improvements associated with this criterion per OCMC 17.58 Lawful Nonconforming Uses, Structures and Lots.

17.62.055.I Facade Transparency.

Finding: Complies as Proposed. Each subject site is developed with a single family dwelling and a garage. The applicant has not proposed any exterior alterations. The proposed development does not meet the minimum threshold for improvements associated with this criterion per OCMC 17.58 Lawful Nonconforming Uses, Structures and Lots.

17.62.055.J Roof Treatments.

Finding: Complies as Proposed. Each subject site is developed with a single family dwelling and a garage. The applicant has not proposed any exterior alterations. The proposed development does not meet the minimum threshold for improvements associated with this criterion per OCMC 17.58 Lawful Nonconforming Uses, Structures and Lots.

17.62.055.K Drive-through facilities shall:

Finding: Not Applicable. The applicant has not proposed a drive through.

Chapter 17.52 Off-Street Parking and Loading

17.52.020.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 gross leasable area unless otherwise stated.*

LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
High School/College/Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students

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

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

3. Where calculation in accordance with the following list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
4. The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
5. A Change in use within an existing building located in the MUD Design District is exempt from additional parking requirements. Additions to an existing building or new construction in the district are required to meet the minimum parking requirements in Table 17.52.020.

Finding: Complies as Proposed. Table 17.52.020 sets the parking requirements for High School/College/Commercial School at a minimum of 0.20 spaces per number of staff and students and a maximum of 0.30 spaces per number of staff and students.

Location	Students	Staff	Minimum required	Maximum Required	Proposed
Hera Community School Van Buren Street	15	3	4	5	4
Transitions Program Jackson Street	10	3	3	4	3

OCMC 17.52.020.B allows including adjacent parallel on-street parking to satisfy the off-street parking requirement. The applicant proposed to provide one off-street parking stall on each driveway and 4 stalls in the abutting right-of-way on Van Buren and 3 stalls in the abutting right-of-way along Jackson Street. The applicants proposal complies with the minimum and maximum parking stalls required.

17.52.020.B. Reduction of the Number of Automobile Spaces Required. The required number of parking stalls may be reduced if one or more of the following is met:

5. On-Street Parking. On-street parking for commercial, multifamily, industrial and institutional, uses shall conform to the following standards:

1. Dimensions. The following constitutes one on-street parking space:
 - a. Parallel parking, each [twenty-two] feet of uninterrupted and available curb;
 - b. [Forty-five/sixty] degree diagonal, each with [twelve] feet of curb;
 - c. Ninety degree (perpendicular) parking, each with [twelve] feet of curb.
2. Location. Parking may be counted toward the minimum standards in the Parking Requirement Table below when it is on the block abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and it must not violate any law or street standard.
3. 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: Complies as Proposed. Table 17.52.020 sets the parking requirements for High School/College/Commercial School at a minimum of 0.20 spaces per number of staff and students and a maximum of 0.30 spaces per number of staff and students.

- Van Buren Street – Includes 15 students and 3 staff at each session, resulting in a minimum of 4 parking spaces and a maximum of 5.
- Jackson Street – Includes 10 students and 3 staff, resulting in a minimum of 3 parking spaces and a maximum of 4.

The existing driveways on the two subject sites each provide parking for one car. OCMC 17.52.020B5 allows credit for adjacent on-street parking if the parallel parking available on the street is a minimum of 22 feet in length, abuts the subject property and not obstruct a required clear vision area or violate any other law.

908 Jackson Street has approximately 50 lineal feet of on-street parallel parking abutting the subject site, sufficient for two cars. The total of 2 on-street and 1 off-street parking spaces satisfies the minimum requirement of 3 spaces.

903 Van Buren Street has approximately 115 lineal feet of on-street parallel parking available, sufficient for 5 cars. One of those on-street spaces would be within the required clear vision area of the intersection of Van Buren and 9th Streets and is thus not being utilized. The total of 1 off-street space and 4 suitable on-street spaces satisfies the minimum requirement of 4 parking spaces.

17.52.030.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: Not Applicable. No changes to driveway access points are proposed or required,

17.52.030.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 stormwater runoff and improve water quality pursuant to the city's stormwater and low impact development design standards are encouraged.*

Finding: Not Applicable. No changes to the existing parking is proposed or required with this development.

17.52.030.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. No changes to the structures or impervious areas are proposed that would warrant a change in the stormwater onsite.

17.52.030.D. Dimensional Requirements.

Finding: Not Applicable. Prior to this change in use, the subject properties operated as single family dwellings with driveways which provided access to the site and an opportunity for off street parking. The applicant has not proposed to alter the existing off-street parking in order to retain the character of the properties and avoid a commercial appearance. Though the subject site would comply with the number of parking stalls required, the off-street parking does not comply with the standards in the Oregon City Municipal Code (such as the dimensional standards, location of the parking lot, interior, etc). The applicant has not proposed to alter the property to such a degree so as to trigger additional improvements to the nonconforming vehicular access per OCMC 17.58 Lawful Nonconforming Uses, Structures and Lots. The on-street parking complies with the required dimensional standards.

17.52.030.E Carpool and Vanpool Parking. *New office and industrial developments with seventy-five or more parking spaces, and new hospitals, government offices, 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 handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."*

Finding: Not Applicable. The applicant has not proposed an office or industrial use.

17.52.040 – Bicycle Parking

17.52.040.A. Bicycle parking standards.

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: Complies. The applicant has proposed a school use. Bicycle parking standards are applicable. Bicycle parking was not required or provided with the previous use as a single-family dwelling.

17.52.040.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.*

Finding: Complies with Condition. Two bicycle stalls are required per classroom. The applicant has not proposed to install additional bicycle parking. Since bicycle parking is required for schools and has not been previously installed, the applicant shall install two bicycle parking stalls per classroom. Within 90 days of this approval, the applicant shall install bicycle parking in compliance with OCMC 17.52.040. **The applicant can meet this standard by complying with condition of approval 5.**

Location of Bicycle Parking

17.52.040.C. 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 public right-of-way. 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 with Condition. Two bicycle stalls are required per classroom. The applicant has not proposed to install additional bicycle parking. Since bicycle parking is required for schools and has not been previously installed, the applicant shall install two bicycle parking stalls per classroom. Within 90 days of this approval, the applicant shall install bicycle parking in compliance with OCMC 17.52.040. **The applicant can meet this standard by complying with condition of approval 5.**

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

Finding: Complies with Condition. The applicant has not proposed bicycle parking onsite. Within 90 days of this approval, the applicant shall install bicycle parking in compliance with OCMC 17.52.040. **The applicant can meet this standard by complying with condition of approval 5.**

17.52.060 - Parking lot landscaping.

Finding: Not Applicable. Prior to this change in use, the subject properties each operated as a single family dwelling with a driveways for off-street parking. The applicant has not proposed any alterations to the preexisting parking in order to retain the character of the properties and avoid a commercial appearance. The proposed development does not meet the minimum threshold for improvements associated with this criterion per OCMC 17.58 Lawful Nonconforming Uses, Structures and Lots.

17.52.070 - Alternative landscaping plan.

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

17.52.080 - Maintenance.

The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of the site including but not limited to the off-street parking and loading spaces, bicycle parking and all landscaping

which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

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

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

Finding: Complies as Proposed. The owner would be responsible for maintenance of the site.

Chapter 12.04 – Streets, Sidewalks and Public Places

12.04.020 - Street design—Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. Where location is not shown in the development plan, the arrangement of streets shall either:

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

B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Access control in accordance with Section 12.04.200 shall be required to preserve the objectives of street extensions. (Prior code §9-1-2; Ord. 03-1014, Att. B3 (part), 2003)

Finding: Not Applicable. The street system in the area of the subject property is a well-established grid system. No new streets are proposed or required. There are no dead-end streets in this area that would need to be extended.

12.04.025 Street design--Minimum right-of-way.

All development shall provide adequate right-of-way and pavement width in accordance with the City Transportation System Plan and street standards.

Finding: Not Applicable. Jackson Street is designated as a local street with an existing 60-foot right-of-way width that exceeds the 53-foot minimum standard. The existing street section exceeds the minimum 32-foot paved width for local streets, and is also improved with curbs and sidewalks. Frontage improvements including repairing damaged driveway approaches and sidewalks and the ADA ramp at the 9th Street corner will be required to bring it into conformance with local street standards.

Van Buren Street, while paved, is not fully improved in terms of pavement width and lacks curbs and sidewalks along the frontage of the subject property. Discussions with City engineering staff indicate that although the existing paved width exceeds the 32-foot minimum standard for local streets, it is not centered within the 60-foot right-of-way. In compliance with this section, the following public improvements shall be required within 90 days of this approval: ADA ramps on the east corner of 9th and Jackson and the north corner of 9th and Van Buren Street, repair damage to the driveway approach and sidewalks abutting Jackson, and the following improvements along the Van Buren frontage: a 5-foot sidewalk with a 5-foot planter strip, street trees and curb (or an alternative “green street” standards for vehicle/pedestrian use as approved by the City Engineer to lessen or eliminate stormwater impacts. **The applicant can meet this standard by complying with conditions of approval 1-3.**

12.04.030 Street design--Access control.

Finding: Not Applicable. Access control is not required as there are no dead-end or half-streets are found in the vicinity of the subject property.

12.04.35 Street design--Alignment.

Finding: Not Applicable. No new streets are proposed and no changes to existing street alignments will occur with this development.

12.04.40 Street design—Minimum Street Intersection Spacing.

Finding: Not Applicable. No new intersections are proposed or required with this development.

12.04.045 Street Design--Constrained Local Streets and/or Right-of-Way

Any accessway with a pavement width of less than thirty-two feet shall require the approval of the city engineer, community development director and fire chief and shall meet minimum life safety requirements, which may include fire suppression devices as determined by the fire marshal to assure an adequate level of fire and life safety. The standard width for constrained streets is twenty feet of paving with no on-street parking and twenty-eight feet with on street parking on one side only. Constrained local streets shall maintain a twenty-foot wide unobstructed accessway. Constrained local streets and/or right-of-way shall comply with necessary slope easements, sidewalk easements and altered curve radius, as approved by the city engineer and community development director.

Table 12.04.045

STREET DESIGN STANDARDS FOR LOCAL CONSTRAINED STREETS		
	Minimum	Required
Type of Street	Right-of-Way	Pavement Width
Constrained local street	30 to 40 feet	20 to less than 32 feet

Finding: Complies as Proposed. No constrained streets are proposed or required with this development.

12.04.050 Intersection Level of Service Standards.

When approving land use actions, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level Of Service (LOS) upon full build-out of the proposed land use action.

Finding: Not Applicable. Please refer to the analysis in OCMC 17.62.050.A.15.

12.04.055 Street Design--Intersection Angles

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

Finding: Not Applicable. No new intersections or alterations to existing intersections are proposed or required with this development.

12.04.060 Street Design--Half Street

Finding: Not Applicable. The proposal does not include a half street.

12.04.060 Street Design—Cul-de-sacs and Dead-End Streets

Finding: Not Applicable. No cul-de-sacs or dead-end streets exist in this area nor are any proposed.

12.04.065 Street Design - Street Names

Finding: Not Applicable. All streets in this area have existing street names and no new streets are proposed.

12.04.080 Street Design - Grades and Curves

Finding: Not Applicable. No changes to existing street alignments are proposed. All streets are straight and meet grade standards.

12.04.085 Street Design—Development Abutting Arterial or Collector Street

Finding: Not Applicable. The property does not abut an arterial or collector street.

12.04.096 Street Design—Curb Cuts

Finding: Not Applicable. The frontages of the subject sites have a curb cut for the existing driveway along Jackson Street and Van Buren. No changes to these curb cuts are proposed.

12.04.100 Street Design--Alleys

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

Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the decision-maker.

Finding: Not Applicable. The site is located in the R-6 Single-Family Dwelling District.

12.04.105 Street Design—Transit

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with Tri-Met where the application impacts transit streets as identified on Figure 5.7: Public Transit System Plan of the Oregon City Transportation System Plan. Pedestrian/bicycle access ways shall be provided as necessary in conformance with the requirements in Section 17.90.220 of this Code and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified. Public Transit System Plan of the Oregon City Transportation System Plan. Pedestrian/bicycle accessways shall be provided as necessary in conformance with the requirements in Section 16.12.220 and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision-maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the subdivision has been identified.

Finding: Not Applicable. The existing grid pattern provides for ready pedestrian access to Tri-Met service on Jackson Street and complies with the City's Transportation System Plan. No alteration to the existing grid street pattern or TriMet service is proposed.

12.04.110 Street Design—Planter Strips

All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable.

Finding: Complies with Conditions. The Jackson Street frontage currently contains a planter strip while the applicant will be installing improvements along the Van Buren frontage including a planter strip or an alternative "green street" approved by the City Engineer. **The applicant can meet this standard by complying with condition of approval 1-3.**

Chapter 12.08 – Public and Street Trees

12.08.015 - Street tree planting and maintenance requirements.

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

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

Finding: Complies as Proposed. There are existing street trees within the planter strip on Jackson Street. Street trees will be provided along Van Buren Street with the proposed frontage improvements. The applicant indicated that one tree will be installed along the Van Buren frontage every thirty-five feet.

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

1. *Fifteen feet from streetlights;*
2. *Five feet from fire hydrants;*
3. *Twenty feet from intersections;*
4. *A minimum of five feet (at mature height) below power lines.*

Finding: Complies as Proposed. The applicant indicated that all required clearances will be met.

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

Finding: Complies as Proposed. The street trees that will be planted will be a minimum of two inches in caliper as required by this subsection.

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

Applicant response: The trees will be maintained in accordance with this subsection.

12.08.020 - Street tree species selection.

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

Finding: Complies as Proposed. The applicant indicated that the trees would be maintained in accordance with this section.

12.08.020 Street tree species selection.

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

Finding: Complies with Condition. In order to assure the trees are appropriate for the width of the planter strip, the applicant shall plant a street tree species from the Oregon City Street Tree List. **The applicant can meet this standard by complying with condition of approval 6.**

12.08.025 - General tree maintenance.

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

Finding: Complies with Condition. The applicant did not respond to this criterion. The applicant shall assure abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash. **The applicant can meet this standard by complying with condition of approval 7.**

12.08.030 - Public property tree maintenance.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The natural resources committee may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities or other public improvements.

Finding: Complies with Condition. The applicant did not respond to this criterion. The applicant shall assure the city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The natural resources committee may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities or other public improvements. **The applicant can meet this standard by complying with condition of approval 8.**

12.08.035 - Public tree removal.

Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035.

All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where necessary due to planting constraints. The community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City in accordance with Oregon City Municipal Code 12.08.

Finding: Complies with Condition. The applicant did not respond to this criterion. The applicant shall assure existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced in accordance with OCMC 12.08. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035.

All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where

necessary due to planting constraints. The community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City in accordance with Oregon City Municipal Code 12.08. **The applicant can meet this standard by complying with condition of approval 9.**

12.08.040 - Heritage Trees and Groves.

Finding: Not Applicable. The subject property does not contain any heritage trees or groves.

12.08.045 - Gifts and funding.

Finding: Not Applicable. The applicant has not requested to utilize this section.

CHAPTER 17.12 R-6 SINGLE-FAMILY DWELLING DISTRICT:

Finding: Complies as Proposed. Oregon City Municipal Code chapter 17.12.030G allows the establishment of "private and/or public educational or training facilities" through a conditional use process, as is proposed in this application.

17.12.040.A. Minimum lot areas, six thousand square feet;

Finding: Not Applicable. The applicant has not proposed to alter the lot size with this development.

17.12.040.B. Minimum lot width, fifty feet;

Finding: Not Applicable. The applicant has not proposed to alter the lot size with this development.

17.12.040.C. Minimum lot depth, seventy feet;

Finding: Not Applicable. The applicant has not proposed to alter the lot size with this development.

17.12.040.D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;

Finding: Not Applicable. The applicant has not proposed any exterior alterations with this development.

17.12.040.E.1. Front yard, ten feet minimum depth,

Finding: Not Applicable. The applicant has not proposed any exterior alterations with this development.

17.12.040.E.2. Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.

Finding: Not Applicable. The applicant has not proposed any exterior alterations with this development.

17.12.040.E.3. Interior side yard, nine feet minimum width for at least one side yard; five feet minimum width for the other side yard,

Finding: Not Applicable. The applicant has not proposed any exterior alterations with this development.

17.12.040.E.4. Corner side yard, fifteen feet minimum width,

Finding: Not Applicable. The applicant has not proposed any exterior alterations with this development.

17.12.040.E.5. Rear yard, twenty feet minimum depth,

Finding: Not Applicable. The applicant has not proposed any exterior alterations with this development.

17.12.040.E.6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-4(C))

Finding: Not Applicable. The applicant has not proposed any exterior alterations with this development.

17.12.040.F. Garage Standards: See Section 17.20 – Residential Design Standards.

Finding: Not Applicable. The applicant has not proposed any exterior alterations with this development.

17.12.040.G. *Maximum Building Coverage: See Section 17.20 – Residential Design Standards.*

Finding: Not Applicable. The applicant has not proposed any exterior alterations with this development.

Chapter 17.50 Administration and Procedures

Finding: Complies. Notice of the public hearings for the proposal was mailed to property owners within 300 feet of the subject site the McLoughlin Neighborhood Association and the Citizen Involvement Council. The notice was advertised in the Clackamas Review and the site was posted with land use notification signs. The notice requested comments and indicated that interested parties could testify at the public hearing or submit written comments prior to or at the hearing. The following public comments were submitted:

The McLoughlin Neighborhood Association submitted comments indicating that the proposal would not conflict with neighborhood interests if “the houses and properties are not altered from their single family residential appearance and that the period review of the school districts activities is added as a condition of approval similar to other conditional use permits in the neighborhood”. The comments also stated that “a prior visit by Superintendent Roda, about two years ago, noted that the buildings were being rented and they had no immediate use for the houses. MNA asked to be informed if the houses were going to be used for any other use other than rentals. We further indicated that there was no further use for these properties that they be sold and put back on the tax rolls. Fast forward to the present, the houses are not longer rental and have been used for school activities without benefit of review” (Exhibit 3).

No additional public comments were received prior to the release of this staff report.

Chapter 17.58 – NONCONFORMING USES, STRUCTURES AND LOTS

Nonconforming situations are created when the application of zoning district to a site changes or the zoning regulations change. As part of the change, existing uses, density, or development might no longer be allowed or are further restricted. Nonconforming uses, structures and lots are those uses, structures and lots that were lawfully established but do not conform to the provisions of this title or the provisions of the zoning district in which the use, structure or lot is located. The intent of these provisions is not to force all nonconforming situations immediately to be brought into conformance. Instead, the intent is to guide nonconforming situations in a new direction consistent with city policy, and, eventually, bring them into conformance.

17.58.040.C.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.*

Findings: Applicable. The subject sites were single-family dwellings before the use of the properties was changed to an educational facility. The properties were each constructed before the adoption of the current zoning code with a single-family dwelling, accessory garage and a driveway and do not meet a variety of criteria including parking lot standards, setbacks, etc. The proposed development requires compliance with OCMC 17.58.040.C.2.

17.58.040.C.2.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: Not Applicable. No exterior alterations are proposed and thus the \$75,000 threshold for requiring a proportional improvement to the nonconforming aspects of the site will not be exceeded.

17.58.040.C.2.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: Not Applicable. The improvement threshold is not being exceeded.

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

Finding: Not Applicable. The improvement threshold is not being exceeded.

17.58.040.C.2.c.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:*

Finding: Not Applicable. The site is not leased and the improvement threshold is not being exceeded.

17.58.040.C.2.d.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.*

Finding: Not Applicable. The improvement threshold is not being exceeded.

17.58.040.C.2.d.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:*

Finding: Not Applicable. The improvement threshold is not being exceeded.

III. RECOMMENDED CONCLUSION AND DECISION

Staff recommends that the Planning Commission approve Planning files CU 11-01: Conditional Use and SP 11-03: Minor Site Plan and Design Review as submitted by the applicant with the recommended conditions of approval.

IV. EXHIBITS

The following exhibits are attached to this staff report.

1. Vicinity Map

2. Applicant's Narrative and Site Plan
3. Comments submitted by the McLoughlin Neighborhood Association
4. TAL Review by John Replinger of Replinger and Associates

Recommended Conditions of Approval

Planning files: CU 11-01: Conditional Use and SP 11-03: Minor Site Plan and Design Review
Planning Commission Hearing: May 23, 2011

1. The applicant is responsible for this project's compliance to Engineering Policy 00-01. *(DS)*
2. Within 90 days of the Planning Commission approval, the applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement; this includes paying the document recording fee. *(DS)*
3. Within 90 days of this approval and in order to mitigate the impact of the proposed use, the following public improvements shall be required: ADA ramps on the east corner of 9th and Jackson and the north corner of 9th and Van Buren Street, repair damage to the driveway approach and sidewalks abutting Jackson, and the following improvements along the Van Buren frontage: a 5-foot sidewalk including ADA ramps with a 5-foot planter strip, street trees and curb (or an alternative "green street" standards for vehicle/pedestrian use as approved by the City Engineer to lessen or eliminate stormwater impacts. *(DS)*
4. The applicant shall assure 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. *(P)*
5. Within 90 days of this approval, the applicant shall install bicycle parking in compliance with OCMC 17.52.040. *(P)*
6. In order to assure the trees are appropriate for the width of the planter strip, the applicant shall plant a street tree species from the Oregon City Street Tree List. *(P)*
7. The applicant shall assure abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash. *(P)*
8. The applicant shall assure the city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The natural resources committee may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition, or which by

reason of its nature is injurious to above or below-ground public utilities or other public improvements. *(P)*

9. The applicant shall assure existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced in accordance with OCMC 12.08. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035.

All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where necessary due to planting constraints. The community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City in accordance with Oregon City Municipal Code 12.08.
(P)

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

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

4

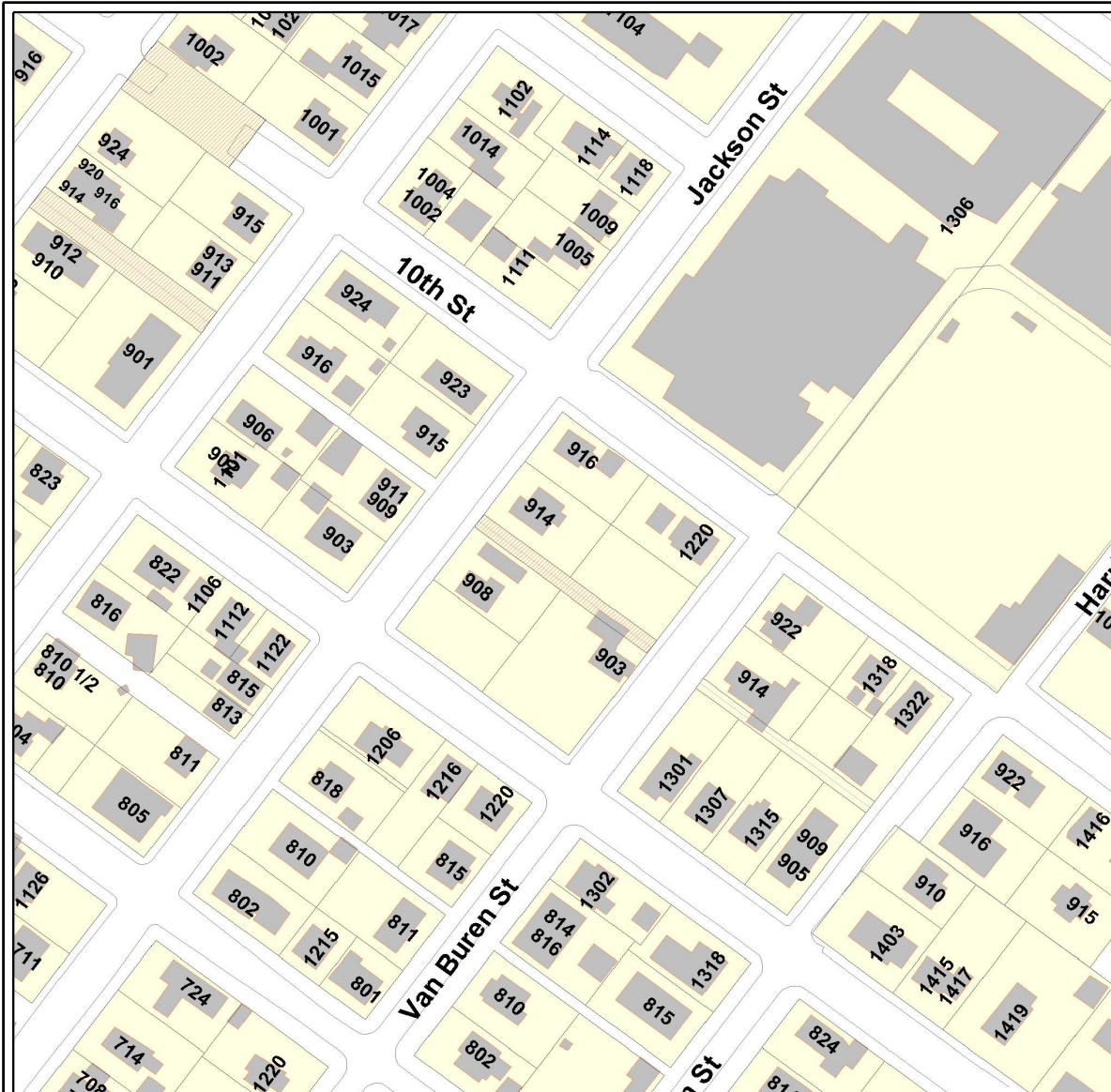


City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
(503) 657-0891
www.orcity.org

This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

Map created with OCMap 2011

04/08/2011





CITY OF OREGON CITY LAND USE APPLICATION



City of Oregon City, Community Development Department, 221 Molalla Ave., Ste. 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722-3789

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Nonconforming Use review
- ☐ Water Resources Exemption

Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition
- ☐ Minor Site Plan & Design Review
- ☐ Nonconforming Use Review
- ☒ Site Plan and Design Review
- ☐ Subdivision
- ☐ Minor Variance
- ☐ Water Resource Review

Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☒ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Oregon City Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

Application Number: _____

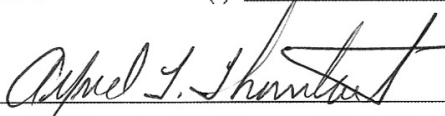
Proposed Land Use or Activity: Utilize the residence at 908 Jackson Street as a school based program for 18-21 year old students and an alternative school at 903 Van Buren Street.

Project Name: Hera Community School & Transition Program. Number of Lots Proposed (If Applicable): None

Physical Address of Site: 908 Jackson St. And 903 Van Buren St.

Clackamas County Map and Tax Lot Number(s): 22E32BC 4600 & 4700

Applicant(s):

Applicant(s) Signature: 

Applicant(s) Name Printed: Ted Thonstad for Oregon City Public Schools Date: March 18, 2011

Mailing Address: 1417 12th Street, Oregon City, OR 97045

Phone: (503) 785-8421 Fax: (503) 657-2492 Email: ted.thonstad@orecity.k12.or.us

Property Owner(s):

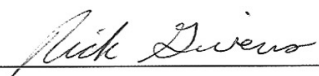
Property Owner(s) Signature: Same as Applicant

Property Owner(s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

Representative(s):

Representative(s) Signature: 

Representative (s) Name Printed: Rick Givens Date: March 18, 2011

Mailing Address: 204 SE 10th Avenue, Canby, OR 97013

Phone: (503) 263-4966 Fax: (503) 263-4966 Email: rgivens@wbcable.net

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

www.orecity.org

3c. CU 11-01 (Conditional Use) and SP 11-03 (Minor Site Plan and Design Review):

The applicant requested to utilize the sites located at 908 Jackson Street and 903

**Oregon City Public Schools
908 Jackson Street and 903 Van Buren Street
Conditional Use Permit/Site Plan and Design Review**

Proposal:

Oregon City Public School District is requesting a Conditional Use permit for a public educational training facility pursuant to OCMC 17.12.030.G for property located at 908 Jackson Street. A Conditional Use permit for an alternative school is also requested for contiguous property located at 903 Van Buren Street. In addition to these Conditional Use permits, an application for Site Plan and Design Review is also being submitted to address the proposed change in use. The subject properties are described as TL 4600 and 4700 of Clackamas County Assessor's Map 2-2E-32BC. It should also be noted that the applicant is attempting to gain sufficient support to file a vacation application for a 10-foot strip of alley right-of-way that abuts the subject properties along their north boundaries. Should a street vacation ultimately be approved, the Conditional Use should also apply to the area that would become a part of the subject properties.



Figure 1: Existing Zoning

Oregon City Public Schools
Jackson & Van Buren Street CUP/DR Application
Page 1 of 28

Background Information:

The subject property is zoned R-6 Single-Family Dwelling District. The site is also located within the McLoughlin Conservation District. The property at 908 Jackson Street, while within the overlay district, is not designated as an historic structure, but the home at 903 Van Buren is individually designated as an historic structure.



Figure 2: Aerial Photograph

As shown on the aerial photograph above, the property contains two existing single-family dwelling units; one fronting on Jackson Street and one fronting on Van Buren Street. Both properties contain separate detached garages. Site vegetation is predominantly open lawn areas with a few trees.

Proposed Use:

The use proposed for conditional use approval at 908 Jackson Street is the District's Transition Program. This program, mandated by Federal and State requirements, provides training in life skills for 18 to 21 year-old students with learning disabilities. The program helps these students transition into jobs or volunteer programs. The use involves 10 students who are on-site Monday through Friday from 11:30 am to 3:30 pm. One teacher and two aids are involved in the program.

The property at 903 Van Buren is proposed for approval of an alternative school, Hera Community School. Hera Community School is certified by the Oregon State Department of Education for learning disabled and/or emotionally handicapped students. The school is accredited by the Northwest Association of Accredited Schools as a special purpose school. Classes are conducted in two sessions, one from 8:00-11:00 am and the other from 12:00-3:00 pm. Each session has 15 students enrolled. A total of three staff are employed at the site.

Both the alternative school and the Transition Program operate on the same school calendar as Oregon City Public Schools.

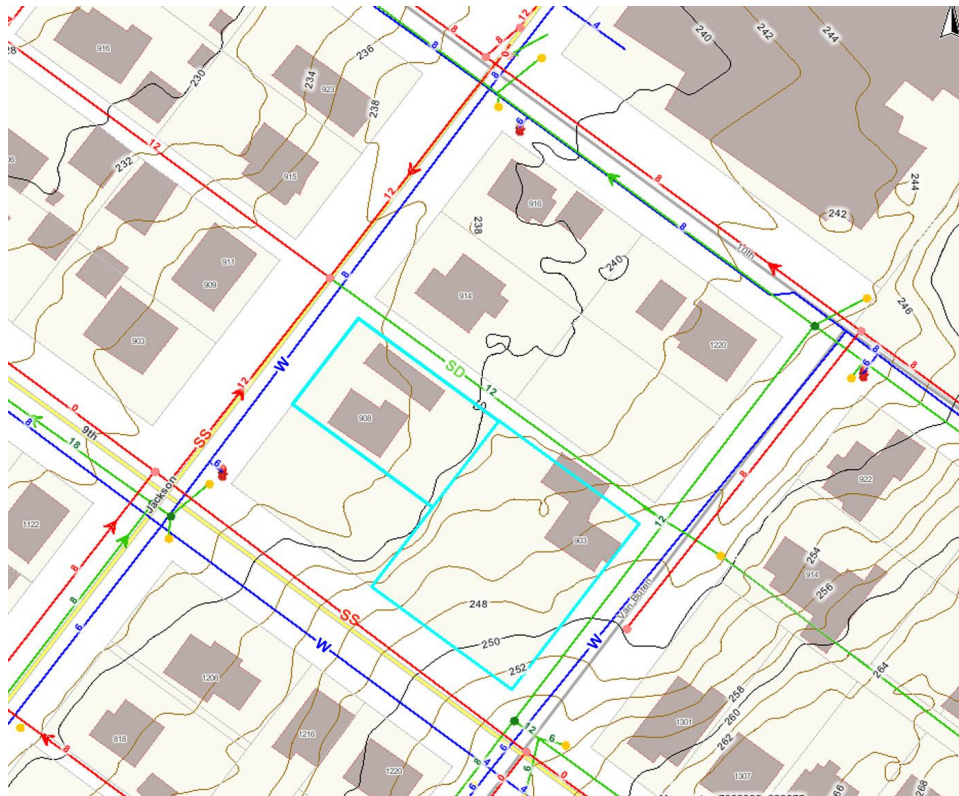


Figure 3: Existing Utilities

As shown on Figure 3, above, the site has full public services available in Jackson, Van Buren and 9th Streets. Both existing homes are connected to city water and sewer services along their respective street frontages. A 12-inch storm sewer abuts the subject property within a 10-foot wide right-of-way along its northeast border.

Relevant Oregon City Municipal Code Criteria:

The Preapplication Conference notes list the following chapters of the Oregon City Municipal Code (OCMC) as potentially being applicable to this proposal:

Oregon City Public Schools
Jackson & Van Buren Street CUP/DR Application
Page 3 of 28

- Streets, Sidewalks and Public Places in Chapter 12.04 (If proposing public improvements),
- Public and Street Trees in Chapter 12.08 (If proposing to install public street trees),
- “R-6” Single-Family Residential Dwelling District in Chapter 17.12,
- Historic Overlay District in Chapter 17.40 (If proposing development above the threshold),
- Tree Protection Standards in Chapter 17.41 (If proposing to remove a tree on the property)
- Administration and Procedures are set forth in Chapter 17.50,
- Off-Street Parking and Loading in Chapter 17.52,
- Conditional Uses in Chapter 17.56,
- Lawful Nonconforming Uses, Structures and Lots in OCMC 17.58, &
- Site Plan and Design Review in Chapter 17.62.

No development above the threshold is proposed so the Historic Overlay chapter is not applicable. No trees are proposed to be removed so Chapter 17.41 will not apply. The remaining chapters are addressed in the following sections of this application narrative.

Chapter 12.04 – Streets, Sidewalks and Public Places

12.04.020 - Street design—Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. Where location is not shown in the development plan, the arrangement of streets shall either:

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

B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Access control in accordance with Section 12.04.200 shall be required to preserve the objectives of street extensions. (Prior code §9-1-2; Ord. 03-1014, Att. B3 (part), 2003)

Applicant Response: The street system in the area of the subject property is a well-established grid system. No new streets are proposed or required. There are no dead-end streets in this area that would need to be extended.

12.04.025 Street design--Minimum right-of-way.

All development shall provide adequate right-of-way and pavement width in accordance with the City Transportation System Plan and street standards.

Applicant Response: Jackson Street is local street with an existing 60-foot right-of-way width that exceeds the 53-foot minimum standard. The existing street section exceeds the minimum 32-foot paved width for local streets, and is also improved with curbs and sidewalks.

Van Buren Street, while paved, is not fully improved in terms of pavement width and lacks curbs and sidewalks along the frontage of the subject property. Discussions with City engineering staff indicate that although the existing paved width exceeds the 32-foot minimum standard for local streets, it is not centered within the 60-foot right-of-way. In compliance with this section, the applicant will provide a paved width of 16 feet from centerline on the west side of the street. Curbs and sidewalks along the property frontage will be provided, consistent with City standards.

12.04.030 Street design--Access control.

Applicant Response: Not applicable. No dead-end or half-streets are found in the vicinity of the subject property so access control is not required.

12.04.35 Street design--Alignment.

Applicant Response: Not applicable. No new streets are proposed and no changes to existing street alignments will occur.

12.04.40 Street design—Minimum Street Intersection Spacing.

Applicant Response: Not applicable. No new intersections are proposed.

12.04.045 Street Design—Constrained Local Streets and/or Right-of-Way

Any accessway with a pavement width of less than thirty-two feet shall require the approval of the city engineer, community development director and fire chief and shall meet minimum life safety requirements, which may include fire suppression devices as determined by the fire marshal to assure an adequate level of fire and life safety. The standard width for constrained streets is twenty feet of paving with no on-street parking and twenty-eight feet with on street parking on one side only. Constrained local streets shall maintain a twenty-foot wide unobstructed accessway. Constrained local streets and/or right-of-way shall comply with necessary slope easements, sidewalk easements and altered curve radius, as approved by the city engineer and community development director.

Table 12.04.045

STREET DESIGN STANDARDS FOR LOCAL CONSTRAINED STREETS		
	Minimum	Required
Type of Street	Right-of-Way	Pavement Width
Constrained local street	30 to 40 feet	20 to less than 32 feet

Applicant Response: Not applicable. No constrained streets are proposed and all existing streets will meet or exceed typical City standards.

12.04.050 Intersection Level of Service Standards.

When approving land use actions, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level Of Service (LOS) upon full build-out of the proposed land use action.

Applicant Response: Please refer to the traffic assessment letters submitted with this application.

12.04.055 Street Design--Intersection Angles

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

Applicant Response: All existing intersections meet at right angles and conform to these standards. No new intersections are proposed.

12.04.060 Street Design--Half Street

Applicant Response: Not applicable. No half streets exist in this area nor are any proposed.

12.04.060 Street Design—Cul-de-sacs and Dead-End Streets

Applicant Response: Not applicable. No cul-de-sacs or dead-end streets exist in this area nor are any proposed.

12.04.065 Street Design - Street Names

Applicant Response: Not applicable. All streets in this area have existing street names and no new streets are proposed.

12.04.080 Street Design - Grades and Curves

Applicant Response: Not applicable. No changes to existing street alignments are proposed. All streets are straight and meet grade standards.

12.04.085 Street Design—Development Abutting Arterial or Collector Street

Applicant Response: Not applicable. The property does not abut an arterial or collector street.

12.04.096 Street Design—Curb Cuts

Applicant Response: Both tax lots have one curb cut for the existing driveway to each house. No changes to these curb cuts are proposed. Both curb cuts satisfy applicable design standards.

12.04.100 Street Design—Alleys

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

Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the decision-maker.

Applicant Response: There is a 10-foot wide unimproved public alley right-of-way located mid-block that runs between Van Buren and Jackson Streets. All existing properties in this area have direct driveway access to the streets that they front upon and none take access from the existing alleyway. The applicant is working to prepare an application to vacate the existing alley right-of-way.

12.04.105 Street Design—Transit

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with Tri-Met where the application impacts transit streets as identified on Figure 5.7: Public Transit System Plan of the Oregon City Transportation System Plan. Pedestrian/bicycle access ways shall be provided as necessary in conformance with the requirements in Section 17.90.220 of this Code and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified. Public Transit System Plan of the Oregon City Transportation System Plan. Pedestrian/bicycle accessways shall be provided as necessary in conformance with the requirements in Section 16.12.220 and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision-maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the subdivision has been identified.

Applicant Response: The existing grid pattern provides for ready pedestrian access to Tri-Met service on Jackson Street and complies with the City's Transportation System Plan. No alteration to the existing grid street pattern is proposed.

12.04.110 Street Design—Planter Strips

All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable.

Applicant Response: Existing curb and sidewalk improvements on Jackson and 9th Streets provide for a planter strip. The new frontage improvements on Van Buren Street will also include provision for a planter strip in conformance with this section.

Chapter 12.08 – Public and Street Trees

12.08.015 - Street tree planting and maintenance requirements.

All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance

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

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

Applicant response: There are existing street trees within the planter strip on Jackson Street. Street trees will be provided along Van Buren Street with the proposed frontage improvements. The minimum spacing distance of one tree per thirty-five feet will be met.

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

- 1. Fifteen feet from streetlights;*
- 2. Five feet from fire hydrants;*
- 3. Twenty feet from intersections;*
- 4. A minimum of five feet (at mature height) below power lines.*

Applicant response: The required clearances will be met.

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

Applicant response: The street trees that will be planted will be a minimum of two inches in caliper as required by this subsection.

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

Applicant response: The trees will be maintained in accordance with this subsection.

12.08.020 - Street tree species selection.

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

Applicant response: If the community development director specifies a street tree, the applicant will use this selection.

12.08.025 - General tree maintenance.

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

Applicant Response: The applicant will maintain street trees and planting strips as required by this section.

12.08.030 - Public property tree maintenance.

Applicant Response: The applicant acknowledges the right of the City to perform maintenance in these areas.

12.08.035 - Public tree removal.

Applicant Response: No street trees will be removed as a result of this proposal. New street trees will be planted in conformance with City standards.

12.08.040 - Heritage Trees and Groves.

Applicant Response: Not applicable. The subject property does not contain any heritage trees or groves.

12.08.045 - Gifts and funding.

Applicant Response: Not applicable to this proposal.

12.08.050 - Violation—Penalty.

The violation of any provision of this chapter shall be constitute a civil infraction, subject to code enforcement procedures of Chapter 1.16 and/or Chapter 1.20.

Applicant Response: The applicant acknowledges the right of the City to impose penalties for violation of these provisions.

Chapter 17.12 “R-6” Single-Family Residential Dwelling District

Applicant Response: The subject property is zoned R-6, which is a single-family dwelling district. Section 17.12.030G allows the establishment of “Private and/or public educational or training facilities” through a conditional use process, as is proposed in this application. Compliance with the dimensional standards of the R-6 district is addressed below in this report under Chapter 17.56.010C.

Chapter 17.50 Administration and Procedures

Applicant Response: Consistent with the requirements of this section, this application for a Conditional Use Permit and Site Plan and Design Review will be processed through a Type III process. This process will provide for notice to property owners within 300 feet of the site, with review of the application by the Planning Commission at a public hearing. A pre-application conference was held prior to the submission of this application. Please refer to the attached notes for Pre-application PA 10-34. As required by Section 17.50.055, the applicant contacted the Neighborhood Association and notes are attached that reflect the discussion with the representative of that group. A City Land Use application form has been completed and is included with the submittal package. All of the information required for submittal as listed in Section 17.50.080 and on the application checklist is also included. The City will provide appropriate notice pursuant to Section 17.50.090 and the applicant will post signs on the property consistent with Section 17.50.100.

Chapter 17.52 Off-Street Parking and Loading

17.52.020 - Number of automobile spaces required.

Applicant Response: Table 17.52.020 sets the parking requirements for High School/College/Commercial School for Adults at a minimum of 0.20 spaces per number of staff and students and a maximum of 0.30 spaces per number of staff and students. For the Hera Community School program on Van Buren Street, there are 15 students and 3 staff at each session, meaning a minimum of 4 parking spaces is required and a maximum of 5 off-street spaces may be provided. For the Transitions Program on Jackson Street, 10 students and 3 staff are involved. A minimum of 3 parking spaces is required and a maximum of 4 off-street spaces may be provided.

The existing driveways on these properties each provide parking for one car. Reductions in the amount of parking are allowed under the provisions of 17.52.020B. 17.52.020B5 allows a reduction of required parking for institutional uses based upon credit for on-street parking. Parallel on-street parking must be a minimum of 22 feet in length, abut the subject property, and not obstruct a required clear vision area or violate any other law. 908 Jackson Street has approximately 50 lineal feet of on-street parallel parking available abutting that property, or sufficient for two cars. The combined total of 2 on-street and 1 off-street parking spaces satisfies the minimum requirement of 3 spaces for the Transitions Program. 903 Van Buren Street has approximately 115 lineal feet of on-street

parallel parking available, or sufficient for 5 cars. One of those on-street spaces, however, would be within the required clear vision area of the intersection of Van Buren and 9th Streets. The combined total of 1 off-street space and 4 suitable on-street spaces satisfies the minimum requirement of 4 parking spaces for the Hera Community School site.

17.52.030.A. Development of parking lots shall require site plan review. The standards address access, surfacing, drainage and dimensional requirements.

Applicant Response: No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking improvements are required.

17.52.030.B. 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.

Applicant Response: No changes to driveway access points are proposed.

17.52.030.C. 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 stormwater runoff and improve water quality pursuant to the city's stormwater and low impact development design standards are encouraged.

Applicant Response: No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking improvements are required.

17.52.030.D. Drainage. Drainage shall be designed in accordance with the requirements of Chapter 13.12 and the city Public Works Stormwater and Grading Design Standards.

Applicant Response: No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking improvements are required.

17.52.030.E. Dimensional Requirements.

Applicant Response: The existing driveways will continue to be used in their current condition. No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking improvements are required.

17.52.040 – Carpool and Vanpool Parking

Applicant Response: Not applicable. No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No carpool or vanpool parking improvements are required.

17.52.050 – Bicycle Parking

17.52.060.A Bicycle parking standards.

A. Bicycle parking spaces shall be provided for the uses described in Section 17.52.050, in the amounts specified in Table A,. 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 17.52.010 for determining automobile parking space requirements.

Applicant Response: The provisions of this section require a minimum of two bicycle spaces per high school classroom. Each of these uses involves fewer students than a typical high school class (10 and 15 students respectively, as opposed to 25 to 30 per high school class). As a practical matter, none of the students or teachers rides a bicycle to either the Jackson or Van Buren Street properties. Because the project involves a nonconforming use and does not the threshold for requirement of improvements specified in 17.58.040.C.2.a, the provision of bicycle parking is not required.

17.52.060.A.1. *Bicycle parking shall be located on-site, in one or more convenient, secure and accessible outdoor and indoor locations close to a main building entrance. The City Engineer and the Community Development Director may permit the bicycle parking to be provided within the public right-of-way. 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.*

Applicant Response: Because site development costs are under the threshold for nonconforming uses, no bicycle parking improvements are required.

17.52.060.A.2. *Bicycle parking areas shall be clearly marked. Outdoor bicycle parking areas shall be visible from on-site buildings or the street. Indoor bicycle parking areas shall not require stairs to access the space, except that bicycle parking may be allowed on upper stories within multi-story residential structures.*

Applicant Response: Because site development costs are under the threshold for nonconforming uses, no bicycle parking improvements are required.

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

1. 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. Areas set aside for required bicycle parking shall be clearly marked and reserved for bicycle parking only. If a bicycle parking area is not plainly visible from the street or main building entrance, then a sign must be posted indicating the location of the bicycle parking area.

Applicant Response: Because site development costs are under the threshold for nonconforming uses, no bicycle parking improvements are required.

17.52.060.B.2. *Bicycle parking areas shall not obstruct pedestrian walkways; provided, however, that the review authority may allow bicycle parking in the public sidewalk where this does not conflict with pedestrian accessibility.*

Applicant Response: Because site development costs are under the threshold for nonconforming uses, no bicycle parking improvements are required.

17.52.060.C. *Outdoor bicycle areas shall be connected to main building entrances by pedestrian accessible walks. Outdoor bicycle parking areas also shall have direct access to public right-of-way and to existing and proposed pedestrian/bicycle accessways and pedestrian walkways.*

Applicant Response: Because site development costs are under the threshold for nonconforming uses, no bicycle parking improvements are required.

17.52.060.D. *Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored 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 convenience.*

Applicant Response: Because site development costs are under the threshold for nonconforming uses, no bicycle parking improvements are required.

17.52.070 – Pedestrian Access in Off-Street Automobile Parking Areas
Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and development standards within Section 17.62.050A.7. of the Oregon City Municipal Code.

Applicant Response: Because site development costs are under the threshold for nonconforming uses, no parking improvements are required.

17.52.090.B.1 – Parking Lot Landscaping

Applicant Response: No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking landscaping improvements are required.

17.52.090.B.2. Parking Area/Building Buffer.

Applicant Response: No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking landscaping improvements are required.

17.52.090.B.3. Interior Parking Lot Landscaping. feet of the base of trees.

Applicant Response: No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking landscaping improvements are required.

17.52.090.B.4. Alternative parking/landscaping plan.

Applicant Response: No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking landscaping improvements are required.

17.52.090.B.5. *The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.*

Applicant Response: No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking landscaping improvements are required.

17.52.090.B.6. *Parking lot trees shall be a mix of deciduous shade trees and coniferous trees.*

Applicant Response: No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking landscaping improvements are required.

17.52.090.B.7. *All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.*

Applicant Response: No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking landscaping improvements are required.

17.52.090.B.8. *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.*

Applicant Response: No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking landscaping improvements are required.

17.52.090.B.9. *Landscaped areas shall include irrigation systems.*

Applicant Response: No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking landscaping improvements are required.

17.52.090.B.10. *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.*

Applicant Response: No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking landscaping improvements are required.

17.52.090.B.11. *Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.*

Applicant Response: No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking landscaping improvements are required.

17.52.090.B.12. *Required landscaping trees shall be of a minimum two-inch minimum caliper size, planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List;*

Applicant Response: No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking landscaping improvements are required.

17.52.090.C. Installation.

Applicant Response: No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking landscaping improvements are required.

17.52.090.D. Maintenance.

Applicant Response: No changes to the existing buildings are proposed so site development costs are under the threshold for nonconforming uses. No parking landscaping improvements are required.

Chapter 17.56 Conditional Uses

17.56.010 - Permit—Authorization—Standards—Conditions.

A. *The following conditional uses, because of their public convenience and necessity and their effect upon the neighborhood shall be permitted only upon the approval of the planning commission after due notice and public hearing, according to procedure as provided in Chapter 17.50. The planning commission may allow a conditional use, provided that the applicant provides evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:*

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

Applicant Response: Private and/or public educational or training facilities are listed as a conditional use in OCMC 17.12.030.G. Both the alternative school and the transitions program fall within this category of use.

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

Applicant Response: The subject property consists of two tax lots that contain a total of 21,513 square feet of area. The properties slope gently from Van Buren Street to Jackson Street. A retaining wall along the rear yards separating the two tax lots accounts for approximately three to four feet of the elevation difference between the two properties. There are no natural hazard areas or other physical constraints to development on the site. The proposed conditional use activities will take place within the two existing residences on the properties. No changes to the structures are needed or proposed. The existing driveway area will provide for parking for staff. No other parking is needed for the proposed uses as students are either bussed to the site or dropped off along the street frontage. Because no changes to the site or structures are needed to accommodate the proposed use, and because there are no physical limitations to the use of the property, its characteristics are suited to the proposed use.

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

Applicant Response: Sewer, water and storm drainage utilities are present and adequate to service the proposed uses. The existing homes that are proposed for approval for the proposed uses are connected to sewer and water services. Jackson Street is improved to city standards and the Van Buren Street frontage will be improved with half street improvements consistent with local street standards. For these reasons, the proposed use is timely.

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

Applicant Response: The existing homes will not be changed in appearance and will remain consistent with the character of the surrounding residential neighborhood. The proposed uses are low in intensity and do not generate excessive traffic, as demonstrated by the attached traffic impact letters. On Van Buren Street, the subject property is adjacent to a vacant lot owned by the School District. The Jackson Street property does abut another single-family property to the north, but the garage on the subject property and a cedar fence along the property line provide for buffering. For these reasons, the proposed uses will not limit or impair the use of surrounding properties.

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

Applicant Response: The following Comprehensive Plan policies were identified by staff as being relevant to this application:

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.

Applicant Response: These school facilities enhance the diversity of land uses within the surrounding community, helping to provide a sense of place and uniqueness to this neighborhood.

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.

Applicant Response: The proposed Transition Program and alternative school uses provide for educational services that are needed in the community. The conditional use process allows for these uses to be authorized in a residential neighborhood such as this, consistent with this policy.

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.

Applicant Response: The proposed uses are centrally located within the service area of Oregon City Public Schools. Trimet bus service is immediately available to the property, with a stop at the corner of 9th and Jackson Streets.

Policy 11.1.6

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

Applicant Response: The subject properties are located within a single-family residentially zoned area. The proposed use of the properties for educational purposes makes full use of the site, consistent with this policy.

Goal 11.8 Health and Education

Work with healthcare and education providers to optimize the siting and use of provider facilities.

Applicant Response: The subject properties are owned by Oregon City Public Schools. Allowing the use of these properties as proposed through the conditional use permit process would optimize their use for educational purposes, consistent with this policy.

Policy 11.8.3

Coordinate with the Oregon City School District to ensure that elementary and middle school sites are located centrally within the neighborhoods they serve, to the extent possible.

Applicant Response: The proposed location of these educational services is centrally located within Oregon City Public School District's service area. Approval of the conditional use permit is consistent with this policy.

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

Applicant Response: The applicant recognizes the authority of the city to impose reasonable conditions of approval pursuant to this section. Because there will be no physical change to the existing structures or on-site improvements associated with the approval of this application, we do not believe any changes to yard areas are necessary. We will review and reserve the right to comment upon such conditions as may be proposed by staff or the Planning Commission through the public hearing process.

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

Applicant Response: The existing lots exceed the 5,000 sq. ft. minimum lot size of the R-5 zone. TL 4700 is 7,455 sq. ft. in area while TL 4600 contains 14,059 sq. ft. Both lots are 106.5 feet deep and exceed the 70 foot minimum depth standard. TL 4700 measures 70 feet in width, while TL 4600 is 132 feet wide. The minimum width standard for the R5 district is 35 feet. Both homes are two stories high and do not exceed 35 feet in height. With respect to required yard areas, while the properties have not been surveyed, approximate measurements are shown on the site plan. The home on TL 4700 (908 Jackson St.) meets all required yard standards. The detached garage appears to be closer to the street right-of-way than the 20-foot minimum standard, but meets side and rear yard standards. The home on TL 4600 (903 Van Buren St.) meets side and rear yard standards, but appears to be closer than 10 feet to the street right-of-way. The existing detached garage meets front and rear setbacks, but is closer than 5 feet to the side yard. Both homes were constructed prior to the adoption of zoning standards and, therefore, are legally nonconforming with respect to these setback requirements. No changes to either structure is proposed in

conjunction with the proposed conditional use. Discussion of compliance with other minimum conditions is provided below in this narrative.

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

Applicant Response: As discussed above, no changes to the structures on the property are proposed. Similarly, the existing driveways will remain unchanged and no expansion of parking is proposed.

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

Applicant Response: Not applicable to this proposal.

17.56.040 - Criteria and standards for conditional uses.

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

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

Applicant Response: The proposed educational programs proposed in this conditional use application will take place within the existing homes on the subject property. No window or door openings are present that would cause glare, excessive noise or traffic that would adversely impact surrounding residential properties.

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

Applicant Response: Discussions with the City Engineering staff indicate that the existing 60-foot rights-of-way on Jackson and Van Buren Streets exceed the minimum 53-foot width required for local streets. No additional dedication is needed.

- C. Public Utility or Communication Facility. Such facilities as a utility substation, water storage tank, radio or television transmitter, tower, tank, power transformer, pumping station and similar structures shall be located, designed and installed with*

suitable regard for aesthetic values. The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure. Hydroelectric generation facilities shall not exceed ninety megawatts of generation capacity.

Applicant Response: Not applicable. No such facilities are proposed.

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

Applicant Response: The subject properties are well located for the proposed school uses. They are centrally located within the District's service area. They have access to public transit at Jackson and 9th Streets. They are in close proximity to the District's Administration offices, which allows for ease of monitoring by District staff. Finally, these properties are already owned by Oregon City Public Schools and making use for school purposes maximizes the use of these facilities.

- E. Helipad Landing Facility. In evaluating a conditional use application for a helipad, the planning commission shall consider such matters as the following:*

Applicant Response: Not applicable. No helicopter landing facility is proposed.

- F. Residential Care Facilities.*

Applicant Response: Not applicable. No residential care facilities are proposed.

- G. Bed and Breakfast Inns. Upon approval of a conditional use application for a bed and breakfast inn, the planning commission shall include the following as additional standards and criteria:*

Applicant Response: Not applicable. No such use is proposed.

Chapter 17.58 - LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS

As mentioned in the comment on Chapter 17.52, the existing driveways do not conform to the design standards of that chapter. The garage and house at 903 Van Buren Street are also nonconforming with respect to the front setback of the house and the side setback of the detached garage. It also appears that the garage at 908 Jackson Street does not conform to the front setback requirements of the R-6 zone. All of these conditions may be allowed to continue pursuant to the provisions of Chapter 17.58.

As required by the process provisions of section 17.58.060, the applicant is attaching copies of information from the Oregon City WebMaps application that lists pertinent information for the subject properties. The home at 903 Van Buren Street was built in

1900 and the home at 908 Jackson Street was built in 1910. These dates significantly predate the establishment of the R-6 zoning in this area. There have been no changes to the exterior of the homes in the past 20 years. For these reasons, the conditions referenced above are lawfully established nonconforming uses.

17.58.040.C.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.*

17.58.040.C.2.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.*

Applicant Response: No expansion of existing structures is proposed other than construction of an ADA ramp for the Jackson Street property. This conditional use permit application simply would authorize the use of the existing structures for school purposes described in this application. Because there will be no exterior alterations or additions to the site, the \$75,000 threshold will not be exceeded.

17.58.040.C.2.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.*

Applicant Response: Not applicable. The improvement threshold is not being exceeded.

17.58.040.C.2.c *Area of required improvements.*

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

Applicant Response: Not applicable. The improvement threshold is not being exceeded.

17.58.040.C.2.c.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:*

Applicant Response: Not applicable. The site is not leased and the improvement threshold is not being exceeded.

17.58.040.C.2.d *Timing and cost of required improvements. The applicant may choose one of the two following options for making the required improvements:*

17.58.040.C.2.d.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.*

Applicant Response: Not applicable. The improvement threshold is not being exceeded.

17.58.040.C.2.d.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:*

Applicant Response: Not applicable. The improvement threshold is not being exceeded.

Chapter 17.62 Site Plan and Design Review

- 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.*
 - 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).*
 - 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.

- 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.*
- 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.*
- e. Landscaping shall be visible from public thoroughfares to the extent practicable.*
- f. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum, unless otherwise permitted by the dimensional standards of the underlying zone district.*

Applicant Response: The subject properties are already landscaped and no changes to the existing structures or other improvements are proposed that would warrant additional landscaping. TL 4600 is 14,059 sq. ft. in area. The house covers approximately 785 sq. ft. and the garage covers 576 sq. ft. The driveway area is approximately 400 sq. ft. The balance of the property is landscaped with lawn, trees and shrubs. The landscaped area contains 12,298 sq. ft., or more than 87 percent of the lot. TL 4700 is 7,455 sq. ft. in area. The house covers approximately 936 sq. ft. and the garage covers 558 sq. ft. The driveway area is approximately 188 sq. ft. The balance of the property is landscaped with lawn, trees and shrubs. The landscaped area contains 5,773 sq. ft., or more than 77 percent of the lot.

2. Vehicular Access and Connectivity.

Applicant Response: The subject property is located in an area with an established grid network of streets that provide excellent connectivity. Other than frontage improvements that will be required on Van Buren Street, no new connections or improvements to the existing street pattern are needed. The existing driveways on the properties will be used for staff parking. Comments from City staff in the pre-application conference notes indicate that no improvements to driveway/parking areas are needed.

- 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 Construction (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.*

Applicant Response: The existing residences will be used by the educational programs in their current configurations. No changes to the exterior of the structures is proposed, so they will remain compatible with the character of the surrounding residential neighborhood. The home on Van Buren Street is designated as an historic structure, but no changes to its appearance are proposed so no Historic Review is required.

4. *Grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.*

Applicant Response: No site grading is proposed.

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

Applicant Response: The site is not located in a Geologic Hazard area.

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

Applicant Response: No changes to the structures or impervious areas are proposed that would warrant a change in the handling of stormwater.

7. *Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, Chapter 17.52.*

Applicant Response: Students are either bussed to the site or are dropped off at the curb in front of the properties. No students bike to school. Existing driveway areas provide adequately for the parking needs of the proposed uses.

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.*

Applicant Response: There are existing sidewalks and curbs on Jackson and 9th Streets. Frontage improvements will be required along Van Buren Street to bring it into conformance with local street standards.

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

Applicant Response: Walkways are provided between the streets and the entrances to the existing homes that will be used for these programs. No other walkways are necessary.

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.*

Applicant Response: No common facilities or areas are proposed. All of the property is owned by the School District and it will provide maintenance for all areas of the site.

11. *Site planning shall conform to the requirements of OCMC Chapter 17.41 Tree Protection.*

Applicant Response: No trees are planned to be removed in conjunction with this application.

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

Applicant Response: No water resources or habitat areas are located within close proximity of the site.

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.

Applicant Response: The proposed uses are educational in nature and will not have any significant impacts upon the environment.

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.

Applicant Response: Sewer, water and storm drainage facilities are all available to serve the subject property, as shown on Figure 3 of this report. City staff indicated at the pre-application conference that these utilities are adequate to serve the proposed uses.

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.

When approving land use actions, Oregon City requires all relevant intersections to be maintained at the minimum acceptable level of service (LOS) upon full build-out of

the proposed land use action. The minimum acceptable LOS standards are as follows:

- a. For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of critical movements.*
- b. For signalized intersections within the Regional Center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0.*
- c. For unsignalized intersection throughout the city a LOS "E" or better for the poorest approach and with no movement serving more than twenty peak hour vehicles operating at worse than LOS "F" will be tolerated for minor movements during a peak hour.*

Applicant Response: Please refer to the attached Traffic Assessment Letters prepared by Lancaster Engineering regarding traffic impacts. Frontage improvements will be provided on Van Buren Street to bring it into conformance with local street standards.

20. Screening of Mechanical Equipment:

Applicant Response: No exterior mechanical equipment exists or is proposed.

21. Building Materials.

Applicant Response: Not applicable. No construction is proposed.

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

Applicant Response: The applicant recognizes the authority of the city to impose reasonable conditions of approval pursuant to this section. We will review and

reserve the right to comment upon such conditions as may be proposed by staff or the Planning Commission through the public hearing process.

Identify Results

Coordinate Position

Geographic: 45° 21' 18.78" N, 122° 35' 50.70" W

Parcels

*** DATA CURRENT AS OF ***: 1/7/2011

APN (PIN): 2-2E-32BC-04600

Alt ID: 586841

Primary Street Address: 903 VAN BUREN ST

City: OREGON CITY

State: OR

Zip: 97045

Land Use Code (Comprehensive Plan): Ir

Land Use Description: Residential - Low Density

Zoning: R6

Zoning Description: 6,000 SF SFR Dwelling Unit

Township: 02S

Range: 02E

Section: 32

Reference Tax Map: 22E32BC

Parcel Area (acres): 0.31

Parcel Area (feet - approx): 13503

Market Values as of: Nov 29, 2010

Land Value (Market): \$105,449.00

Improved Value (Market): \$70,390.00

Net Value (Market): \$175,839.00

Subdivision: NONE

Year Built: 1900

Neighborhood Assoc: mna

Neighborhood Assoc. Description: McLoughlin NA

In 1996 Floodplain: N

In Historic District: Y

Historic District: McLoughlin Conservation District

Historic Designated Structure: Y

Hist. Desig. Structure District: Designated Historic Structure in McLoughlin Conservation District

In Steep Slope Area: N

In Willamette Greenway: N

In Nat. Res. Overlay District (NROD): N

Identify Results

Coordinate Position

Geographic: 45° 21' 19.46" N, 122° 35' 52.51" W

Parcels

*** DATA CURRENT AS OF ***: 1/7/2011
APN (PIN): 2-2E-32BC-04700
Alt ID: 586850
Primary Street Address: 908 JACKSON ST
City: OREGON CITY
State: OR
Zip: 97045
Land Use Code (Comprehensive Plan): Ir
Land Use Description: Residential - Low Density
Zoning: R6
Zoning Description: 6,000 SF SFR Dwelling Unit
Township: 02S
Range: 02E
Section: 32
Reference Tax Map: 22E32BC
Parcel Area (acres): 0.16
Parcel Area (feet - approx): 6969
Market Values as of: Nov 29, 2010
Land Value (Market): \$82,179.00
Improved Value (Market): \$83,810.00
Net Value (Market): \$165,989.00
Subdivision: NONE
Year Built: 1910
Neighborhood Assoc: mna
Neighborhood Assoc. Description: McLoughlin NA
In 1996 Floodplain: N
In Historic District: Y
Historic District: McLoughlin Conservation District
Historic Designated Structure: N
In Steep Slope Area: N
In Willamette Greenway: N
In Nat. Res. Overlay District (NROD): N

March 17, 2011

Ted Thonstad
Oregon City Public Schools
1417 12th Street
Oregon City, OR 97045



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lancasterengineering.com

RE: Proposed Conditional Use at 908 Jackson Street

Dear Mr. Thonstad:

This Transportation Analysis Letter (TAL) has been prepared for a proposed alternative school facility at 908 Jackson Street in Oregon City, Oregon. The site will serve the Oregon City School District's Transition Program, which helps 18-21 year old special needs students with life skills training. There are 10 students and a total of 4 staff on the site. Class hours are from 11:30 AM to 3:30 PM weekdays. About half of the kids are bussed to and from the site, while the remaining students are dropped off by parents. The results of our analysis are reported in this letter and supporting data is included in the attached appendix.

The site is composed of tax lot 22E32BC04700, with a lot size of approximately 0.15 acres. The lot is located on the southeast side of Jackson Street, north of 9th Street. The lot is zoned R-6 (Single Family Dwelling) and has an existing two-story home on the property with an area of approximately 1,500 square feet. A conditional-use permit is being requested for the site to permit utilization of the existing building as a school facility.

Access for the site is taken via Jackson Street. Jackson Street operates under the jurisdiction of the City of Oregon City and is classified as a Neighborhood Collector in the City's Transportation System Plan (TSP). It has a two-lane cross-section, with a single travel lane in each direction and is striped for no passing. It has a posted speed limit of 25 mph. Curbs, gutters and sidewalks are in place, and on-street parking is permitted on both sides of the roadway.

9th Street is classified by the City of Oregon City as a Local Street in the City's TSP. It has a two-lane cross-section, with a single travel lane in each direction and is striped for no passing. Curbs, gutters and sidewalks are in place, and parking is permitted on both sides of the roadway. 9th Street has a statutory speed limit of 25 mph in the site vicinity.

The intersection of Jackson Street at 9th Street operates under four-way stop control. A stop sign is posted on each approach, and a flashing red light is also displayed above the intersection for each approach.



Ted Thonstad
March 17, 2011
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Trip Generation

Since the site does not operate as a typical public school, it is recognized that trip data for the proposed site use cannot be drawn from the ITE Trip Generation Manual. In order to estimate the number of trips generated by the proposed conditional use, information regarding the start and end times of classes as well as student and teacher population information was examined. The proposed use will operate with students attending from 11:30 AM to 3:30 PM weekdays. Since students will arrive after the morning peak hour and depart prior to the evening peak hour, the peak-hour traffic impacts of the proposed conditional use will be limited to staff trips. Conservatively assuming that all four staff members will arrive during the morning peak hour and depart during the evening peak hour, it is estimated that the site will generate four trips during each of the peak hours. Daily trip generation was also estimated based on the student population, the fact that students will be dropped off, and the percentage of students arriving and departing by bus.

The table below shows the site trips during the morning and evening peak hours, as well as the daily trip volumes.

WEEKDAY TRIP GENERATION SUMMARY

908 Jackson Street Conditional Use School

	AM Peak Hour			PM Peak Hour			Weekday		
	In	Out	Total	In	Out	Total	In	Out	Total
Passenger Car Trips	4	0	4	0	4	4	14	14	28
Bus Trips	0	0	0	0	0	0	4	4	8
Total Trips	4	0	4	0	4	4	18	18	36

Since a single-family home would otherwise generate one trip during each of the peak hours and 10 daily trips, the proposed conditional use will result in a net increase of 3 trips during each of the peak hours and 26 daily trips.

Private Access Driveway Width Standards

For residential driveways, Oregon City requires a minimum driveway width of 12 feet and a maximum driveway width of 25 feet. The existing driveway access on Jackson Street is only 8 feet wide, which is typical of the residential driveways in the site vicinity.

Oregon City typically requires a minimum driveway width will be 20 feet for commercial and institutional land uses. However, the site access driveway does not provide access to a parking lot, and does not serve two-way traffic. Instead, most site trips will consist of vehicles that pull over within the parking area on the site frontage and drop off or pick up children. Staff members also utilize on-street parking. Since the existing driveway is used for access to a garage, there is very little use for widening the existing driveway. City staff indicated in the pre-application notes (PA 10-34) for the project that



Ted Thonstad
March 17, 2011
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upgrading the parking lot for the facility will not be required as part of this proposed conditional-use application. Accordingly, no mitigation is recommended.

Access Spacing

The City requires a minimum of 150 feet between intersecting Local Streets on a Neighborhood Collector. The existing street grid in the site vicinity meets this minimum spacing standard. The existing street access spacing is adequate and no mitigation is recommended.

Sight Distance

Sight distance was examined at the site access driveway. In accordance with guidelines in the 2004 AASHTO Green Book, sight distance was measured from a point 15 feet behind the edge of the travel lane.

The statutory speed on Jackson Street is 25 mph, requiring a minimum of 280 feet of intersection sight distance in each direction. Intersection sight distance was measured to be in excess of 300 feet in each direction from the existing site access driveway. Intersection sight distance is adequate and no mitigation is recommended.

Safety Analysis

In general, speeds are relatively low in the site vicinity, and average daily traffic volumes are low on both Jackson Street and 9th Street, with each carrying approximately 1,250 vehicles per day. Sight distances are adequate for safety and no specific hazards were evident in the vicinity. No inherent safety problems were noted to be associated with the design and location of the site access driveway. No significant safety problems were noted and no mitigation is recommended.

Transportation System Plan

The Oregon City Transportation System Plan does not include any planned improvements in the vicinity of the site. No additional recommendations for improvements or mitigation are recommended to support the proposed conditional use.



Ted Thonstad
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Conclusions

Based on the detailed analysis of streets and intersections in the site vicinity, trip generation of the proposed conditional use, consideration of access driveway, examination of access spacing, measurements of sight distance, evaluation of safety and impacts to the City's Transportation System Plan, the surrounding transportation system is capable of safely supporting the proposed conditional use. No mitigations are recommended in association with the proposed conditional use.

If you have any questions regarding this analysis, please feel free to call me at any time.

Sincerely,



Michael Ard, P.E.
Senior Transportation Engineer

March 17, 2011

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lancasterengineering.com

RE: Proposed Conditional Use at 903 Van Buren Street

Dear Mr. Thonstad:

This Transportation Analysis Letter (TAL) has been prepared for a proposed alternative school facility at 903 Van Buren Street in Oregon City, Oregon. The site will serve two sessions, with 15 students in each session. Class hours are from 8:00 AM to 11:00 AM for the first session and from 12:00 PM to 3:00 PM for the second session. The results of our analysis are reported in this letter and supporting data is included in the attached appendix.

The site is composed of tax lot 22E32BC04600, with a total lot size of approximately 0.3 acres. The lot is located on the northwest side of Van Buren Street, immediately north of 9th Street. The lot is zoned R-6 (Single Family Dwelling) development and has an existing two-story home on the property with an area of approximately 1,200 square feet. A conditional-use permit is being requested for the site to permit utilization of the existing building as a school facility.

Access for the site is taken via an existing driveway on Van Buren Street. Van Buren Street operates under the jurisdiction of the City of Oregon City and is classified as a Local Street in the City's Transportation System Plan (TSP). It has a two-lane cross-section, with a single travel lane in each direction and no centerline striping. A statutory 25 mph speed limit applies on the roadway since it is within a residence district.

9th Street is classified by the City of Oregon City as a Local Street in the City's TSP. It has a two-lane cross-section, with a single travel lane in each direction and is striped for no passing. Curbs, gutters and sidewalks are in place, and on-street parking is permitted on both sides of the roadway. 9th Street has a statutory speed limit of 25 mph in the site vicinity.

The intersection of 9th Street at Van Buren Street is controlled by stop signs on the Van Buren Street approaches. Through traffic travelling along 9th Street does not stop.



Ted Thonstad
March 17, 2011
Page 2 of 4

Trip Generation

Since the site does not operate as a typical public school, it is recognized that trip data for the proposed site use cannot be drawn from the ITE Trip Generation Manual. In order to estimate the number of trips generated by the proposed conditional use, information regarding the start and end times of classes as well as student and teacher population information was examined. The proposed use will operate with 15 students attending each of the two sessions, which run from 8:00 AM to 11:00 AM and from 12:00 PM to 3:00 PM weekdays. Students will arrive during the morning peak hour; however they will depart prior to the evening peak hour. Accordingly, the peak-hour traffic impacts of the proposed conditional use will include student drop-off trips during the morning peak hour but will be limited to staff trips during the evening peak hour.

It is estimated that the site will generate 13 trips during the morning peak hour, 3 trips during the evening peak hour, and 42 daily trips. These calculations are based on detailed data provided by the school district identifying how each student travels to and from the school. Overall, there are 15 students arriving by school bus, 7 students either walking or riding Tri-Met buses, 6 students dropped off by parents, and one student that drives to the site. Two of the students that are dropped off by parents carpool in a single vehicle. Students arrive on one of three buses during the morning session and depart on one bus. Students arrive on one of two buses during the afternoon session and depart on one bus.

The table below shows the site trips during the morning and evening peak hours, as well as the daily trip volumes.

WEEKDAY TRIP GENERATION SUMMARY

903 Van Buren Street Conditional Use School

	AM Peak Hour			PM Peak Hour			Weekday		
	In	Out	Total	In	Out	Total	In	Out	Total
Passenger Car Trips	5	2	7	0	3	3	14	14	28
Bus Trips	3	3	6	0	0	0	7	7	14
Total Trips	8	5	13	0	3	3	21	21	42

Since a single-family home would otherwise generate one trip during each of the peak hours and 10 daily trips, the proposed conditional use will result in a net increase of 12 trips during the morning peak hour, 2 trips during the evening peak hour, and 32 daily trips.



Ted Thonstad
March 17, 2011
Page 3 of 4

Private Access Driveway Width Standards

For residential driveways, Oregon City requires a minimum driveway width of 12 feet and a maximum driveway width of 25 feet. The existing access on Van Buren Street is 13 feet wide at the throat and complies with these residential requirements.

Oregon City typically requires a minimum driveway width will be 20 feet for commercial and institutional land uses. However, the site access driveway does not provide access to a parking lot, and does not serve two-way traffic. Instead, most site trips will consist of vehicles that pull over within the parking area on the site frontage and drop off or pick up children. Staff members also utilize on-street parking. Since the existing driveway is used for access to a garage, there is very little use for widening the existing driveway. City staff indicated in the pre-application notes (PA 10-34) for the project that upgrading the parking lot for the facility will not be required as part of this proposed conditional-use application. Accordingly, no mitigation is recommended.

Access Spacing

The City requires a minimum of 150 feet between intersecting Local Streets on a Local Street. The existing street grid in the site vicinity meets this minimum spacing standard. The existing street access spacing is adequate and no mitigation is recommended.

Sight Distance

Sight distance was examined at the site access driveway. In accordance with guidelines in the 2004 AASHTO Green Book, sight distance was measured from a point 15 feet behind the edge of the travel lane.

The statutory speed on Van Buren Street is 25 mph, requiring a minimum of 280 feet of intersection sight distance in each direction. Intersection sight distance was measured to be continuous beyond the nearby intersections at 9th Street and at 10th Street, and in excess of 300 feet in each direction from the existing site access driveway. Intersection sight distance is adequate and no mitigation is recommended.

Safety Analysis

In general, speeds are relatively low in the site vicinity. Average daily traffic volumes are low on 9th Street, which carries approximately 1,250 vehicles per day. Traffic volumes on Van Buren Street are substantially lower. Sight distances are adequate for safety and no specific hazards were evident in the vicinity. No inherent safety problems were noted to be associated with the design and location of the site access driveway. No significant safety problems were noted and no mitigation is recommended.



Ted Thonstad
March 17, 2011
Page 4 of 4

Transportation System Plan

The Oregon City Transportation System Plan does not include any planned improvements in the vicinity of the site. However it is noted that there are currently no sidewalks provided along Van Buren Street. Oregon City standards require sidewalks on both sides of the roadway for all streets with a classification of Local Street or higher. As such, sidewalks should be installed along the site frontage on Van Buren Street to support the proposed conditional use and bring the site frontage into compliance with current design standards. No other improvements or mitigations are recommended.

Conclusions

Based on the detailed analysis of streets and intersections in the site vicinity, trip generation of the proposed conditional use, consideration of access driveway, examination of access spacing, measurements of sight distance, evaluation of safety and impacts to the City's Transportation System Plan, the surrounding transportation system is capable of safely supporting the proposed conditional use. It is recommended that sidewalks be installed along the site frontage. No other mitigations are recommended in association with the proposed conditional use.

If you have any questions regarding this analysis, please feel free to call me at any time.

Sincerely,



Michael Ard, P.E.
Senior Transportation Engineer



Customer Resource Center
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Website: www.ticorpdx.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : Oregon City Sch Dist #62	Parcel Number : 00586850
CoOwner(s) :	Ref Parcel # : 22E32BC04700
Site Address : 908 Jackson St Oregon City 97045	T: 02S R: 02E S: 32 Q: NW QQ: SW
Mail Address : PO Box 2110 Oregon City Or 97045	
Telephone :	

SALES AND LOAN INFORMATION

Transferred : 03/01/1990	Loan Amount :
Document # : 90-11178	Lender :
Sale Price : \$43,300	Loan Type :
Deed Type : Warranty	Interest Rate :
% Owned :	Vesting Type :

PROPERTY DESCRIPTION

Map Page Grid : 717 D1
 Census Tract : 224.00 Block: 2
 Neighborhood : Oregon City Older
 Subdivision/Plat : Oregon City
 Improvement : 131 Sgl Family,R1-3,1-Story
 Land Use : 101 Res,Residential Land,Improved
 Legal : 2 OREGON CITY LT 6 BLK 167
 :
 :

ASSESSMENT AND TAX INFORMATION


Mkt Land : \$82,179
 Mkt Structure : \$83,810
 Mkt Total : \$165,989
 %Improved : 50
 AssdTotal : \$119,283
 Mill Rate : 18.0691
 Levy Code : 062002
 10-11 Taxes :

PROPERTY CHARACTERISTICS

Bedrooms : 2	BldgLivingSqFt : 1,512	BldgSqFt : 1,512
Bathrooms : 1.00	1st Floor SqFt : 864	Lot Acres : .16
Full Baths : 1	UpperFinSqFt : 648	Lot SqFt : 7,136
Half Baths :	Finished SqFt : 1,512	Year Built : 1910
Fireplace :	AbvGrdSqFt : 1,512	Foundation : Concrete
Heat Type : Stove	UpperTotSqFt : 648	Roof Type : Composition
Floor : Fir	UnFinUpStySqFt :	Roof Shape: Gable
Stories : 1	Bsmt Fin SqFt :	Exterior Fin: Bevel Siding
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.

Presented to
State Notary Public for the County of Oregon
1990-03-08



STATUTORY WARRANTY DEED

CATHERINE M. MUNOZ Grantor,

conveys and warrants to OREGON CITY SCHOOL DISTRICT #62

Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in CLACKAMAS County, Oregon, to wit:

LOTS 5 AND 6, BLOCK 167, OREGON CITY, TOGETHER WITH THAT PORTION OF VACATED ALLEY WHICH INURED THERETO BY REASON OF ORDINANCE #1340

TAX ACCOUNT NO. 822B 328C 4780 & 4800

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES. The said property is free from encumbrances except CONDITIONS, RESTRICTIONS, EASEMENTS AND POWERS OF SPECIAL DISTRICTS, IF ANY.

The true consideration for this conveyance is \$ 43,300.00 (Here comply with the requirements of ORS 93.030)

Dated this 8th day of March 19 90 Catherine M. Munoz
CATHERINE M. MUNOZ

State of Washington County of Pierce

The foregoing instrument was acknowledged before me this 8 day of March, 19 90 by Catherine M. Munoz

Colleen D. Gately
Notary Public for Oregon - Washington
My commission expires: 10-22-92

State of Oregon, County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____ by _____ President and Secretary of _____ a _____ corporation.

on behalf of the corporation.

Notary Public for Oregon
My commission expires: _____

WARRANTY DEED

CATHERINE M. MUNOZ

OREGON CITY SCHOOL DISTRICT #62


Until a change is requested, all tax statements shall be sent to the following address: Ken Rezac
OREGON CITY SCHOOL DISTRICT #62
P.O. BOX 591
OREGON CITY, OR 97045
Escrow No. 193-056 Title No. 193-056

After recording return to:
OREGON CITY SCHOOL DISTRICT #62
P.O. BOX 591
OREGON CITY, OR 97045
Attn: Ken Rezac

STATE OF OREGON
County of Clackamas

I, John F. Kaufman, County Clerk for the County of Clackamas, do hereby certify that the foregoing instrument was duly acknowledged for recording in the records of said county at _____

90 MAR 12 01:35



John F. Kaufman
John F. Kaufman
County Clerk
Recording Certificate
COP 14 (rev. 12-81)

90 11178

Ticor Form No. 137 Statutory Warranty Deed 8/85

90 11178



Customer Resource Center
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Website: www.ticorpdx.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : Oregon City Sch Dist #62	Parcel Number : 00586841
CoOwner(s) :	Ref Parcel # : 22E32BC04600
Site Address : 903 Van Buren St Oregon City 97045	T: 02S R: 02E S: 32 Q: NW QQ: SW
Mail Address : PO Box 2110 Oregon City Or 97045	
Telephone :	

SALES AND LOAN INFORMATION

Transferred : 02/01/1990	Loan Amount :
Document # : 90-07665	Lender :
Sale Price : \$45,000	Loan Type :
Deed Type : Executors	Interest Rate :
% Owned :	Vesting Type :

PROPERTY DESCRIPTION

Map Page Grid : 717 D1
 Census Tract : 224.00 Block: 2
 Neighborhood : Oregon City Older
 Subdivision/Plat : Oregon City
 Improvement : 132 Sgl Family,R1-3,1-Story (Basement)
 Land Use : 101 Res,Residential Land,Improved
 Legal : 2 OREGON CITY LT 3&4 BLK 167
 :
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$105,449
 Mkt Structure : \$70,390
 Mkt Total : \$175,839
 %Improved : 40
 AssdTotal : \$124,342
 Mill Rate : 18.0691
 Levy Code : 062002
 10-11 Taxes :

PROPERTY CHARACTERISTICS

Bedrooms : 3	BldgLivingSqFt : 1,899	BldgSqFt : 1,169
Bathrooms : 1.00	1st Floor SqFt : 730	Lot Acres : .32
Full Baths : 1	UpperFinSqFt : 439	Lot SqFt : 13,739
Half Baths :	Finished SqFt : 1,169	Year Built : 1900
Fireplace :	AbvGrdSqFt : 1,169	Foundation : Concrete
Heat Type : Forced Air-Oil	UpperTotSqFt : 439	Roof Type : Composition
Floor : Fir	UnFinUpStySqFt :	Roof Shape: Gable
Stories : 1 Story-Bsmt	Bsmt Fin SqFt :	Exterior Fin: Shake
Garage SF :	Bsmt Unfin SqFt : 730	
	Bsmt Total SqFt : 730	

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.

5.00

1990-02-11

THIS INDENTURE Made this 11 day of FEBRUARY, 1990, by and between AARON C. WINEGAR, JR. the duly appointed, qualified and acting personal representative of the estate of BERTHA A. WINEGAR deceased, hereinafter called the first party, and

OREGON CITY SCHOOL DISTRICT #62 hereinafter called the second party; WITNESSETH:

For value received and the consideration hereinafter stated, the receipt whereof hereby is acknowledged, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said second party and second party's heirs, successors-in-interest and assigns all the estate, right and interest of the said deceased at the time of decedent's death, and all the right, title and interest that the said estate of said deceased by operation of the law or otherwise may have thereafter acquired in that certain real property situate in the County of Clackamas, State of Oregon, described as follows, to-wit:

Lots 2, 3 and 4, Block 167, OREGON CITY, together with that portion of a vacated alley insuring to said Lots 2 and 3 by reason of Ordinance recorded May 2, 1947, in Book 389, Page 487, Fee No. 6074, Deed Records, in County of Clackamas and State of Oregon.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

TO HAVE AND TO HOLD the same unto the said second party, and second party's heirs, successors-in-interest and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$45,000.00.

IN WITNESS WHEREOF, the said first party has executed this instrument; if first party is a corporation, it has caused its corporate name to be signed hereto and its corporate seal affixed by its officers duly authorized thereunto by order of its Board of Directors.

Aaron C. Winegar, Jr.
Aaron C. Winegar, Jr.

Personal Representative
of the Estate of Bertha A. Winegar Deceased.

(If first party is a corporation, affix corporate seal.)

NOTE—The sentence between the symbols (), if not applicable, should be deleted See ORS 92.010

STATE OF OREGON,)
County of)
February, 1990
Personally appeared the above named Aaron C. Winegar, Jr., Personal Representative of the Estate of Bertha A. Winegar and acknowledged the foregoing instrument to be his voluntary act and deed.

STATE OF OREGON, County of Clackamas, ss.
Personally appeared Aaron C. Winegar, Jr. and Bertha A. Winegar and acknowledged the foregoing instrument to be their voluntary act and deed.

and that the said first party has executed the foregoing instrument for the purposes and consideration therein stated and that said instrument was signed and sealed in the presence of the undersigned Notary Public for Oregon and that the said first party has acknowledged said instrument to be its voluntary act and deed.

Before me:
Beth A. Greiner
Notary Public for Oregon
My commission expires: 3/24/91

(OFFICIAL SEAL)
Notary Public for Oregon
My commission expires:

Aaron C. Winegar, Jr., Personal Rep.
1600 Pioneer Tower, 880 S. W. Fifth Avenue
Portland, Oregon 97204-2099

GRANTEE'S NAME AND ADDRESS
Oregon City School District #62
P. O. Box 591
Oregon City, Oregon 97045

After recording return to:
Oregon City School District #62
P. O. Box 591
Oregon City, Oregon 97045
Attn: Ken Rezac

Until a change is requested all the statements shall be sent to the following add:
Oregon City School District #62
Attn: Ken Rezac
P. O. Box 591
Oregon City, Oregon 97045

STATE OF OREGON,

1990 FEB 21 PM 4:11



Witness my hand and the seal of the County of Clackamas, State of Oregon, this 11th day of February, 1990.
John F. Kautzman
John F. Kautzman
County Clerk
Recording Certificate
COPY FILED 1990
90 07665

90 07665

Recorded by TICOR TITLE



TICOR TITLE INSURANCE

This map is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.



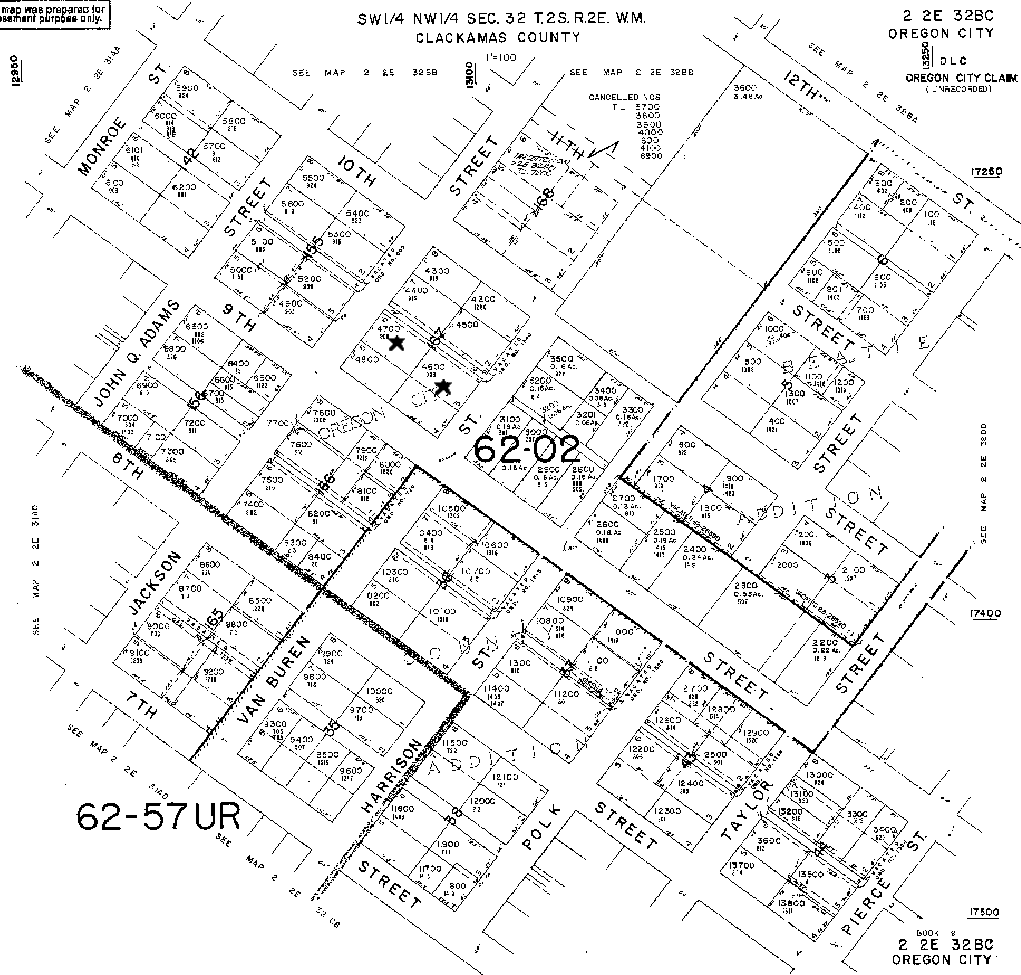


TICOR TITLE INSURANCE

This map is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.



This map was prepared for
assessment purposes only.





Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION TRANSMITTAL

April 8, 2011

IN-HOUSE DISTRIBUTION OF APPLICATION

- ☒ Building Official
- ☒ Development Services Manager
- ☒ Public Works Operations
- ☒ City Engineer / Public Works Director
- ☐ GIS
- ☐ Parks Manager
- ☐ Addressing
- ☐ Police
- ☒ Traffic Engineer
- ☐ City Attorney

NOTICE OF THE APPLICATION MAILED TO

- ☒ All Properties within 300 feet
- ☒ Hamlet of Beavercreek
- ☒ Holcomb Outlook CPO
- ☒ Central Point / Leland Road / New Era CPO

MAIL-OUT DISTRIBUTION OF APPLICATION

- ☐ OREGON CITY NEIGHBORHOOD ASSOCIATIONS
 - ☒ CIC Chair _____
 - ☒ N.A. Chair McLoughlin
 - ☒ N.A. Land Use Chair McLoughlin
- ☐ Clackamas County Transportation and Planning
- ☒ Clackamas Fire District #1
- ☐ ODOT – Division Review
- ☐ School District# 62
- ☐ Tri-Met
- ☐ Metro
- ☐ Oregon City Postmaster
- ☐ DLCD / DEQ / DSL / USACE (circle)
- ☐ Other _____

COMMENTS DUE BY: **May 6, 2011**
 HEARING DATE: **May 23, 2011**
 HEARING BODY: Staff Review; XX PC; HRB; CC
 FILE # & TYPE: CU 11-01: Conditional Use
 SP 11-03: Minor Site Plan and Design Review

PLANNER: Laura Terway, AICP, Planner (503) 496-1553
 APPLICANT: Ted Thonstad, Oregon City Public Schools
 REQUEST: The applicant requested to utilize the site at 908 Jackson Street as a school based program for 18-21 year old students and 903 Van Buren as an alternative school.
 ZONING: "R-6" Single-Family Dwelling District
 LOCATION: 908 Jackson Street, Oregon City, OR 97045, Clackamas County Map 2-2E-32BC-04700
 903 Van Buren Street, Oregon City, OR 97045, Clackamas County Map 2-2E-32BC-04600
 The public right-of-way (alley) adjacent to 903 Van Buren Street

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

- ☐ The proposal does not conflict with our interests.
- ☐ The proposal conflicts with our interests for the reasons attached.
- ☒ The proposal would not conflict our interests if the changes noted below are included.

Signed _____

MNA Co-Chair

PLEASE RETURN THIS FORM TO THE APPLICATION AND MATERIAL WITH THIS FORM.

Exhibit 3

M C L O U G H L I N

N E I G H B O R H O O D
A S S O C I A T I O N

May 2, 2011

Regarding CU-11-01 and SP 11-03

Our comments are as follows:

- A prior visit by Superintendent Roda, about two years ago, noted that the buildings were being rented and they had no immediate use for the houses. MNA asked to be informed if the houses were going to be used for any other use other than rentals. We further indicated that there was no further use for these properties that they be sold and put back on the tax rolls.
- Fast forward to the present, the houses are not longer rental and have been used for school activities without benefit of review.
- We can support the current applications provided that the houses and properties are not altered from their single family residential appearance and that period review of the school districts activities is added as a condition of approval similar to other conditional use permits in the neighborhood.

Post Office Box 1027, Oregon City, Oregon 97045 • www.mnccoc.org

REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

May 3, 2011

Ms. Laura Terway
City of Oregon City
PO Box 3040
Oregon City, OR 97045

**SUBJECT: REVIEW OF TRANSPORTATION ANALYSIS LETTERS – OREGON CITY
PUBLIC SCHOOLS – CU11-01 & SP11-03**

Dear Ms. Terway:

In response to your request, I have reviewed the Transportation Analysis Letters (TAL) submitted for the alternative school facilities proposed for 903 Van Buren Street and 908 Jackson Street. The TALs were prepared by Michael Ard, PE of Lancaster Engineering. The TALs are dated March 17, 2011.

The proposal is for the use of two existing single-family homes as alternative school facilities. The facility at 903 Van Buren is proposed to 15 students in each of two sessions conducted from 8:00 am to 11:00 am and from 12:00 pm to 3:00 pm. The facility at 908 Jackson Street is proposed to serve 10 students during a single session from 11:30 am to 3:30 pm.

Overall

I find the TALs address the city's requirements and provide an adequate basis to evaluate impacts of the proposed development.

Comments

- 1. Trip Generation.** The TALs present information on trip generation based on the actual uses and schedules using reasonable assumptions about how students would arrive and depart. Each facility is addressed separately. For the facility on Van Buren, the TAL predicts the facility will produce 13 AM peak hour trips, 3 PM peak hour trips, and 42 daily trips. The facility on Jackson Street is predicted to generate fewer trips and because of the hours of operation, only trips by the four staff members are possible during the AM and PM peak hours.
- 2. Access Locations.** The TALs indicate the existing single-family dwellings will be used and no modifications are proposed for site access for either parcel.
- 3. Driveway Width.** The TALs indicate no modifications are proposed for the site driveways in connection with the proposed uses.
- 4. Intersection Spacing.** The proposal will not create any new intersections.

Exhibit 4

Ms. Laura Terway
May 3, 2011
Page 2

5. **Sight Distance.** The engineer measured sight distance at the driveways and found it to be adequate. He did not recommend mitigation and I concur.
6. **Safety Issues.** The engineer did not identify any safety issues. There is no reason to expect the proposed uses would have any significant safety issues.
7. **Consistency with the Transportation System Plan (TSP).** The engineer noted that sidewalks are not present along the frontage for the Van Buren Street parcel. He recommended sidewalks for this parcel to comply with the street standards applicable from the TSP. I concur with this recommendation. I would also note that sidewalks would also help accommodate loading and unloading of students dropped off at the site.

Conclusion and Recommendations

I find that the TALs meet city requirements and provide an adequate basis upon which impacts can be assessed. The engineer recommends installation of sidewalks for the Van Buren Street parcel. I concur. With regard to other aspects of the transportation system, the engineer concludes no mitigation is necessary. I concur.

If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net.

Sincerely,



John Replinger, PE
Principal

Oregon City\2011\CU11-01.docx



2009 – 2010 Planning Commission Goals and Objectives

1. Address future growth and development issues by developing and implementing long range plans and policies, including:
 - a. Urban growth boundary expansion decisions, based on the ability to provide infrastructure and city services (particularly police and fire) needed to accommodate growth.
 - b. Review the annexation process and approval criteria.
 - c. Development of a concept plan for South End UGB expansion area.
 - d. Incorporate the Economic Development Program into future growth and development strategies.
 - e. Investigate techniques and tools that the city may utilize to promote and encourage private/public partnerships.
 - f. Coordination with City Commission to create cohesive land use policies focusing on areas such as the city's National Historic District, local Ecology and Archeology.
2. Improve development code by drafting new language for:
 - a. Investigate the implementation of a design review board for larger developments that will have a significant impact on the city or are located at significant locations in the city.
 - b. Sign code and non-conforming signs.
 - i. Design versus content.
 - ii. Review sign code of other historic towns.
 - iii. New sign code language addressing size and materials.
 - iv. School signs.
 - c. Beaver Creek Road concept plan area.
 - d. Transportation System Plan update.
 - e. Addressing mature trees on properties requesting annexation to the city.
 - f. Achieving Tree City USA designation.
 - g. Investigate adopting new lighting standards consistent with the International Dark Sky lighting standards.
3. Develop an understanding and more defined structure to the city's committee's:
 - a. Meet with recognized city advisory groups that deal with land use, economic development and planning issues at least once a year.

- b. Improve communication with recognized city advisory groups such as Transportation Advisory Committee, Parks and Recreation Advisory Committee, Historic Review Board and Citizen Involvement Council.
- 4. Implement a program to acknowledge and promote innovative designs, LEED developments and projects designed to lessen development impacts on the environment:
 - a. Host a “Good Design” event once a year.
 - b. Investigate an incentives program supporting innovative designs.
- 5. Promote and review master plans and sub-area (neighborhood) plans:
 - a. Host an event with speaker(s) to discuss the function, benefits, concepts, development and implementation of a neighborhood plan.
- 6. Increased education, outreach and communication to the:
 - a. Planning Commission - educational presentations addressing land use, transportation, infrastructure, etc.
 - b. Receive updates from city departments, such as city manager, public works, parks, police and fire.
 - c. Neighborhood Associations – incorporate meeting information into the Planning Commission’s televised meetings.
 - d. Oregon City School District – increase communication between the planning commission and the school district concerning land use applications, master plans and the long-term goals for providing adequate school capacity for the anticipated growth within Oregon City.
 - e. Improve communication with Metro, or the City Commission representative to Metro, to understand the regional policy and legislative decisions being made and what the impacts are to the local community and what actions are necessary to implement the policies and legislation.
 - f. Use and role of urban renewal districts and identifying areas of the city where urban renewal could be a benefit.
 - g. Create a link between the Planning Commission and Urban Renewal Committee to coordinate the promote development improvements and opportunities.

From:

05/18/2011 09:55 #001 P.002/004

SUSAN CASTILLO
State Superintendent of Public Instruction



OREGON DEPARTMENT OF EDUCATION
Public Service Building, 255 Capitol Street NE, Salem, Oregon 97310
Phone (503) 947-5600 • Fax (503) 378-5156 • www.ode.state.or.us

May 4, 2010

HERA Community School
17147 S McCubbin Rd
Oregon City, OR 97045

Subject: Registration of Private Alternative Education Program

Pursuant to ORS 336.635 and OAR 581-021-0072, the application for HERA Community School at 903 Vanburan Oregon City, OR, to be registered as a private alternative education program for 2010-2011 has been processed and filed.

Subject to the approval of each contracting district, a registered private alternative program is eligible to receive public school funds from school districts on a contractual, per student basis during the 2010-2011 school year.

Prior to contracting with or distributing public funds to a private alternative education program, each contracting district school board must determine that the private alternative program is registered with the Department of Education. Program registration may be confirmed by this letter or by searching the list of registered private alternative programs posted at <http://www.ode.state.or.us/search/results?id=78>

School district boards are required to adopt policies and procedures for contracting with private alternative programs. Those policies and procedures must include provisions for:

- The annual approval of each program;
- The annual evaluation of each program; and
- The placements of students in the programs.

Those requirements are described in the Oregon Revised Statutes, Oregon Administrative Rules, and Standards for Private Alternative Programs, which are also available at <http://www.ode.state.or.us/search/results?id=78>

A registered private alternative program must be in compliance with ORS 336.631, ORS 336.635, ORS 336.337, OAR 581-021-0045, OAR 581-021-0072, or the Standards for Private Alternative Programs. Those found not to be in compliance will be removed from the Oregon Department of Education's list of registered private alternative programs and will not be eligible to receive public school funds through contracts with school districts.

Please direct general questions to Drew Hinds at drew.hinds@state.or.us or (503) 947-5799. Please direct questions regarding the listing of programs on the Department's web site to Drew Hinds at Drew.Hinds@State.Or.Us or (503) 947-5799.

Sincerely,

A handwritten signature in dark ink, appearing to read "Drew Hinds".

Drew Hinds, Education Specialist
Learning Opportunities, Options & Supports

Oregon City Planning Commission

Hearing Date: May 23, 2011

File Number: CO 11-01

Exhibit: 3C

Received Time May. 18. 2011 9:54AM No. 3117



Northwest Accreditation Commission

"...advancing excellence in education through the process of accreditation."

December 31, 2010

Dear Northwest Accreditation Commission Administrator:

By action of the Northwest Accreditation Commission in December in Portland, Oregon it was recommended by your State Accreditation Committee that your school continues to be accredited for the 2010-2011 school year. The Commission acted to approve the recommendation and we would like to congratulate you on your being accredited for this school year. Any specific details regarding your annual report and approval rating will be forthcoming from your Accreditation Committee Director.

As an accredited school you enjoy all authorities, rights and responsibilities of being regionally and internationally recognized. The information we have regarding your school is posted on our website at www.NorthwestAccreditation.org or you can contact us at anytime via info@NorthwestAccreditation.org.

Enclosed please find your membership *Certificate of Accreditation* for the School Year 2010-2011. We ask that you display your certificate prominently in your school. You can also download a blank copy of the certificate to be used as you desire for display throughout your building.

Please feel free to use the NWAC logo on all transcripts, newsletter, and diplomas.

A specific liaison, facilitator or consultant from the Northwest Accreditation Commission has or will be assigned to your school by your Accreditation Committee Director. This person is responsible for working with you on annual reporting, your periodic self-study and on-site evaluation, any necessary interim visits, your school improvement plan, and so forth. If you have questions about this person please contact the Accreditation Committee Chair or Director of your State.

Finally, please know that your membership with the Northwest Accreditation Commission is greatly appreciated. Best wishes for 2011.

Sincerely,

Dr. David G. Steadman
Executive Director
Northwest Accreditation Commission

Enclosure

Northwest Accreditation Commission

"...advancing excellence in education through the process of accreditation."

2010-2011

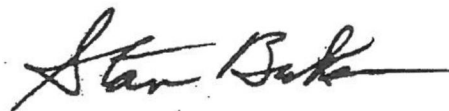
CERTIFICATE OF PROVISIONAL ACCREDITATION

Hera Community School

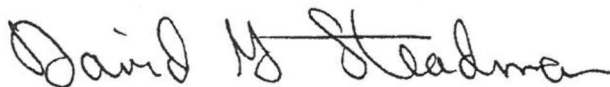
is an accredited Special Purpose for the school year 2010-2011 by the Commission on Schools of the Northwest Accreditation Commission with member schools in Alaska, Idaho, Montana, Nevada, Oregon, Utah, Washington, along with other geographical areas of the United States and the world. This school is recognized for promoting and maintaining a well-balanced education program and for meeting or exceeding standards considered essential for quality education.

First Year of Accreditation 2008

The signatures below certify the authenticity of this document.



Stan Baker, President



David G. Steadman, Executive Director



Leonard Paul, Associate Director

