

PLANNING COMMISSION AGENDA
City Commission Chambers - City Hall
625 Center Street, Oregon City, Oregon 97045
October 25, 2010 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. ADOPTION OF PLANNING COMMISSION MINUTES**
- 4. PLANNING COMMISSION HEARING**

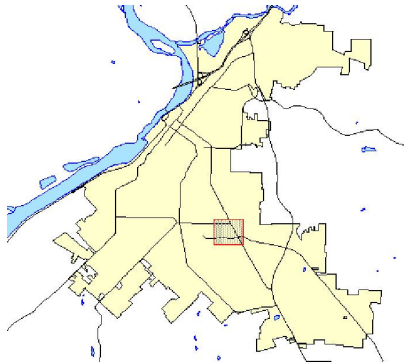
- a. CP 10-01, DP 10-02, WR 10-03: Approval of a Master Development Plan, Detailed Development Plan and Natural Resource Overlay District Review for Redevelopment of the Hilltop Mall, including a new Grocery Store and Retail, Parking Lot and Associated Improvements (Continued from October 11, 2010).

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.

City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City Recorder prior to the Commission meeting. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the Planning Dept. at 503-722-3789.

CP 10-01, DP 10-02, WR 10-03



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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 2010

09/02/2010





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: CP 10-01, DP 10-02, WR 10-03

Proposed Land Use or Activity: Master Plan (Concept Development Plan & Detailed Development Plan)

Project Name: Hilltop Center Number of Lots Proposed (If Applicable): 6

Physical Address of Site: 1500 Molalla Avenue

Clackamas County Map and Tax Lot Number(s): T3S R2E Section 5, Tax Lots 200, 203, 204, 205, 206 & 300

Applicant(s):

Applicant(s) Signature: [Signature], CC John Company

Applicant(s) Name Printed: David Arredondo Date: 6/25/2010

Mailing Address: 1701 SE Columbia River Drive, Vancouver, WA 98661

Phone: 360-696-0837 Fax: 360-696-1007 Email: darredondo@ccjohn.com

Property Owner(s):

Property Owner(s) Signature: [Signature] member/manager

Property Owner(s) Name Printed: Hilltop Mall LLC Date: 6/25/2010

Mailing Address: PO BOX 2200

Phone: 503-655-9141 Fax: 503-655-1214 Email: ctd@danielson.net
CTDJD@AOL.COM

Representative(s):

Representative(s) Signature: [Signature], WH PACIFIC INC

Representative(s) Name Printed: Dan Boultinghouse Date: 6-24-10

Mailing Address: 9755 SW Barnes Road, Suite 300, Portland, OR 97225

Phone: 503-626-0455 Fax: 503-526-0775 Email: dboultinghouse@whpacific.com

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.oregoncity.org



SITE PLAN & DESIGN REVIEW CHECKLIST



The application will not be deemed complete without all of the requirements proceeding.

City of Oregon City, Community Development Department, 320 Warner Milne Road, P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891
www.orcity.org

1. ☒ **Complete Application Form**
2. ☒ **A List of All Permit Approvals Sought by the Applicant**
3. ☒ **Narrative**
A complete and detailed narrative description of the proposed development that describes existing site conditions, existing buildings, public facilities and services, presence of wetlands, steep slopes and other natural features and any other information indicated by staff at the preapplication conference as being required.
4. ☒ **Review Criteria**
A response addressing each section of Chapters 17.52, 17.62 and any other applicable chapter identified in the Oregon City Municipal Code.
5. ☒ **Site Plan**
A detailed site development plan showing:
 - ☒ Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations
 - ☒ The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties
 - ☒ Contour lines at two foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent
 - ☐ The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:
 - ☐ Areas indicated on floodplain maps as being within the one hundred-year floodplain
 - ☐ Geologic Hazards as defined in Section 17.44.020
 - ☐ Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions
 - ☒ The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the water resources overlay district
 - ☐ The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site
 - ☒ The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty-five feet of the site, and the current or proposed uses of the structures
 - ☒ The location, dimensions, square footage, building orientation and setback distances of proposed structure, improvements and utilities, and the proposed uses of the structures by square footage
 - ☒ The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site
 - ☒ The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site
 - ☒ All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required
 - ☒ Site access points for automobiles, pedestrians, bicycles and transit

Site Plan and Design Review Application Submittal Checklist

- ☒ On-site pedestrian and bicycle circulation
 - ☐ Outdoor common areas proposed as open space
 - ☒ Total impervious surface created (including buildings and hard ground surfaces)
6. ☒ **Landscaping Plan**
A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.
 7. ☒ **Exterior Lighting Plan**
Drawn to scale, showing type, height, and area of illumination.
 8. ☒ **Architectural Drawings**
Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction.
 9. ☒ **Erosion and Sediment Control Plan**
In accordance with the requirements of Chapter 17.47 and the Public Works Erosion and Sediment Control Standards, and a drainage plan developed in accordance with city drainage master plan requirements, Chapter 13.12 and the Public Works Stormwater and Grading Design Standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/ geotechnical development impact statement.
 10. ☒ **Materials Board**
A materials board, no longer in size than eight and one-half inches by fourteen inches clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures.
 11. ☒ **Pre-Application Conference Summary Sheet**
 12. ☒ **Additional Information or Reports** *(If Required in Pre-Application Conference)*
 13. ☒ **Summary of the Meeting with the Applicable Neighborhood Association**
(If Required in Chapter 17.50.050)
 14. ☒ **Preliminary Storm Calculations** *(If Water Quality Detention is Required)*
 15. ☒ **A Current Preliminary Title Report for the Subject Property(ies)**
 16. ☒ **Mailing Labels for Owners Within 300 Feet of the Subject Site**
The names and addresses of property owners within 300 feet of the site indicated on the most recent property tax rolls.
 17. ☒ **Copies**
Twelve (12) copies of all information, reports, and drawings (full-sized and 8.5" by 11") pertaining to this application.
 18. ☒ **Electronic Version of All Application Materials**
 19. ☒ **All Required Application Fees**

Site Plan and Design Review Application Submittal Checklist

B. Development Team Members:

Owner:

Hilltop Mall, LLC
P.O. Box 2200
Oregon City, Oregon 97045
Phone: (503) 655-9141
Fax: (503) 655-1214
Contact: Craig Danielson
Email: ctd@danielson.net

Developer/Applicant:

CE John Company Inc.
1701 SE Columbia River Drive
Vancouver, Washington 98661
Phone: (360) 696-0837
Fax: (360) 696-1007
Contact: David Arredondo
Email: darredondo@cejohn.com

Applicant Representative:

WHPacific, Inc.
9755 SW Barnes Road, Suite 300
Portland, OR 97225
Phone: (503) 626-0455
Fax: (503) 526-0775
Contact: Dan Boultinghouse, PE
Email: dboultinghouse@whpacific.com

Architecture:

Rommel Architecture Partnership
1200 NW Front Avenue, #550
Portland, OR 97209
Phone: (503) 227-5844
Fax: (503) 227-8490
Contact: Gary Rommel
Email: grommel@rommelarch.com

Architecture (Grocery):

BSA Architecture & Planning
5200 SW Meadows Road
Lake Oswego, OR 97035
Phone: (503) 670-0234
Fax: (503) 670-0235
Contact: Jim Park
Email: jimpark@bsaarch.com

Land Surveying:

Compass Engineering, Inc.
4105 SE International Way Suite 501
Milwaukie, Oregon 97222
Phone: (503) 653-9083
Fax: (503) 653-9095
Contact: Don Devlaeminck, P.L.S.
Email: ddevlaeminch@compass-engineering.com

Landscape Architecture:

Chris Freshley Landscape Architecture
1020 SW Taylor Street
Portland, Oregon 97205
Phone: (503) 222-9881
Fax: (503) 224-7069
Contact: Chris Freshley
Email: freshley@qwestoffice.net

Traffic Engineer:

Kittelson & Associates
610 SW Alder Street, Suite 700
Portland, Oregon 97205
Phone: (503) 228-5230
Fax: (503) 273-8169
Contact: Chris Brehmer
Email: cbrehmer@kittelson.com

Environmental Engineer:

Environmental Science and Assessment, LLC
838 SW 1st Avenue, Suite 400
Portland, Oregon 97204
Phone: (503) 478-0424
Fax: (503) 478-0422
Contact: Jack Dalton
Email: jack@esapdx.com

Lighting Engineer:

Hood-McNees, Inc.
1923 SE Stark Street
Portland, Oregon 97214
Phone: (503) 231-7825
Fax: (503) 231-8309
Contact: Jay Yelton
Email: jay@hmcnees.com

C. Applicants Written Statement

Project Summary:

The applicant is requesting the approval of the Concept Development Plan and Detailed Development Plan for Phase I associated with the Hilltop Center redevelopment. Both of these plans are intended to be reviewed concurrently through a Type III procedure as part of the City's Master Plan process.

The Master Plan is a two-step process consisting of a Concept Development Plan and a Detailed Development Plan. Each of these plans are described in detail below:

Concept Development Plan: The main component of the Concept Development Plan is the construction of a new grocery/retail building that is located in the central portion of the site. Currently, there is existing commercial development (i.e. Key Bank, McDonalds and US Bank) located along the entire frontage of Molalla Avenue. In contrast, there is no development fronting the street along Beavercreek Road. This is due to the presence of a storm water sewer easement which precludes any development from occurring within close proximity to the roadway. Given the existing development pattern and the location of the easement, there is no opportunity to place buildings along either of these main frontages and meet the City's setback requirements.

In response to the frontage setback requirements, the applicant is proposing a new private roadway that will run east-west through the site and link Molalla Avenue with Beavercreek Road. The new building will front along the new street which facilitates vehicle and pedestrian connectivity to and through the site. Complementary in-line retail space will be placed on the east and south sides of the building with orientations to face the property frontages along Molalla Avenue and Beavercreek Road.

The new and existing buildings within the Concept Development Plan are linked to the surrounding pedestrian sidewalk system through a series of enhanced interconnected walkways and accessible routes. In addition, major pedestrian plazas and amenities are provided along the frontage of the grocery building and along the south side of the retail area near Beavercreek Road.

Currently 1,089 parking spaces exist within the subject parcel. The minimum and maximum parking requirements vary depending upon use of the building. Based on these requirements, 1,064 to 1,659 spaces are required. The applicant is requesting a 10% reduction due to the project's proximity to major transit corridors. The minimum number of spaces required is 958 stalls (1,064 stalls minus 10%). Similarly, bicycle parking is calculated as a ratio of bicycle spaces to vehicle stalls. For most uses, the ratio is one bicycle space per 20 vehicle spaces.

Enhanced parking fields are located to the north and east of the main grocery/retail building. These include longitudinal planters that are intended to provide an alternative landscape plan within the main parking fields. These planter islands not only provide space for the required plant materials (i.e. trees, shrubs and ground cover) but also provide areas for storm water infiltration. The perimeter of the parking fields are flanked by a pedestrian walkway with additional trees and landscape planters.

The Concept Development Plan identifies a 7,600 square foot restaurant pad, a future 10,500 square foot fuel center pad associated with the grocery development and a new retail complex at the corner of Molalla Avenue and Beavercreek Road. The new commercial complex will contain a pedestrian plaza near the intersection with connections to the interior of the site.

The Concept Development Plan, at build-out, will contain approximately 178,805 square feet of commercial retail space. This total represents a slight reduction (i.e. 1,127 square feet) in the existing total square footage of 179,932 square feet currently located within the subject property.

Detailed Development Plan: The Detailed Development Plan consists of all Phase 1 improvements identified in the Concept Development Plan.

More specifically, the Detailed Development Plan will include the removal of one existing structure consisting of approximately 98,026 square feet. This will be replaced with two contiguous buildings totaling 78,843 square feet for a temporary net decrease in gross square footage of 19,183 square feet.

Other work included in the Detailed Development Plan include the reconstruction of the Beavercreek driveway entrance to reflect new traffic improvements; new parking fields on the west, north and east sides of the grocery/retail building that contain landscape infiltration islands and tree plantings; development of pedestrian plazas and circulation routes; and mitigation enhancements along drainage corridor paralleling Beavercreek Road.

The Proposed Detailed Development Plan will request three primary adjustments to the City code. Each of these adjustments is summarized below.

1. 17.41.075 - Alternative Mitigation Plan – As an alternative to tree replacement in accordance with Table 17.41.060, the applicant is requesting an alternative mitigation plan for tree removal within the Detailed Development Plan boundary. Existing interior parking lot trees will be removed and subsequently replaced as part of the alternative landscape plan. In order to enhance the existing natural resource, the applicant is proposing to supplement the mitigation for the permanent encroachment within the vegetative buffer with additional landscape materials. Not only will the City designated Goal 5 resource be protected, but it will be substantially enhanced through the alternative mitigation and its functionality will be increased. Based on this information, the modification will better serve the intent of this regulation.
2. 17.52.090.B.4 – Alternative Landscape Plan. As alternative to the stated landscape requirements associated with the interior parking lots, the applicant is requesting an adjustment to allow an alternative landscape plan. Again, through the approval of an alternative landscape plan, the applicant will be able to incorporate low impact design (“LID”) features into the design and improve maintenance efficiencies with the parking fields. This adjustment would consist of the modifications to the minimum interior parking lot landscaping, placement of trees, placement of planter islands

and mix of evergreen/deciduous trees. Given the nature of the uses being proposed and discretion allowed under the alternative landscape provision, the proposed changes would be consistent with those regulations being modified. It should be noted that the landscape plans being illustrated bring the entire site into closer conformance with the current regulations.

3. 17.62.055.C.5 - New commercial buildings to be sited with five feet of the property. Existing development along Warner Milne Road and Molalla Avenue as well as a City easement along Beaver Creek Road preclude buildings being within 5 feet of frontage. Through the provision of an internal private road, the applicant will be able to place along the frontage of a roadway and provide pedestrian connectivity throughout the site. Given the constraints, the proposed changes would be equal or better than those regulations being modified.

Existing Conditions:

- Current Uses

Existing development within the subject property contains approximately 179,932 square feet of floor space that is dispersed among nine buildings. Five of these are retail/commercial structures, three are eating/drinking establishments and one is commercial amusement (e.g. movie theater).

Surrounding land uses include office and multi-use residential to the west, residential and commercial uses to the north, commercial and vacant land to the east and light industrial uses to the south.

- Background and Operational Characteristics

Historically, commercial uses have been present on the site for a number of years. This has included a variety of food establishments as well as commercial retail. The theater building is a relatively new development that replaced a skating rink. Until recently, the anchor tenant of the Hilltop Mall has been Danielson's Thriftway.

- Site Description

Hilltop Center is a commercial center consisting of a mixture of existing commercial, banking and eating/drinking establishments. The site itself consists 20.88 acres and includes six individual tax lots (T3S R2E 5C, tax lots 200, 203, 204, 205, 206 and 300). The site is bordered by Warner Milne Road on the north, Molalla Avenue on the east, Beaver Creek Road on the south and City Hall on the west.

Based on the City's Comprehensive Plan, the subject property is located in a portion of the City that is designated as Commercial. To support this designation, the property has also been zoned General Commercial (C). This designation encourages uses that are general commercial in nature and are intended to serve the City and surrounding areas.

- Transportation Analysis

A transportation Impact Analysis (TIA) has been prepared to address potential impacts associated with the redevelopment of this property. As indicated in the TIA, Phase 1 will result in a net reduction of the daily vehicular trips. This is based on the temporary reduction in the building square footage.

- Infrastructure Capacity

The City has sufficient infrastructure capacity to accommodate the proposed redevelopment. Only minor modifications to the water and sanitary sewer are necessary to serve the proposed uses.

Concept Plan:

- Duration

The initial construction is anticipated to occur within an 18-24 month period. Assuming land use approvals can be secured during the summer of 2010, the initial phase would begin in the fall of 2010.

- Phasing

The implementation of the Concept Development Plan would be a multi-phased project that would be implemented over 10+ year period.

The initial phase (i.e. Phase 1) would consist of the demolition of the existing 98,026 square foot grocery building and the construction of the new grocery and retail space. Phase 2 is anticipated to occur in the near future, while Phase 3 is proposed to be occurring within 10 years to existing lease arrangements.

Phase 1: This phase will consist of the following: demolition of existing grocery and retail space; utility infrastructure improvements to water and sewer systems; construction of new grocery and in-line retail buildings; site improvements including reconstruction of Beavercreek driveway entrance, new parking fields with landscape infiltration islands and tree plantings; development of pedestrian plazas and circulation routes; and drainage enhancements along Beavercreek Road.

Phase 2: This phase may include the construction of a gas/fuel service center and associated landscaping.

Phase 3: This phase will consist of the following: (i) demolition of the existing building at the intersection of Molalla Avenue and Beavercreek Road; (ii) construction of two new commercial retail buildings; and (iii) the development of a pedestrian plaza.

- Goal 5 Analysis

A Site Assessment/Wetland Determination Report has been prepared to identify existing conditions and update the Natural Resource Overlay District (NROD) mapping data associated with this property. As indicated in the report, the existing waterway has been channelized and is bordered by sidewalks on both sides. The existing function of the mapped NROD area is primarily for storm water conveyance. There are no significant wetland functions due to the constrained channel morphology.

- Impacts on Service and Surrounding Area:

Because the proposed improvements consist of the redevelopment and/or replacement of existing uses, no significant impacts are anticipated.

- Transportation Impacts:

As indicated in the TIA, Phase 1 will result in a net reduction of the daily vehicular trips. This is based on the temporary reduction in the building square footage. Phase 2 and 3 will result in an additional 430 and 370 average daily trip respectively. At build-out (i.e. year 2020), it is anticipated that the Master Plan will generate an additional 700 net daily vehicle trips, with 85 occurring in the peak a.m. hours and 55 occurring in the p.m. peak hours.

The Concept Plan identifies several new internal pedestrian and vehicular access routes that are intended to improve the overall connectivity through the site.

D. Land Use Reviews Requested

The City of Oregon City Municipal Code lists various public review procedures based upon the type of land use action being requested. The proposed development at the subject property will require the following land use review.

<u>Requested Review/Approval</u>	<u>Application Type</u>
Master Plan	
<i>Concept Master Plan</i>	Type 3
<i>Detail Development Plan</i>	⁽¹⁾ Type 2
<i>Adjustments</i>	
• <i>Alternative Mitigation Plan allowed Per Section 17.41.0075</i>	
• <i>Alternative Parking /Landscape Plan allowed Per Section 17.52.090.B.4</i>	
• <i>Building Frontage/Setback Section 17.62.055.C.5</i>	

⁽¹⁾ Reviewed concurrently through a Type III Process

E. Fee Calculations:

Based on the City of Oregon City Planning Department Fee Schedule (2010), the following fees are required to review the proposed development. These are outlined below.

<u>Requested Review/Approval</u>	<u>Fee</u>
Master Plan (Concept Development Plan)	\$6,124
Detailed Development Plan (\$10,443 plus \$.003 x project cost ⁽¹⁾)	\$20,943
Total	\$27,067

⁽¹⁾ Assumes project cost of \$3,500,000

According to the Traffic Impact Fee Schedule (2010), the following fees are required to review the traffic impact analysis. These are outlined below.

<u>Requested Review/Approval</u>	<u>Fee</u>
Non-Residential >100K ft ² Base Fee	\$3,647
Non-Residential >100K ft ² Large Study Area	\$608
Non-Residential >100K ft ² Master Plan	\$1,824
Non-Residential >100K ft ² Meetings ⁽²⁾	\$242
Total	\$6,321

⁽²⁾ Assumes 2 hour meeting @ Planning Commission



2010 PLANNING FEE SCHEDULE

(EFFECTIVE JANUARY 1, 2010)

All fees are subject to change by Resolution of the City Commission. The applicant is responsible for paying the application fee in effect at the time the **formal application** is submitted

APPLICATION TYPE	FILING FEE
Appeal - Administrative (includes SDC)	\$250
Appeal - PC Decision	\$3,109 Plus actual city attorney fees
Annexation Application // Election Deposit	\$3,869 \$3,000
Annexation Metro Mapping / UOM is Acre	<1 = \$150; 1-5 = \$250; 5-40 = \$300; >40 = \$400
Amendment to Comp Plan	\$3,930
Code Interpretation/Similar Use	\$934
Compatibility Review/Non-conforming Use	\$737
Conditional Use	\$3,379
Expedited Land Division	\$3,685 plus \$369 per lot
Extension (Land Use Permit)	\$601
Geologic Hazards Review	\$774
Geo-Technical Review	\$531
Historic Review	
- Remodel	\$50
- New Construction	\$50 plus 2.5% of construction cost, (max. \$1,000)
- Demolition	\$246 < 1000SF \$614 > 999SF
Lot Line Adjustment	\$1,032
Master Plan (Concept Plan)	\$6,142 Type I Type II Type III
Master Plan (Amendment)	\$614 \$1,843 \$3,071
Modifications	50% of current application fee for application being modified
Minor Partition	\$3,526
Pre-Application Conference	\$491 Minor \$952 Major
Residential Design Standards	\$68
Sign Permit	\$156 plus 0.05 X sign construction cost
Sign Variance	\$1,130
Site Plan & Design Review - Minor	\$737
Site Plan & Design Review / Detailed Master Plan	
- Less than \$500,000	\$1,843 plus 0.007 X project cost
- \$500,000 to \$3,000,000	\$3,071 plus 0.005 X project cost
- Over \$3,000,000	\$10,443 plus 0.003 X project cost Max is \$48,985
Subdivision	\$3,685 plus \$307 per lot
Traffic Impact Study Review	See Traffic Impact Study Sheet
Variance (Administrative)	\$1,197
Variance (Hearing)	\$2,224
Water Resource Review	
- Type I for Single/Two Family Lot	\$188
- Type I for Non-Single/Two Family Lot	\$375
- Type II or III for Single/Two Family Lot	\$873
- Type II or III for Non-Single/Two Family Lot	\$1,746
Willamette Greenway	\$1,363
Zone Change / Text Amendment	\$2,493
Measure 37 Application	\$1,000 Deposit, Applicant will be charged actual staff costs

**2010 TRAFFIC IMPACT ANALYSIS (TIA)
FEE STRUCTURE**

Land Use	Base Fee ¹	Large Study Area or Location near or Along Key Corridor ²	Conditional Use, Zone Change, or Master Plan ³	Meetings ⁴ Cost/Hr
Residential		\$608	\$1,824	\$121
0-50 units	\$973			
50+ units	\$1,216			
Non-residential		\$608	\$1,824	\$121
<50K ft ²	\$2,432			
50 to 100K ft ²	\$3,040			
>100K ft ²	\$3,647			

Notes:

1. Covers initial review. Each time supplemental information is submitted for review in association with a particular land use application, a supplemental review fee will be assessed at 50 percent of the base fee.

2. Applies to study areas including more than three intersections/accesses and/or development located near or along congested corridors.

3. Applies to developments involving a conditional use or zone change, or master plan.

4. Charged on a time and material basis including travel and attendance time for pre-application meetings, site visits, planning commission meetings, and other meetings called by applicant or City staff to review issues associated with the development.

2.

**Applicable City of Oregon City
Municipal Code Standards**

The following information responds to Oregon City Municipal Code requirements. Responses to individual sections are highlighted in bold for each applicable development standard criterion.

12.04. Streets, Sidewalks and Public Places

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

- A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law.
- B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.
- C. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
- D. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises and permits.
- E. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way. (Ord. 03-1014, Att. B3 (part), 2003: prior code §9-1-1)

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: The Applicant understands that the City has jurisdiction and regulatory management over all public rights-of-way with the City. This includes, but not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.

12.04.015 - Street design—Purpose and general provisions.

All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for development, the city engineer shall take into

consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction. (Ord. 03-1014, Att. B3 (part), 2003)

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: *In accordance with this section of the City's code, the Applicant acknowledges that all development will be in conformance with the policies and design standards established by this Chapter and with applicable standards in the City's Public Facility Master Plan and City's design standards and specifications.*

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)

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: *Although no new public streets are being proposed, the design of the internal private street grid adheres to general street design requirements and naturally flows from the adjacent streets. The proposed private street has been aligned to intersect with the adjacent public streets at existing intersections of Molalla Avenue and Beavercreek Road. This connection provides for adequate traffic circulation both to and through the site. Additionally, the pedestrian/bicycle connection has been expanded to improve circulation and connectivity*

throughout the site, as well as with the adjacent City system. This criterion has been satisfied.

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

All development shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:

- A. Complying with the street design standards contained in the table provided in Chapter 12.04. The street design standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan (TSP), in particular, the following TSP figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These TSP figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

Table 12.04.020 STREET DESIGN STANDARDS

B. T h	Type of Street	Maximum Right-of-Way Width	Pavement Width
e a p p l i c	Major arterial	124 feet	98 feet
	Minor arterial	114 feet	88 feet
	Collector street	86 feet	62 feet
	Neighborhood collector street	81 feet	59 feet
	Local street	54 feet	32 feet
	Alley	20 feet	16 feet

ant may submit an alternative street design plan that varies from the street design standards identified above. An alternative street design plan may be approved by the city engineer if it is found the alternative allows for adequate and safe traffic, pedestrian and bicycle flows and transportation alternatives and protects and provides adequate multi-modal transportation services for the development as well as the surrounding community. (Ord. 03-1014, Att. B3 (part), 2003)

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: *In accordance with this section of code, all development will provide adequate right-of-way and pavement width for public streets.*

The streets surrounding the site are all well developed existing streets with significant existing right-of-way. Currently, the right-of-way along Molalla Avenue is 85-90 feet wide, depending upon the location. The right-of-way is 50 feet from the property line along the entire boundary of Molalla Avenue. Along Beaver Creek Road, the current right-of-way is 86 feet per side with the centerline being equal distance from the north and south property lines.

Similarly, Warner Milne currently maintains a 60 foot right-of-way with the centerline being equal distance from the north and south property lines.

The City Engineer has reviewed the existing rights-of-way and has not requested any additional right-of-way for this project. As a practical point, along the majority of the right-of-way existing development that is not part of the detailed development plan application, there is no opportunity to dedicate additional right-of-way along each of these streets without significantly impacting the existing development along the perimeter of the site.

Refer to Section 3 -Site Drawings, Drawing C2.0 for additional information. Also refer to Section 4 – Appendices, Exhibit F – Pre-Application Conference Summary Notes and Exhibit J – Transportation Impact Analysis. This criterion has been satisfied.

12.04.030 - Street design—Access control.

- A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the city as a city controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.
- B. The city may grant a permit for the adjoining owner to access through the access control.
- C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."
- D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls." (Prior code §9-1-3; Ord. 03-1014, Att. B3 (part), 2003)

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: *Since no new public streets are being proposed as part of the development, there is no need for access control. Therefore, this criterion is not applicable to this application.*

12.04.031 - Liability for sidewalk injuries.

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

- B. If the city is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty that this ordinance imposes, the person shall compensate the city for the amount of the damages paid. The city may maintain an action in a court of competent jurisdiction to enforce this section. (Ord. 03-1014, Att. B3 (part), 2003)

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: The Applicant understands that they will be liable for injury to persons due to negligence of the property owner.

The existing sidewalks are in good condition and will continue to receive an appropriate level of maintenance and repair by the Applicant. This criterion has been satisfied.

12.04.032 - Required sidewalk repair.

- A. When the public works director determines that repair of a sidewalk is necessary he or she shall issue a notice to the owner of property adjacent to the sidewalk.
- B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the city may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.
- C. The public works director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the public works director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.
- D. The person serving the notice shall file with the city recorder a statement stating the time, place and manner of service or notice. (Ord. 03-1014, Att. B3 (part), 2003)

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: The Applicant acknowledges that sidewalk repairs are required to occur within ninety days after receiving notice from the Public Works Director. If repairs do not occur, the City may complete the work and the cost will be assessed against the property.

Again, the existing sidewalks are in good condition and will continue to receive the appropriate level of maintenance and repair by the Applicant. This criterion has been satisfied.

12.04.033 - City may do work.

If repair of the sidewalk is not completed within ninety days after the service of notice, the public works director shall carry out the needed work on the sidewalk. Upon completion of the work, the public works director shall submit an itemized statement of the cost of the work to the finance director. The city may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the public works director for the health, safety and general welfare of the residents of the city. (Ord. 03-1014, Att. B3 (part), 2003)

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: The Applicant understands that if sidewalk repairs are not completed within the specified period, the City will complete the work and the cost will be assessed against the property.

As previously mentioned, all of the perimeter sidewalks are in good condition and will continue to receive the appropriate level of maintenance and repair by the Applicant.

12.04.034 - Assessment of costs.

Upon receipt of the report, the finance director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment. (Ord. 03-1014, Att. B3 (part), 2003)

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: The Applicant acknowledges that if sidewalk repairs are not completed within the specified period, the City will complete the work and the cost will be assessed against the property. The assessment will be a lien against the property.

Again, the existing sidewalks are in good condition and will continue to receive appropriate level of maintenance and repair. This criterion has been satisfied.

12.04.035 - Street design—Alignment.

The centerline of streets shall be:

- A. Aligned with existing streets by continuation of the centerlines; or
- B. Offset from the centerline by no more than ten feet, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: The Applicant understands that any proposed streets are required to be aligned with the continuation of centerlines from existing streets or offset from the centerline by no more than ten feet.

*There are no new public streets proposed as part of the development.
Therefore, this criterion is not applicable to this application. However, the
proposed internal private street functions as a public street.*

12.04.040 - Minimum street intersection spacing standards.

- A. All new development and redevelopment shall meet the following public street intersection spacing standards:

Table 12.04.040—Public Street Intersection Spacing Standards

	Distance in Feet between Streets of Various Classifications								
	Between Arterial and Arterial	Between Arterial and Collector	Between Arterial and Neighborhood Collector	Between Arterial and Local Street	Between Collector Street and Collector Street	Between Collector Street and Neighborhood Collector	Between Collector and Local Street	Between Neighborhood Collector and Local Street	Between two adjacent Local Streets
Measured along an Arterial Street	1320	800	600	300	600	300	150	150	150
Measured along a Collector Street	800	800	600	300	600	300	150	150	150
Measured along a Neighborhood Collector Street	800	600	300	300	300	150	150	150	150
Measured along a Local Street	600	600	300	300	300	150	150	150	150
Note: With regard to public intersection spacing standards, the same distances apply to both major arterial and minor arterial streets. In this table, the term "arterial" applies to both major arterial and minor arterial streets.									

or

- B. A lesser distance between intersections may be allowed, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the reduction in intersection spacing will not pose a safety hazard. (Ord. 99-1004, § 15(part), 1999: prior code §9-1-4)

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: *The Applicant acknowledges that public intersections along Arterials (i.e. Major and Minor) streets are required spaced 1,320 feet apart.*

The existing public intersections along Molalla Avenue between Warner Milne Road and Beavercreek Road meet this standard. Again, no new public streets are being proposed. Therefore, this criterion is not applicable to this application.

12.04.045 - Street design—Constrained local streets and/or rights-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

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: ***The Applicant acknowledges that constrained local streets will require the approval of the City Engineer.***

Although not a public constrained street, the Applicant wishes to acknowledge that the proposed new access drive that serves as a private internal street fits the Constrained Street Concept. This internal private street is requested as part of the adjustment process below in Section 17.65.070. The proposed internal private drive should be compared to the constrained street within the limitations of the private nature of the drive and without the dedication of right-of-way. However, because there are no actual constrained local streets in the vicinity of the proposed development or contained in this proposal, the criterion is not applicable to this application.

12.04.050 - Intersection level of service standards.

When reviewing new developments, 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 development. 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. (Prior code §9-2-1)

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: *The Applicant understands that 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 development.*

Based on the Applicant's Traffic Impact Analysis (TIA), several transportation improvements are proposed for the development. This includes the reconstruction of the intersection of the south entry and Beaver Creek Road, as well as improvements to the east entry along Molalla Avenue.

With the transportation improvements proposed, the TIA concludes that the LOS upon full build-out of the proposed general development plan will remain either at the minimum acceptable LOS or above it. Refer to Section 4, Exhibit J – Transportation Impact Analysis for a more detailed analysis. This criterion has been satisfied.

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.

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: *In accordance with City's code, streets are required to intersect at angles as near as possible to right angles.*

The development has proposed an internal private street grid that will adjoin the public street system. Although not public streets, each of these drives intersects with the street at a ninety degree angle. Although this criteria is not applicable to this application because no public street is proposed, the Applicant points out that the internal private street grid will meet this standard.

12.04.060 - Street design—Off-site street improvements.

During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the city's applicable planned minimum design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development. (Ord. 99-1004, § 15(part), 1999: prior code §9-2-3)

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: The Applicant understands that existing streets impacted by, adjacent to, or abutting the development are required to meet the city's applicable planned minimum design or dimensional requirements.

In consultation with the City, a number of street trees (as shown on the landscape plans) will be added to achieve compliance with this standard. In total, the Applicant shall provide 16 number of street trees. Through the addition of street trees, the adjacent streets will meet the minimum requirements of this section and this criterion has been satisfied.

12.04.065 - Street design—Half street.

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control as described in [Section] 12.04.200 may be required to preserve the objectives of half streets.

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: The Applicant acknowledges that half streets may be approved where essential to development.

The proposed development does not include any half street improvements. Therefore, this criterion is not applicable to this application.

12.04.070 - Street design—Cul-de-sacs and dead-end streets.

The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as unstable soils, wetland, natural or historic resource areas, dedicated open space, existing development patterns, or arterial access restrictions. When permitted, cul-de-sacs and permanent dead-end streets shall have a maximum length of three hundred fifty feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face, and include pedestrian/bicycle accessways as provided in Section 17.90.220 of this Code and

Chapter 12.24. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed to provide adequate lot coverage.

Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with Fire District and city adopted street standards. Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way/easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space. (Prior code §9-2-2)

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: *In accordance with this section of the City's code, the Applicant acknowledges that the City discourages the use of cul-de-sacs and permanent dead-end streets.*

The proposed development does not include any cul-de-sacs or permanent dead-end roads. The proposed new private internal street grid conforms to this standard and does not create cul-de-sacs or dead-end streets. The private internal street grid creates a well connected system to all three sides of the development. The proposed development does not include any cul-de-sacs or permanent dead-end roads. Therefore, this criterion is not applicable to this application.

12.04.075 - Street design—Street names.

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the city and shall be subject to the approval of the city.

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: *The Applicant acknowledges that no street name will be used which will duplicate or be confused with the name of an existing street.*

The proposed development does not include the development of any new public streets. Therefore, this criterion is not applicable to this application.

12.04.080 - Street design—Grades and curves.

Grades and center line radii shall conform to the standards in the city's street design standards and specifications. (Prior code §9-4-1)

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: *In accordance with this section of the City's code, all grades and centerline radii for streets will conform to City's design standards and specifications.*

The proposed development does not include any new public streets. Therefore, this criterion is not applicable to this application.

Although this criterion is not applicable, the applicant wishes to note that the proposed internal private street grid meets acceptable grades and centerline radii associated with intersection alignments.

12.04.085 - Street design—Development abutting arterial or collector street.

Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: The site does not abut residential properties and therefore the portion of this criterion related to protection of residential properties is not applicable to this application. The proposed development currently contains access controls at two of the entries: 1) entry along Molalla Avenue; and 2) south entry along Beaver Creek Road. However, there is no control at the entries along Warner Milne Road. The TIA and City staff have indicated that the proposed transportation improvements provide adequate access control and separation of through and local traffic. No additional treatments have been requested. This criterion has been satisfied.

12.04.090 - Street design—Pedestrian and bicycle safety.

Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic.

All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the city engineer. (Prior code §9-4-2)

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: Although there are no local streets located within the proposed development, the Applicant has proposed an internal private street grid and the applicant would like to note that the private street grid has been designed to encourage pedestrian and bicycle activity. As part of this effort, the proposed development has incorporated a variety of pedestrian amenities to improve

the pedestrian and bicycle experience within the boundaries of the site, including three pedestrian plazas and seamless sidewalk areas along all the frontage of the retail users.

12.04.095 - Street design—Curb cuts.

To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, such as a cul-de-sac or dead-end street, the decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable where any of the following conditions are necessary:

- A. To provide adequate space for on-street parking;
- B. To facilitate street tree planting requirements;
- C. To assure pedestrian and vehicular safety by limiting vehicular access points; and
- D. To assure that adequate sight distance requirements are met.

Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development, single residential driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk and property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements. Shared residential driveways shall be limited to twenty-four feet in width adjacent to the sidewalk and property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements. Non-residential development driveway curb cuts in these situations shall be limited to the minimum required widths based on vehicle turning radii based on a professional engineer's design submittal and as approved by the decision maker.

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: This criterion requires new streets to have minimum curb cuts. The proposed development does not include any new public streets. Therefore, this criterion is not applicable to this application.

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. (Prior code §9-4-3)

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: In accordance with this section of the City's code, public alleys are to be provided in the R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zone district unless other provisions are provided for access to off-street parking and loading.

The proposed development is not located in any of the zones identified. Therefore, this criterion is not applicable to this application.

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 accessways 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.

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: The proposed development is located adjacent to two transit streets: 1) Molalla Avenue; and 2) Beaver Creek Road. Currently, Bus Route #32 follows along Molalla Avenue and maintains a bus stop near the corner of Warner Milne and Molalla Avenue, just beyond the boundaries of the Master Plan. Route #33 follows Beaver Creek Road and maintains a bus shelter between the intersection of Molalla Avenue and the south entry.

As required by this criterion, the Applicant has coordinated with Tri-Met along Beaver Creek Road where the development impacts the transit street. Furthermore, the applicant is proposing a pedestrian plaza in the location of the Bus stop to enhance the pedestrian connection from the transit street to the development. Please see Sheet A1.3 which illustrates the pedestrian plaza locations and improvements. And the site circulation plan which illustrates the access ways to expedite pedestrians from the site to the Bus stops. Therefore, this criterion has been satisfied.

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. The decision maker may permit constrained sites to place street trees on the abutting private property within ten feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

To promote and maintain the community tree canopy adjacent to public streets, trees shall be selected and planted in planter strips in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining healthy and attractive trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may

assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this Code and enforceable as a civil infraction. (Ord. 99-1004, §15 (part), 2003: prior code §9-4-4)

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: Because of the constrained site (e.g. presence of the wetland/stormwater easement) along Beavercreek Road, the Applicant has placed street trees on the abutting private property within ten feet of the public right-of-way. By providing the street trees on the private property the Applicant is providing the necessary tree canopy without interfering with the protected wetland or the stormwater easement. The proposed street trees on the private property satisfy this criterion.

12.04.120 - Obstructions—Permit required.

- A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B of this section, in any public street or alley in the city, without obtaining approval for a right-of-way permit from the commission by passage of a resolution.
1. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.
 2. The applicant shall submit at least the following information in the permitting process in order to allow the commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;
 - b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
 - d. Alternative routes if necessary;
 - e. Minimizing obstruction area; and
 - f. Hold harmless/maintenance agreement.
 3. If the commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the city engineer shall issue a right-of-way permit with any conditions deemed necessary by the commission.
- B. Temporary Obstructions.

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

(Ord. 06-1004 §1, 2006)

Applicant's Response: *The proposed development does not include any obstructions that will impact the right-of way, therefore this criterion is not applicable. However, if a potential obstruction is identified, a right-of-way permit will be obtained and the appropriate fees will be paid pursuant to this section.*

12.04.130 - Obstructions—Sidewalk sales.

- A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.
- B. The city commission may, in its discretion, designate certain areas of the city to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided. (Prior code §9-5-2)

Applicant's Response: *The proposed development will not use the public sidewalks for any of the prohibited uses. Therefore, this criterion is not applicable to this application.*

12.04.140 - Obstruction—Nuisance—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24. (Ord. 99-1004 §15 (part), 1999: prior code §9-5-3)

Applicant's Response: *The Applicant acknowledges that any act or omission of this chapter is subject to code enforcement procedures.*

The proposed development does not include any violations of this chapter. Therefore, this criterion is not applicable to this application.

12.04.150 - Street and alley vacations—Cost.

At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by city commission resolution shall be paid to the city. (Ord. 97-1002 §1, 1997: prior code §9-11-1)

Applicant's Response: *The proposed development does not include any request for vacations. Therefore, this criterion is not applicable to this application.*

12.04.160 - Street vacations—Restrictions.

The commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the

public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated. (Prior code §9-11-2)

Applicant's Response: The Applicant acknowledges that upon petition, the Commission may grant a vacation of a street and utilities.

The proposed development does not include any request for vacations. Therefore, this criterion is not applicable to this application.

12.08. Public and Street Trees

12.08.010 - Purpose.

The purpose of this chapter is to:

- A. Develop tree-lined streets to protect the living quality and beautify the city;
- B. Establish physical separation between pedestrians and vehicular traffic;
- C. Create opportunities for solar shading;
- D. Improve air quality; and
- E. Increase the community tree canopy and resource.

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: *In accordance with this section of the City's code, street trees are being provided along Beavercreek Road. In addition, street trees are also being proposed along the internal private east-west street that links Molalla Avenue with Beavercreek Road. A total of 16 street trees will be provided within the Detailed Development Plan boundary on Beavercreek Road and a total of 20 street trees will be provided on the internal private street grid. This street tree plan satisfies this section of the code.*

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.

- C. 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's Response: *The applicant proposes 16 new street trees along Beavercreek Road within the Detailed Development Plan boundary. Due to existing site constraints (sewer easement and protected natural resource) that makes the sidewalk curb tight, the applicant will place these street trees within ten feet of the front yard setback. Refer to Section 3 -Site Drawings, Plan Drawings L1.0 – Preliminary Landscape Plan for additional information. This criterion has been satisfied.*

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's Response: *The clearance distance cited above will be adhered to as part of the proposed development. Refer to Section 3 - Site Drawings, Plan Drawings L1.0 – Preliminary Landscape Plan for additional information. This criterion has been satisfied.*

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's Response: *In accordance with this section of the City's code, all trees will have a minimum caliper of two inches above the root crown.*

Refer to Section 3 -Site Drawings, Plan Drawings L1.0 – Preliminary Landscape Plan for additional information. This criterion has been satisfied.

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.

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: *All established trees will be pruned in accordance with this standard. Therefore, this criterion is satisfied.*

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.

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: *All street trees have been selected from the City's recommended street list and the City has not specified any alternate species of street trees. Refer to Section 3 -Site Drawings, Plan Drawings L1.0 – Preliminary Landscape Plan for additional information. This criterion has been satisfied.*

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.

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: The Applicant understands that the maintenance of all street trees will be the responsibility of the property owner, with the exception of the land within the public storm water easement that is located along Beavercreek Road. This property will be maintained by the City as long as the public easement exists over the property. Maintenance will 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. This criterion is satisfied.

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.

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: The applicant acknowledges that the City will have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the right-of way along Warner Milne Road, Molalla Avenue, and Beavercreek.

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.

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: No public street trees will be removed as part of the proposed development. Therefore, this criterion is not applicable to this application.

12.08.040 - Heritage Trees and Groves.

Applicant's Response: None of the trees on the subject property have received a Heritage Tree/Grove designation. Therefore, this criterion is not applicable.

12.08.045 - Gifts and funding.

The City of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the city. The community development director may allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City. The community development director may determine the type, caliper and species of the trees purchased with the fund. The cost of each tree may be adjusted annually based upon current market prices for materials and labor as calculated by the community development director. A separate fund shall be established and maintained for revenues and expenditures created by activities specified in this chapter. The natural resources committee shall have authority on behalf of the city to seek grants and alternative funding for tree projects. Funds from such grant awards shall be administered by the city pursuant to this section.

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: This criterion is not applicable to the application.

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.

(Ord. No. 08-1014, 7-1-2009)

Applicant's Response: The Applicant understands that violation of any provision of this chapter constitutes a civil infraction.

17.32. C General Commercial District

17.32.010 - Designated.

Uses in the general commercial district are designed to serve the city and the surrounding area. Land uses are characterized by a wide variety of establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities or a similar use as defined by the community development director.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *The Applicant proposes uses for the project that consist of a variety of retail that are designed to serve the City. Specifically, grocery and supporting retail space will provide goods and services to citizens from the Oregon City area. All uses proposed are consistent with the purpose of the general commercial district.*

17.32.020 - Permitted uses. (Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

- A. Any use permitted in the MUC - Mixed-Use Corridor zone with no maximum footprint size, unless otherwise restricted in Sections 17.24.020, 17.24.030 or 17.24.040;

Applicant's Response: *The types of uses allowed within the MUC- Mixed Use Corridor zone are permitted outright within the General Commercial (C) district. Permitted uses include "Restaurants, eating and drinking establishments without a drive through" and "Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet." (See OCMC Section 17.29) The proposed uses for the Concept Development Plan and the Detailed Development Plan all fall within the two permitted use categories described above. Specifically, the project includes a 55,465 square foot Grocery Store and approximately 23,378 associated In-Line Retail Space. This criterion has been satisfied.*

17.32.030 - Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the standards contained in Chapter 17.56: (Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

- A. Religious institutions;
- B. Hospitals;
- C. Self-service storage facilities;
- D. Public utilities, including sub-stations (such as buildings, plants and other structures);

- E. Public and/or private educational or training facilities;
- F. Parking structures and lots not in conjunction with a primary use;
- G. Emergency service facilities (police and fire), excluding correctional facilities.

Applicant's Response: The proposed Concept Development Plan and Detailed Development Plan do not include any uses listed under Section 17.32.030, Conditional Uses, Items, A through G of the City's Municipal Code. Therefore, this criterion is not applicable to this application.

17.32.040 - Prohibited uses in the General Commercial District.

The following uses are prohibited in the General Commercial District:

- A. Distribution, wholesaling and warehousing.
- B. Outdoor sales or storage (Except secured areas for overnight parking or temporary parking of vehicles used in the business. Sales of products not located under a roof may be allowed if they are located in an area that is architecturally connected to the primary structure, is an ancillary use and is approved through the Site Plan and Design Review process. This area may not exceed fifteen percent of the building footprint of the primary building).

Applicant's Response: Although normally prohibited in the General Commercial District, outdoor sales of products not located under a roof may be allowed through the Site Plan and Design Review provided they are an ancillary use and are located in an area that is architecturally connected to the primary structure.

In accordance with this section of the code and as part of site plan and design review, the Applicant is requesting the approval of an outdoor sales area to allow for future ancillary outdoor sales area. The ancillary outdoor sales will include fire wood, exterior produce and floral displays. This outdoor sales area will be located in the front plaza area of the North entrance of the grocery store.

With a grocery building footprint of 55,465 square feet, the maximum allowable area for outdoor sales is 8,320 square feet. The proposed outdoor ancillary sales will be 5,420 square feet, which is well below the allowable area. Therefore, this criterion is satisfied.

Refer to Section 3 -Site Drawings, Plan Drawings A1.1 Grocery Building Plan and Plaza Plan for additional information on the location of fire wood, exterior produce and floral displays.

- C. General manufacturing or fabrication.

- D. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

17.32.050 - Dimensional standards. (Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

- A. Minimum lot area: None.

Applicant's Response: *This section of the code identifies the minimum standards for lot areas. Based on the dimensional standards identified in Section 17.32.A, there is no minimum lot area within the General Commercial (C) district.*

The subject property includes six parcels varying in size from 0.16 acres to 9.77 acres. Listed below is a summary of the parcels identified as part of the Concept Development Plan and Detailed Development Plan. Refer to Section 3 - Site Drawings, Sheet C1.0 Regional Context/Aerial Photo for additional information.

<i>Tax Lot</i>	<i>Acres</i>	<i>Included in Concept Development Plan</i>	<i>Included in Detailed Development Plan</i>
<i>Tax Lot 200</i>	<i>9.77 Acres</i>	<i>Yes</i>	<i>Yes</i>
<i>Tax Lot 203</i>	<i>9.14 Acres</i>	<i>Yes</i>	<i>Yes</i>
<i>Tax Lot 204</i>	<i>0.57 Acres</i>	<i>Yes</i>	<i>No</i>
<i>Tax Lot 205</i>	<i>0.68 Acres</i>	<i>Yes</i>	<i>No</i>
<i>Tax Lot 206</i>	<i>0.56 Acres</i>	<i>Yes</i>	<i>Yes</i>
<i>Tax Lot 300</i>	<i>0.16 Acres</i>	<i>Yes</i>	<i>Yes</i>
<i>Total</i>	<i>20.88 Acres</i>		

No lot consolidation is proposed as part of the Concept Development Plan and/or Detailed Development Plan. Since there is no minimum lot area, the existing lots are adequate to serve their intended use.

Refer to Section 4 Appendices, Exhibit A –Assessors Tax Map for additional information. Therefore, this criterion is not applicable to this application.

- B. Maximum building height: Sixty feet.

Applicant's Response: *This section of the code requires buildings within the General Commercial (C) district to have a maximum building height of 60 feet. Existing structures within the Concept Development Plan area are all less than 30 feet in height. While future building heights have not been identified within the Conceptual Development Plan boundary, the proposed structures within the Detailed Development Plan range from approximately 20 feet to 40 feet in height.*

Therefore, all of the proposed structures identified as part of the proposed Detailed Development Plan will satisfy the sixty foot (60') maximum building height standards without an adjustment or variance. Refer to Section 3 - Site Drawings, In Line Retail and Grocery Architectural Elevations for additional information. This criterion has been satisfied.

- C. Minimum required setbacks if not abutting a residential zone: None.

Applicant's Response: *Within the General Commercial (C) district, there are no minimum setbacks for uses that do not abut a residential zone. Below is a summary of each parcel within the Concept Development Plan Boundary and the zoning designation of the adjoining parcels.*

<i>Parcel</i>	<i>Zoning (Per City's Property Report)</i>	<i>Adjacent Zoning</i>
<i>Tax Lot 200</i>	<i>C</i>	<i>C, MUE, MUC-1</i>
<i>Tax Lot 203</i>	<i>C</i>	<i>C, MUE, MUC-1, MUC-2</i>
<i>Tax Lot 204</i>	<i>C</i>	<i>C, MUC-2</i>
<i>Tax Lot 205</i>	<i>C</i>	<i>C, MUC-2</i>
<i>Tax Lot 206</i>	<i>C</i>	<i>C, MUC-2</i>
<i>Tax Lot 300</i>	<i>C</i>	<i>C, MUE</i>

Refer to Section 4 - Appendices, Exhibit C – Oregon City Digital Maps for additional information. Since none of the existing properties abut a residentially zoned property, there are no minimum required setbacks. Therefore, this criterion is not applicable to this application.

- D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.

Applicant's Response: *Within the General Commercial (C) district, there are minimum required interior and rear yard setbacks for uses that abut a residential zone. However, since none of the parcels abut a residential zoning district, no interior or rear setbacks are required. Therefore, this criterion is not applicable to this application.*

- E. Maximum Allowed Setbacks.

1. Front yard setback: Five feet (may be expanded with Site Plan and Design Review Section 17.62.055).
2. Interior side yard setback: None.
3. Corner side yard setback abutting street: None.
4. Rear yard setback: None.

Applicant's Response: *The existing site constraints make it impossible to meet the 5 feet front yard setback requirement. Existing development along Warner Milne Road and Molalla Avenue preclude any development within 5 feet of either of those streets. Along Beavercreek Road development is precluded within 5 feet of the road by both a city sewer easement and a Goal 5 protected natural resource waterway. Due to these site constraints, the Applicant is seeking relief from this code requirement through an expansion, as allowed through Site Plan and Design Review, Section 17.62.055 (or alternatively through an adjustment pursuant to Section 17.65.070). Additionally, the Applicant is also seeking an adjustment to this standard through Section 17.65.070.*

The existing setbacks range significantly depending upon the particular street frontage. The front yard setback along Warner Milne Road is 21'-6". Along Molalla Avenue the front yard setback ranges from 4'-6" to 16'-6". The front yard setbacks along Beavercreek Road range from 82'-9" to 97'-3".

The proposed Detailed Development Plan has frontage only along Beavercreek Road, so the setback relates only to the Beavercreek Road frontage. On the Beavercreek Road frontage a number of site constraints make meeting the front yard setback along Beavercreek Road frontage impossible. Two main site constraints exist along Beavercreek that make the front yard setback standard impossible to meet. First, the vast majority of the Beavercreek Road frontage (92% of the approximately 1,250 feet of total frontage) is constrained by an open-air storm water conveyance channel, inventoried as a wetland by the City's Goal 5 natural resource inventory. With the accompanying Natural Resource Overlay District (NROD) buffers, the site constraints related to this waterway preclude development within approximately 40 feet of the property boundary. Second, a City sewer easement that runs along the majority of frontage not constrained by the NROD precludes any structures being placed within 5 feet of Beavercreek Road.

The criteria related to expansion through site plan and design review are discussed herein at Section 17.62.055.D.1 and the criteria related to an adjustment to the development standard are discussed herein at Section 17.65.070.

As existing structures along Warner Milne Road and Molalla Avenue are redeveloped, conformance to the criterion of this section will be evaluated based on future applications. Per the Applicant's response to Section 17.62.055 and 17.65.070, this criterion is satisfied.

F. Maximum site coverage of building and parking lot: Eighty-five percent.

Applicant's Response: *Within the General Commercial (C) district, the maximum site coverage of the building and parking lot is eighty-five percent.*

The subject property includes six parcels and contains roughly 20.9 acres (i.e. 910,610 square feet). Based on this figure, 85% or 774,019 square feet is the maximum site coverage of the buildings and parking lots that is allowed.

Currently, existing development occupies 88.0% of the subject property. Through build-out of the Concept Development Plan and Detailed Development Plan 84.2% of the site will be occupied by buildings and parking. Based on these statistics, the proposed development will bring the subject property into conformance with this section of the City code.

Refer to Section 3 -Site Drawings, Exhibit Drawing EX2.0 for additional information. This criterion has been satisfied.

G. Minimum landscaping requirement (including parking lot): Fifteen percent.

Applicant's Response: As required in this section of the City's Municipal code, the minimum landscape requirement is fifteen percent.

Again, the subject property contains roughly 20.9 acres or 910,610 square feet. Conversely, to the maximum site coverage, the minimum landscaping requirement is 15% or 136,592 square feet.

Currently, landscaping occupies 8.8% of the subject property. In addition, there is 3.2% of the property that remains in an undeveloped state (i.e. grass only). Within the proposed Concept Development Plan and Detailed Development Plan 16.8% of the site will consist of various landscape treatments, including parking lot islands, water quality landscaping strips, and perimeter landscaping. Based on these statistics, the proposed development will bring the subject property into conformance with this section of the City code. Furthermore, upon completion of the Detailed Development Plan, the site will be further into compliance resulting in 16.8% landscaping of the site.

Refer to Section 3 -Site Drawings, Exhibit Drawing EX1.0 for additional information. This criterion has been satisfied.

17.41. Tree Protection Standards

17.41.010 - Protection of trees—Intent.

The intent of this chapter is to ensure that new development is designed in a manner that preserves trees to the maximum extent practicable. As a requirement of any Type II land use application, the siting of structures, roadways and utility easements, shall provide for the protection of tree resources to the maximum extent practicable. This applies to all subdivision, partition and site plan and design review applications.

Applicants for development shall ensure that all trees shall, whenever practicable, be preserved outside the construction area.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The Applicant understands that the tree protection standards are intended to ensure that new development is designed in a manner that preserves trees to the maximum extent practicable.

In accordance with this section, the Applicant has prepared a tree protection plan that documents which trees are identified for removal and those that will be preserved.

17.41.020 - Tree protection—Applicability.

Applications for development subject to Chapters 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process. Additionally, tree removal on slopes greater than twenty-five percent where canopy area removal exceeds twenty-five percent of the lot, unless exempted under Section 17.41.030, shall be subject to these standards. A heritage tree or grove which has been designated pursuant to the procedures of Section 12.08.050 shall be subject to the standards of this section.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: In accordance with Section 17.65.060, the Detailed Development Plan is required to fulfill the requirements of Section 17.62, Site Plan and Design Review. Therefore, the proposed Detailed Development Plan must demonstrate compliance with tree protection standards.

The tree protection plan provides that where feasible a tree protection zone will be established at the dripline of the tree. Every tree to be retained will be protected by chain link fencing. This protection fencing shall be secured to steel posts placed no further than 15 feet apart and shall be installed at the edge of the tree dripline. This fencing shall not be removed, moved, or entered into by equipment during construction of the project. Furthermore, the contractor shall not store materials or equipment within a tree protection

zone. An arborist will be on-site to facilitate the tree protection plan. The arborist's work will include attendance at pre-construction meetings, marking of all trees to be removed and to be retained, and documentation of any work within the tree protection zone prior to and during construction. The tree protection plan calls for a total of 28 trees to be removed, with 18 to be removed from the Detailed Development Plan area. A total of 36 new trees are to be planted for mitigation purposes (see Section 17.41.050 for further information on the mitigation plan).

Refer to Section 3 -Site Drawings, Exhibit Drawing TP1.0 – Tree Protection Plan for additional information. This criterion has been satisfied.

17.41.030 - Tree protection—Conflicting code provisions.

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

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *The Applicant acknowledges that if these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees will govern.*

17.41.040 - Exemptions.

These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of Chapter 17.49. Additionally, these standards are not intended to regulate farm and forest practices as those practices.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *While the trees are located on private property, they are subject to development review. Therefore, the trees are not exempt from the tree preservation standards. Note that no trees exist in the NROD within the boundaries of the site.*

17.41.050 - Compliance options.

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

- A. Option 1 - Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections 17.41.060 or 17.41.070; or

Applicant's Response: *For the proposed Concept Development Plan and Detail Development Plan, the Applicant will be utilizing Option 1-Mitigation, which includes the retention and removal of trees along with subsequent replanting in order to comply with the tree protection standards. Based on the mitigation options specified under*

Section 17.41.060, mitigation for the entire project (including the Concept Development Plan and the Detailed Development Plan) requires a total of 63 trees to be planted based on the planned removal of 28 trees. See the chart in Section 17.41.060 for a full break down of the mitigation tree planting: in phase 1 through the Detailed Development Plan a total of 18 trees will be removed and 36 new trees will be planted. The total trees to be planted will fully satisfy the mitigation requirements set forth in 17.41.060 and therefore, this criterion is satisfied.

Refer to Section 3 -Site Drawings, Plan Drawings TP1.0 – Tree Protection Plan and L2.0, Preliminary Mitigation Plan for additional information.

- B. Option 2 — Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Section 17.41.080, or

Applicant's Response: The application will mitigate for the removal of tree through the compliance with Option 1 – Mitigation. Therefore, this criterion is not applicable to this application.

- C. Option 3 — Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Section 17.41.090.

A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased, dying or hazardous, pursuant to the following applicable provisions.
The community development director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:

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

Farm or forest resources. An applicant for development may claim that the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning set out in ORS 30.930. "Farming practice" as used in this subsection shall have the meaning set out in ORS 30.930. "Farm use" as used in this subsection shall have the meaning set out in ORS 215.203. In this case, the applicant may propose an alternative mitigation plan to be approved by the community development director.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The application will mitigate for the removal of trees through the compliance with Option 1 – Mitigation. Therefore, this criterion is not applicable to this application.

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

Regulated trees that are removed outside of the construction area, if removed shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.

Table 17.41.060-1
Tree Replacement Requirements

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1
13 to 18"	5	2
19 to 24"	8	3
25 to 30"	10	4
31 and over"	15	5

The number of replacement trees required on a development site shall be calculated separately from and in addition to any public or street trees in public right-of-way required under Chapter 12.08—Community Forest and Street Trees. Where the community development director determines it is impracticable or unsafe to preserve regulated trees, the applicant may be allowed to remove the trees so long as they are replaced in accordance with an approved landscape plan that includes new tree plantings of at least one and one-half inches in caliper measured six inches above the root crown, or equivalent size as approved by the community development director, and the plan must meet, at a minimum, the requirements of Table 17.41.060-1.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *Tree replacement will be conducted in accordance with Section 17.41.060, Tree Removal and Planting. Regulated trees outside and within the construction areas will be replaced based on the equivalent number of trees outlined in the table above. Based on the City Municipal code, the construction area is defined as right-of-way, public utility easements, and area within the building footprint.*

All totaled, there are twenty-eight trees identified for removal within the proposed Concept Development Plan boundary. Only six of these trees are located within the construction area (i.e. building footprint/construction area).

It is important to note that six of the trees are Norway Maples which are listed on the City's Nuisance Plant List. Refer to the table below for a summary of the trees proposed for removal.

Table M-1
Tree Replacement Requirements for
Concept Development Plan

Tree Reference (See Tree Preservation Plan)	Species	Size	Tree Equivalency Outside of Construction Area	Tree Equivalency With Construction Area	Total Number of Trees Required for Mitigation
1	Pine	8"	3		3
2	Hornbeam	16"	5		5
3	Hornbeam	16"	5		5
4	Cherry	6"	3		3
5	Cherry	8"	3		3
6	Cherry	10"	3		3
7	Cherry	6"	3		3
8	Cherry	8"	3		3
9	Cherry	6"	3		3
10	Cherry	6"	3		3
11	Cherry	12"	3		3
12	Maple	10"			(1)
13	Maple	8"			(1)
14	Maple	10"			(1)
15	Maple	12"			(1)
16	Maple	10"			(1)
17	Maple	10"			(1)
18	Cedar	20"		3	3
19	Maple	4"			
29	Maple	6"	3		3
21	Maple	10"	3		3
22	Pine	10"		1	1
23	Pine	8"		1	1
24	Pine	12"		1	1
25	Pine	18"		2	2
26	Pine	18"		2	2
27	Pine	14"	5		5
28	Pine	14"	5		5
Total			53	10	63

(1) Nuisance Plant

Shaded areas represent trees within Detailed Development Plan boundary

In order to mitigate for the removal of twenty eight trees, a total of sixty-three trees (53 outside of construction area and ten within construction area) will be planted.

Within the Detailed development plan, the following trees are proposed for removal.

Table M-2
Tree Replacement Requirements for
Detailed Development Plan

Tree Reference (See Tree Preservation Plan)	Species	Size	Tree Equivalency Outside of Construction Area	Tree Equivalency With Construction Area	Total Number of Trees Required for Mitigation
2	Hornbeam	16"	5		5
3	Hornbeam	16"	5		5
10	Cherry	6"	3		3
11	Cherry	12"	3		3
12	Maple	10"			(1)
13	Maple	8"			(1)
14	Maple	10"			(1)
15	Maple	12"			(1)
16	Maple	10"			(1)
17	Maple	10"			(1)
18	Cedar	20"		3	3
22	Pine	10"		1	1
23	Pine	8"		1	1
24	Pine	12"		1	1
25	Pine	18"		2	2
26	Pine	18"		2	2
27	Pine	14"	5		5
28	Pine	14"	5		5
Total			26	10	36

(1) *Nuisance Plant*

During just the first phase of development under the Detailed Development Plan, In order to mitigate for the removal of eighteen trees, a total of thirty-six trees (26 outside of construction area and ten within construction area) will require replacement.

Refer to Section 3 -Site Drawings, Plan Drawings L5.0 – Mitigation Plan for additional information. This criterion has been satisfied.

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

Development applications which opt for removal of trees with subsequent replanting pursuant to Section 17.41.050A. and shall be required to mitigate for tree cutting by complying with the following priority for replanting standards C.1.—4. below:

- B. First Priority. Replanting on the development site. First priority for replacement tree locations shall be planting on-site.

Applicant's Response: In accordance with this section, all replanting will occur within the proposed Concept Development Plan boundary.

Refer to Section 3 -Site Drawings, Plan Drawings 2.0 – Mitigation Plan for additional information. This criterion has been satisfied.

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

Applicant's Response: No off-site replacement of trees will be required. Therefore, this criterion is not applicable to this application.

- C. Third Priority. Cash-in-lieu of planting (tree bank/fund). If an appropriate off-site location cannot be found, the community development director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be planted in the manner described above:

1. A tree bank is hereby created which may include the following: Tree and nursery stock in an acceptable condition, to be planted and maintained in storage for future planting or transplanting. Monies paid into the tree fund shall be used exclusively for the purpose of purchase and planting of trees on public and private property in lieu of planting actual trees as determined by the community development director.
2. The cash-in-lieu payment per tree shall be as listed on the adopted fee schedule as adjusted for the Consumer Price Index (Index). The price shall include the cost of installation.
3. The amount of the cash-in-lieu payment into the tree bank shall be calculated as the difference between the value of the total number of trees an applicant is required to plant, including cost of installation and adjusted for Consumer Price Index, minus the value of the trees actually planted.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: No cash-in-lieu planting will be required. Therefore, this criterion is not applicable to this application.

17.41.075 - Alternative mitigation plan.

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

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *In accordance with this section of the code, the Applicant is requesting the approval of an alternative mitigation plan pursuant to Section 17.49.180. The Applicant proposes to landscape additional property adjacent to the Natural Resource Overlay District.*

This proposed area consists of approximately 4,774 square feet. The proposed planting will be in addition to the planting previously allowed by the owner as part of the City's mitigation. The Applicant is proposing to supplement the vegetation along the drainage corridor with a mixture of native trees and shrubs.

Refer to Section 3 -Site Drawings, Plan Drawings 2.0 – Mitigation Plan for additional information. This criterion has been satisfied.

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

Applicant's Response: *There are no subdivisions or partitions associated with the proposed Concept Master Plan or Detailed Development Plan. Therefore, the related criteria are not applicable to this application.*

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

Applicant's Response: *No density transfers are being requested as part of the proposed Concept Master Plan or Detailed Development Plan. Therefore, the related criteria are not applicable to this application.*

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

Applicant's Response: *Again, there are no subdivisions or partitions associated with the proposed Concept Master Plan or Detailed Development Plan. Therefore, the above criterion is not applicable to this application.*

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

Applicant's Response: *The application will mitigate for the removal of trees through the compliance with Option 1 – Mitigation. No restrictive covenants are being proposed as part of the proposed Concept Master Plan or Detailed Development Plan. Therefore, this criterion is not applicable to this application.*

17.41.120 - Permitted adjustments (Option 3 Only).

Applicant's Response: *As previously mentioned, the application will mitigate for the removal of trees through the compliance with Option 1 – Mitigation. No permit adjustments*

are being requested as part of the proposed Concept Master Plan or Detailed Development Plan. Therefore, the related criteria are not applicable to this application.

17.41.130 - Regulated tree protection procedures during construction.

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

Applicant's Response: In accordance with this section, no permit for any grading or construction of private improvements will be issued without verification by the Community Development Director that regulated trees designated for protection or conservation have been protected. The Applicant will protect the trees through implementation of the tree protection program described in more detail above. Similarly, no trees designated for removal will be removed without prior written approval from the Community Development Director.

Refer to Section 3 -Site Drawings, Plan Drawings TP1.0 – Tree Preservation Plan for additional information. This criterion has been satisfied.

- B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:
1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.
 2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or drip line, whichever is greater. An alternative drip line fencing material secured by metal posts staked at no more than four feet on center around the drip line of the tree or grove may be used with the approval of the community development director.
 3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.
 4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.

5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on-site and approved by the community development director.
7. No machinery repair or cleaning shall be performed within ten feet of the drip line of any trees identified for protection.
8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.
9. The city may require that a certified arborist be present during any construction or grading activities that may affect the drip line of trees to be protected.
10. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.

Applicant's Response: In accordance with this section of the code and as explained in detail above, tree protection measures will be implemented around trees identified for preservation. None of the internal trees within the Concept Master Plan and/or Detailed Development Plan will be preserved. All of the trees identified for protection are located on the periphery of the subject property.

As noted on the tree preservation plan, construction fencing with appropriate signage will be installed at the edge of the tree protection zone or dripline. No construction activity shall occur within the tree protection zone. No excavation, trenching, grading, root pruning, or other activity will occur within the tree protection zone unless directed by an arborist present on-site. Refer to Section 3 -Site Drawings, Plan Drawing TP1.0, Tree Preservation Plan and C7.0, Construction Management Plan for additional information. This criterion has been satisfied.

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

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *In accordance with this section of the City's Municipal Code, soil compaction and site drainage within the tree protection areas will be avoided. Drainage and grading plans will be designed to direct excessive site run-off to appropriate storm drainage facilities and away from trees designated for conservation or protection.*

Refer to Section 3 -Site Drawings, Plan Drawing 6.0 – Preliminary Grading and Erosion and Sediment Control Plan for additional information. This criterion has been satisfied.

17.47. Erosion and Sediment Control

17.47.010 - Purpose.

- A. The purpose of this chapter is to require erosion prevention measures and sediment control practices for all development during construction to prevent and restrict the discharge of sediments, and to require final permanent erosion prevention measures, which may include landscaping, after development is completed. Erosion prevention techniques shall be designed to protect soil particles from the force of water and wind and other mechanical means so that they will not be transported from the site. Sediment control measures shall be designed to capture soil particles after they have become dislodged by erosion and attempt to retain the soil particles on-site.

Applicant's Response: The Applicant understands that the purpose of this section is to require erosion prevention measures and sediment control practices during construction. Erosion prevention techniques will be designed to protect soil particles from the force of water and wind and other mechanical means so that they will not be transported from the site. Similarly, sediment control measures will be designed to capture soil particles after they have become dislodged by erosion and attempt to retain the soil particles on-site.

- B. The objective of these measures is to control, at the source, waterborne and airborne erosion and the air and water pollution that results from such erosion mechanisms. This chapter recognizes that all non-point discharges eventually end up in surface water bodies. This chapter is intended to control water quality degradation from construction and development activities and it applies in addition to any other applicable provision of this Code, state or federal law. This chapter is not intended to serve as a guideline for storm water management control measures for already constructed developments.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The Applicant acknowledges that the objective of the erosion control measures is to control, at the source, waterborne and airborne erosion and the air and water pollution that results from such erosion mechanisms.

17.47.030 - Applicability.

- A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.
- B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *In accordance with this section, erosion control applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City. Given the nature of the topography and the scale of the proposed development, the implementation of the Concept Master Plan and/or Detailed Development Plan could potentially cause visible and measurable erosion. Therefore, this chapter applies to the project.*

Refer to Section 3 -Site Drawings, Plan Drawing 6.0 – Preliminary Grading and Erosion and Sediment Control Plan for additional information. This criterion has been satisfied.

17.47.040 - Abrogation and greater restrictions.

Where the provisions of this chapter are less restrictive or conflict with comparable provisions of the zoning ordinance, regional, state or federal law, the provisions that are more restrictive shall govern. Where this document imposes restrictions that are more stringent than regional, state and federal law, the provisions of this document shall govern. However, nothing in this chapter shall relieve any party from the obligation to comply with any applicable federal, state or local regulations or permit requirements.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *The Applicant understands that where the provisions of this chapter are less restrictive or conflict with comparable provisions of the zoning ordinance, regional, state, or federal law, the provisions that are more restrictive will govern. Similarly, where this document imposes restrictions that are more stringent than regional, state, or federal law, the provisions of this document will govern.*

17.47.050 - Severability.

The provisions of this chapter are severable. If any section, clause or phrase of this chapter is adjudged to be invalid by a court of competent jurisdiction, the decision of that court shall not affect the validity of the remaining portions of this chapter.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *The Applicant acknowledges that the provisions of this chapter are severable.*

17.47.060 - Permit required.

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

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *In accordance with this section, the Applicant will obtain an erosion and sediment control permit prior to or concurrently with the approval of land use application.*

17.47.070 - Erosion and sediment control plans.

- A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.

Applicant's Response: In accordance with this section of the City's Municipal Code, the application for an erosion and sediment control permit will include an erosion and sediment control plan. This plan will contain interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control.

Refer to Section 3 -Site Drawings, Plan Drawing 6.0 – Preliminary Grading and Erosion and Sediment Control Plan for additional information. This criterion has been satisfied.

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

Applicant's Response: The Applicant understands that the erosion and sediment control plan will only be approved if the plan meets the requirements of the City of Oregon City Public Works standards and the erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development.

Refer to Section 3 -Site Drawings, Plan Drawing 6.0 – Preliminary Grading and Erosion and Sediment Control Plan for additional information. This criterion has been satisfied.

- C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.

Applicant's Response: The Applicant acknowledges that the erosion and sediment control plan will be reviewed in conjunction with the development approval for the Concept Development Plan and Detailed Development Plan. As necessary, the Applicant will submit the necessary information to expedite the review for the erosion and sediment control plan.

Refer to Section 3 -Site Drawings, Plan Drawing 6.0 – Preliminary Grading and Erosion and Sediment Control Plan for additional information. This criterion has been satisfied.

- D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.

Applicant's Response: The Applicant acknowledges that the City may reserve the right to inspect the development site to determine compliance with the erosion and sediment control plan.

- E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.

Applicant's Response: The Applicant understands that if a site does not have an erosion and sediment control permit or fails to comply with the terms of the erosion and sediment control permit this constitutes a violation.

- F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.

Applicant's Response: The Applicant acknowledges that it will receive notice if the City finds that the facilities and techniques approved in an erosion and sediment control plan are not sufficient to prevent erosion. The Applicant further understands that it will be required to immediately install interim erosion and sediment control measures as specified in the City of Oregon City Public Works standards for erosion and sediment control.

- G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The Applicant understands that the approval of an erosion and sediment control plan does not constitute an approval of a permanent road or drainage design.

17.47.080 - Plan implementation.

An approved erosion control and sediment control plan shall be implemented and maintained as follows:

- A. Plan approval, where required, shall be obtained prior to clearing or grading. No grading, clearing or excavation of land requiring a plan shall be undertaken prior to approval of the plan.

Applicant's Response: In accordance with this section of the code, an approved erosion and sediment control plan will be obtained prior to clearing and grading.

Refer to Section 3 -Site Drawings, Plan Drawing 6.0 – Preliminary Grading and Erosion and Sediment Control Plan for additional information. This criterion has been satisfied.

- B. The erosion and sediment control facilities shall be constructed prior to any clearing and grading activities, and maintained in such a manner as to ensure that sediment laden water does not enter the drainage system or violate applicable water standards.

Applicant's Response: The Applicant understands that erosion and sediment control facilities will be constructed prior to any clearing and grading activities. In accordance with this section of the code, the facilities will be maintained in a manner to ensure sediments do not enter the drainage system and violate water standards.

The Applicant will employ best management practices (BMP) related to erosion sediment control within the subject property.

- C. The implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities is the responsibility of the owner or his/her designated representative until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.

Applicant's Response: The Applicant acknowledges that the implementation of the erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of the facilities is the responsibility of the owner until all construction is completed and approved.

Again, the Applicant will employ best management practices (BMP) related to erosion sediment control within the subject property.

- D. The erosion and sediment control facilities herein are the minimum requirements for anticipated site conditions. During the construction period, these erosion and sediment control

facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment-laden water does not leave the site.

Applicant's Response: The Applicant understands that the erosion and sediment control facility cited within this section of the code are the minimum requirements anticipated for site conditions within the subject property. The Applicant further understands that additional measures may be necessary for unexpected storm events in order to ensure that sediment-laden water does not leave the site.

- E. Any observation of visible or measurable erosion, or an observation of more than a ten-percent increase in downstream channel turbidities, will result in an enforcement action by the city.

Applicant's Response: In accordance with this section, the Applicant understands that an observation of visible or measurable erosion, or an observation of more than a ten-percent increase in downstream channel turbidities, will result in an enforcement action by the City.

- F. The owner or his/her designated representative shall implement the measures and construct facilities as provided for and according to the implementation schedule in the approved plan. The manager shall be allowed reasonable access to the development site for inspection purposes.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The implementation and construction of erosion control facilities is the responsibility of the Applicant. In order to inspect the erosion and sediment control facilities, the Applicant will grant access to the subject property.

17.47.090 - Plan performance guarantee and security.

After the plan is approved by the manager and prior to construction or grading, the owner shall provide a financial guarantee. Erosion and sediment control shall be included in the cost estimate for the primary project, such as land division or site plan, and included in that project's performance guarantee.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: In accordance with this section of code, the Applicant will provide a financial guarantee in the form of a performance bond for the construction of erosion and sediment control facilities prior to construction/grading.

17.47.100 - Correction of ineffective measures and enforcement.

- A. If the owner or his/her designated representative fails to follow the plan as approved by the manager or fails to submit a plan when one is required, the manager may, after inspecting the property, issue a stop work order halting all work on the development site until the requirements of the plan are met or implemented as applicable.

Accompanying the stop work order shall be a written statement or list from the manager specifying what is wrong and what steps the owner must take to bring the development into

compliance. The stop work order shall not be lifted until mitigation measures are implemented that comply with Oregon City performance standards for erosion and sediment control and are approved by the manager.

Applicant's Response: The Applicant acknowledges that if the plan is not adhered to or fails to submit one to the City, the City may issue a stop work order halting all work on the site until the requirements of the plan are met or implemented as applicable.

B. If the facilities and techniques in the approved plans are not effective or sufficient to meet the purposes of this chapter, based on an on-site inspection, the Manager may require a revision to the plan. Such requirement shall be in writing and shall explain the problem and suggested measures to remedy the problem. The notice shall be presented to the owner and any other responsible parties.

1. The revised plan shall be provided within three business days of when written notification by the manager is received. Receipt of such notice shall be deemed complete three days after simultaneous regular mail and certified mail is deposited in the mail.
2. The owner or his/her designated representative shall implement fully the revised plan within three business days of receipt of the revised plan as provided in the previous subdivision, or within such other time frame as the manager may specify.
3. In cases where significant erosion is occurring, the manager may require the owner or his/her designated representative to install immediately interim control measures before submittal of revised plan.
4. If there is a confirmed or imminent threat of significant off-site erosion, the manager shall issue a stop work order, upon issuance of which work on the development site shall halt. The stop work order shall not be lifted until mitigation measures are implemented that comply with Oregon City performance standards for erosion and sediment control and are approved by the manager.

Applicant's Response: The Applicant understands that if the facilities and techniques in the approved plans are not effective or sufficient, the City may require a revision to the plan. Such requirement will be in writing and will explain the problem and suggested measures to remedy the problem.

C. Enforcement. Erosion that migrates off of a development site is considered to be a nuisance that threatens the health, safety and welfare of the citizens of Oregon City and is a violation of this chapter. Any owner who violates, or is responsible for a violation of this chapter or an approved plan, shall be subject to the enforcement procedures of this Code including by the code enforcement officer.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: In accordance with this section, the Applicant understands that any erosion that migrates off site is considered to be a nuisance that threatens the health, safety, and welfare of the citizens of Oregon City. This would be considered a violation and would be subject to enforcement procedures.

17.49. Natural Resource Overlay District

17.49.010 - Purpose.

This overlay zone designation provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within Oregon City. The Natural Resource Overlay District (NROD) implements the Oregon City Comprehensive Plan Natural Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ESEE Analysis. It is intended to resolve conflicts between development and conservation of habitat, stream corridors, wetlands, and floodplains identified in the city's maps. The NROD contributes to the following functional values:

- A. Protect and restore streams and riparian areas for their ecologic functions and as an open space amenity for the community.
- B. Protect floodplains and wetlands, and restore them for improved hydrology, flood protection, aquifer recharge, and habitat functions.
- C. Protect upland habitats, and enhance connections between upland and riparian habitat.
- D. Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharges.
- E. Conserve scenic, recreational, and educational values of significant natural resources. The NROD ecological functions listed above are planned for integration with existing neighborhoods and new residential and commercial developments. The long-term goal of the NROD is to restore and enhance stream corridors, wetlands, and forests to more natural vegetated conditions, recognizing that existing homes and other existing uses will continue in the district.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The Applicant understands the purpose of the Natural Resource Overlay District, which is to maintain the ecological, scenic, recreational, and educational functions of significant natural resources within the City.

17.49.020 - How the NROD works.

The NROD protects as one connected system, the habitats and associated functions of the streams, riparian corridors, wetlands and the regulated upland habitats found in Oregon City. These habitats and functions are described in the following documents upon which the NROD is based:

1. The 1999 Oregon City Local Wetland Inventory.
2. The Oregon City Water Quality Resource Area Map (Ord. 99-1013).

3. 2004 Oregon City slope data and mapping (LIDAR).
4. Metro Regionally Significant Habitat Map (Aerial Photos taken 2002).
5. National Wetland Inventory (published 1992).
6. Beavercreek Road Concept Plan (adopted September 2008).
7. Park Place Concept Plan (adopted April 2008).

The NROD provisions apply only to properties within the NROD as shown on the NROD Map, as amended.

Properties on the NROD map which are smaller than two acres which are completely surrounded by the NROD shall be included within the NROD and subject to review under this Code.

The NROD provisions do not affect existing uses and development, or the normal maintenance of existing structures, driveways/parking areas, public facilities, farmland and landscaped areas. New public facilities such as recreation trails, planned road and utility line crossings and storm water facilities, are allowed within the overlay district under prescribed conditions as described in Section 17.49.[0]90. In addition, provisions to allow a limited portion of the NROD to be developed on existing lots of record that are entirely or mostly covered by the NROD ("highly constrained") are described in Section 17.49.120.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The Applicant acknowledges the existence of the NROD based on the documentation provided in the 1999 local wetland inventory. However, it is important to note that this feature was rerouted to its current location as part of the Beavercreek Road improvements initiated by the City in 1991. The existing man-made drainage way has naturalized over the years and was originally planted with vegetative materials as part of a City wide cleanup effort. Today, the ditch is an inventoried wetland that primarily functions as a ditch for surface water runoff.

Refer to Section 4 -Appendices, Exhibit M – Local Wetland Inventory for additional information. This criterion has been satisfied.

17.49.030 - Map as reference.

This chapter applies to all development within the Natural Resources Overlay District as shown on the NROD Map, which is a regulatory boundary mapped ten feet beyond the required vegetated corridor width specified in Section 17.49.110. The map can only be amended by the city commission. Verification of the map shall be processed pursuant to Section 17.49.250.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *In accordance with this section of the City's code, all development within the Natural Resource Overlay District is subject to the requirements of this section. Based on the City's mapping, there is a small linear strip of inventoried wetland along the southern edge of the subject property adjacent to Beavercreek Road. Although it is a man-made feature that was realigned to make way for improvements to Beavercreek Road, the City has designated this as a wetland. As a result, the City has classified it as a natural resource and imposed an overlay district on two of the six parcels included in the Concept Development Plan and Detailed Development Plan.*

Refer to Section 4 - Appendices, Exhibit D – Property Report and Exhibit M – Local Wetland Inventory for additional information. This criterion has been satisfied.

17.49.035 - Addition of wetlands to map following adoption.

The NROD boundary shall be expanded to include a wetland identified during the course of a development permit review if it is within or partially within the mapped NROD boundary and meets the State of Oregon's definition of a "Locally Significant Wetland". In such cases the entire wetland and its required vegetated corridor as defined in Table 17.49.110 shall be regulated pursuant to the standards of this chapter. The NROD boundary shall be added to the NROD map by the community development director after the development permit becomes final.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *No additional wetlands exist within the boundaries of the subject property. Therefore, this criterion is not applicable to this application.*

17.49.040 - NROD permit.

An NROD permit is required for those uses regulated under Section 17.49.090, Uses Allowed under Prescribed Conditions. An NROD permit shall be processed under the Type II development permit procedure, unless an adjustment of standards pursuant to Chapter 17.49 is requested or the application is being processed in conjunction with a concurrent application or action requiring a Type III or Type IV development permit.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *The Applicant acknowledges that an NROD permit will be required to allow certain uses under prescribed conditions. The subject property is being reviewed through a Type III process for Master Plans. In accordance with this section of the code, the NROD permit will be processed in conjunction with a concurrent Type III application.*

17.49.050 - Emergencies.

The provisions of this chapter do not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in

response to emergencies. After the emergency has passed, any disturbed native vegetation areas shall be replanted with similar vegetation found in the Oregon City Native Plant List pursuant to the mitigation standards of Section 17.49.180. For purposes of this section emergency shall mean any man-made or natural event or circumstance causing or Threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The Applicant understands that the provisions of this section do not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses, and exterior improvements in response to emergencies.

17.49.060 - Consistency and relationship to other regulations.

- A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the Oregon City Municipal Code, other city requirements, regional, state or federal law, the provisions that are more restrictive shall govern.

Applicant's Response: The Applicant acknowledges that where the provisions of the NROD are less restrictive or conflict with comparable provisions of the Oregon City Municipal Code, other city requirements, regional, state, or federal law, the provisions that are more restrictive will govern.

- B. Compliance with federal and state requirements.
1. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make application for such approval prior to or simultaneously with the submittal of its development application to the city. The planning division shall coordinate city approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the city pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.
 2. The requirements of this chapter apply only to areas within the NROD and to locally significant wetlands that may be added to the boundary during the course of development review pursuant to Section 17.49.035. If, in the course of a development review, evidence suggests that a property outside the NROD may contain a wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the city's comprehensive plan and this Code.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The application will not require any additional permits or approvals from other governmental agencies. Therefore, this criterion is not applicable.

17.49.070 - Prohibited uses.

The following development and activities are not allowed within the NROD:

- A. Any new gardens, lawns, structures, development, other than those allowed outright (exempted) by the NROD or that is part of a regulated use that is approved under prescribed conditions. Note: Gardens and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to continue but cannot expand further into the overlay district.
- B. New lots that would have their buildable areas for new development within the NROD are prohibited.
- C. The dumping of materials of any kind is prohibited except for placement of fill as provided in D. below. The outside storage of materials of any kind is prohibited unless they existed before the overlay district was applied to a subject property. Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality (ORS 466.005) are also prohibited.
- D. Grading, the placement of fill in amounts greater than ten cubic yards, or the removal of native vegetation within the NROD is prohibited, unless part of an approved development activity.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The Applicant acknowledges that none of the prohibited uses identified in items A through D will be allowed to occur within the Natural Resource Overlay District (NROD).

With the exception of some minor grading associated with the roadway and parking modification adjacent to the drainage way, none of these activities are planned to occur within the NROD. The grading activity will be reviewed as part of the Concept Development Plan and Detailed Development Plan approval process. This criterion has been satisfied.

Refer to Section 3 -Site Drawings, Plan Drawing C3.0 – Concept Development Plan and C3.1 - Detailed Development Plan for additional information. This criterion has been satisfied.

17.49.080 - Uses allowed outright (exempted).

The following uses are allowed within the NROD and do not require the issuance of an NROD permit:

- A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the city.

- B. Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.
- C. Utility service using a single utility pole or where no more than one hundred square feet of ground surface is disturbed outside of the top-of-bank of water bodies and where the disturbed area is restored to the pre-construction conditions.
- D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.
- E. Soil tests performed with hand-held equipment, provided that excavations do not exceed a depth of five feet, combined diameters of all excavations do not exceed five feet, and all excavations are refilled with native soil, except as necessary for environmental review.
- F. Trails meeting all of the following:
 - 1. Construction shall take place between May 1 and October 30 with hand held equipment;
 - 2. Widths shall not exceed forty-eight inches and trail grade shall not exceed twenty percent;
 - 3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;
 - 4. Located no closer than twenty-five feet to a wetland or the top of banks of water bodies;
 - 5. No impervious surfaces; and
 - 6. No native trees greater than one-inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least three-inch diameter and planted within ten feet of the trail.
- G. Land divisions provided they meet the following standards, and indicate the following on the final plat:
 - 1. Lots shall have their building sites (or buildable areas) entirely located at least five feet from the NROD boundary. For the purpose of this subparagraph, "building site" means an area of at least three thousand five hundred square feet with minimum dimensions of forty feet wide by forty feet deep;
 - 2. All public and private utilities (including water lines, sewer lines or drain fields, and storm water disposal facilities) where none of these utilities are in the NROD;
 - 3. Streets, driveways and parking areas where all pavement shall be located at least ten feet from the NROD; and

4. The NROD portions of all lots are protected by a conservation easement; or lot or tract created and dedicated solely for unimproved open space or conservation purposes.

H. Routine repair and maintenance of existing structures, roadways, driveways and utilities.

I. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.

J. Measures mandated by the City of Oregon City to remove or abate nuisances or hazardous conditions.

K. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List), and removal of refuse and fill, provided that:

1. All work is done using hand-held equipment;
2. No existing native vegetation is disturbed or removed; and
3. All work occurs outside of wetlands and the tops-of-bank of streams.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *In accordance with this section of the City's code, the Applicant will be engaging in certain exempt activities that do not require an NROD permit. Specifically, the replacement, addition, alteration, and rehabilitation of existing structures, roadways, etc., where the ground level impervious surface area is not increased is allowed outright through this section. The proposed development includes the alteration and rehabilitation of existing roadways, driveways, and utilities. The proposed Concept Development Plan and Detailed Development Plan shows modifications to the roadway and parking configurations in the vicinity of the Natural Resource Overlay District boundary. These modifications will result in a net reduction in the amount of impervious surface within the NROD boundary. Therefore, under item "I" above, this work is exempt from the NROD permit requirement, and the criteria is satisfied.*

17.49.090 - Uses allowed under prescribed conditions.

The following uses within the NROD are subject to the applicable standards listed in Sections 17.49.100 through 17.49.190 pursuant to a Type II process:

- A. Alteration to existing structures within the NROD when not exempted by Section 17.49.80, subject to Section 17.49.130.
- B. A residence on a highly constrained vacant lot of record that has less than five thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in Section 17.49.120A.

C. A land division that would create a new lot for an existing residence currently within the NROD, subject to Section 17.49.160.

D. Trails/pedestrian paths when not exempted by Section 17.49.80, subject to Section 17.49.170 (for trails) or Section 17.49.150 (for paved pedestrian paths).

E. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by Section 17.49.80, subject to Section 17.49.150 (for roads, bridges/creek crossings) or Section 17.49.140 (for utility lines) or Section 17.49.100 (for storm water detention or pre-treatment facilities).

F. Institutional, industrial or commercial development on a vacant lot of record situated in an area designated for such use that has more than seventy-five percent of its area covered by the NROD, subject to Section 17.49.120B.

G. City, county and state capital improvement projects, including sanitary sewer, water and storm water facilities, water stations, and parks and recreation projects.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: All of the proposed work in the Concept Development Plan and Detailed Development plan is exempt under Section 17.49.080. Based on the exemption, the replacement, additions, alterations, and rehabilitation of roadways where the ground level impervious surface area is not increased is allowed outright and this criteria is not applicable.

17.49.100 - General development standards.

The following standards apply to all uses allowed under prescribed conditions within the NROD with the exception of rights-of-ways (subject to Section 17.49.150), trails (subject to Section 17.49.170), utility lines (subject to Section 17.49.140), land divisions (subject to Section 17.49.160), and mitigation projects (subject to Sections 17.49.180 or 17.49.190):

A. Native trees may be removed only if they occur within ten feet of any proposed structures or within five feet of new driveways or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;

Applicant's Response: No trees within the NROD have been identified for removal. Therefore, this criterion is not applicable to this application.

B. The community development director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the Natural Resource Overlay District.

Applicant's Response: The Applicant acknowledges that the City may allow the landscaping requirements of the base zone (other than landscaping required for parking

lots) to be met by preserving, restoring, and permanently protecting habitat in the Natural Resource Overlay District .

Since the Applicant is requesting an adjustment to the landscape criteria, the restoration and enhancement of the NROD may be an option as a means of meeting the overall landscaping requirements. At this time, no such projects have been identified. Therefore, this criterion is not applicable to this application.

- C. All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List;

Applicant's Response: *In accordance with this section of the code, all vegetation within the NROD will consist of the native plants listed on the Oregon City Native Plants.*

Refer to Section 3 -Site Drawings, Plan Drawing L1.0 – Preliminary Landscape Plan for additional information. This criterion has been satisfied.

- D. Grading is subject to installation of erosion control measures required by the City of Oregon City;

Applicant's Response: *The Applicant acknowledges that, prior to the commencement of grading activities, all erosion control measures will be installed as required by the City of Oregon City.*

Refer to Section 3 -Site Drawings, Plan Drawing C6.0 – Preliminary Grading and Erosion Control Plan for additional information. This criterion has been satisfied.

- E. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;

Applicant's Response: *The Applicant understands there is some flexibility with regards to the minimum front, street, and garage setback in order to minimize disturbances of the NROD portion of the property.*

As previously mentioned, there is a currently existing easement that precludes proposed development along Beaver Creek Road. Along this roadway, this easement ranges 10' to 62' feet in width along the entire frontage adjacent to Beaver Creek Road. The NROD boundary lies within this easement. Therefore, this criterion is not applicable to this application.

- F. Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;

Applicant's Response: *In accordance with this section of the code, the City allows some flexibility in the maximum setback requirements. The existing limits of the resource are currently at the edge of the roadway and are limited to the top of bank. Portions of the existing development will be removed and the vegetative corridor will be expanded. Future develop will be located no closer than 25 feet from the top of bank.*

Refer to Section 3 -Site Drawings, Plan Drawing C3.0 – Preliminary Concept Development Plan and C5.0 – Preliminary Detailed Development Plan for additional information. This criterion has been satisfied.

G. Fences are allowed only within the disturbance area;

Applicant's Response: *No fences have been proposed within the NROD boundary. Therefore, this criterion is not applicable to this application.*

H. Incandescent lights exceeding two hundred watts (or other light types exceeding the brightness of a two hundred watt incandescent light) shall be placed or shielded so that they do not shine directly into resource areas;

Applicant's Response: *The lighting exceeding two hundred watts will be sited or shielded to prevent spillage into the resources area. Therefore, this criterion is satisfied.*

Refer to Section 3 -Site Drawings, Plan Drawing LT1.0 – Preliminary Site Lighting Plan for additional information. This criterion has been satisfied.

I. If development will occur within the 100-year floodplain, the FEMA floodplain standards of Chapter 17.42 shall be met; and

Applicant's Response: *There is no 100-year floodplain within the subject property. Therefore, this criterion is not applicable to this application.*

J. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *No disturbances are proposed within the existing resource area. Therefore, this criterion is not applicable to this application.*

However, it is important to note that if a disturbance does occur, the Applicant will mitigate for the disturbance in accordance with Section 17.49.180.

17.49.110 - Width of vegetated corridor.

A. Calculation of Vegetated Corridor Width within City Limits. The NROD consists of a vegetated corridor measured from the top of bank or edge of a protected habitat or water feature. The minimum required width is the amount of buffer required on each side of a stream, or on all

sides of a feature if non-linear. The width of the vegetated corridor necessary to adequately protect the habitat or water feature is specified in Table 17.49.110.

Table 17.49.110

Protected Feature Type (See Definitions)	Anadromous Fish-bearing Stream	All Other Features			
		Intermittent Stream < 25%, drains < 100 acres	All Other Streams (Intermittent or Perennial)		Delineated Wetland
Minimum Required Width	200'	15'	50'	200'	50'
Slope Adjacent to Feature	Any	< 25%	> 25% for less than 150 feet (see Note 2)	> 25% for 150 feet or more (see Note 2)	Any
Starting Point for Measurements from Feature	Top of Bank	Top of Bank	Top of Bank	Top of bank to break in > 25% slope (See Note 3) + 50'	Delineated Edge of Title 3 Wetland
Maximum Disturbance Allowance	See Section 17.49.120				
Mitigation Requirements	See Section 17.49.180 or 17.49.190				

Notes:

1. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.
2. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the grade; twenty-five percent slope.

Applicant's Response: *In accordance with this section of the code, the NROD is calculated based on the type of feature that is present on the subject property. The current resource consists of a perennial stream (i.e. drainage ditch) and some associated wetlands located in a narrow "V" shaped channel. According to the City's Vegetated Width Corridor Table, the minimum width for this feature is required to be 50 feet from the top of bank. The 50 foot vegetated corridor boundary is illustrated on the plan sheet drawings. Although the plan does not provide the full 50 feet buffer, the project does dramatically increased the buffer from an 8-9 feet buffer to a 22-28 feet buffer. Furthermore, because the full 50 feet buffer cannot be provided, the Applicant will satisfying the required mitigation criteria required in Section 17.49.180 below.*

Refer to Section 3 -Site Drawings, Plan Drawing C3.0 – Concept Development Plan and C3.1 - Detailed Development Plan for additional information. This criterion has been satisfied.

- B. Habitat Areas Within City Parks. For habitat and water features identified by Metro as regionally significant which are located within city parks, the NROD Boundary shall correspond to the Metro Regionally Significant Habitat Map.

Applicant's Response: There are no City parks located within the subject property. Therefore, this criterion is not applicable to this application.

- C. Habitat Areas Outside City Limit/Within UGB. For habitat and water features identified by Metro as regionally significant which are located outside of the city limits as of the date of adoption of this chapter, the minimum corridor width from any non-anadromous fish bearing stream or wetland shall be fifty feet.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The subject property is located within the current City limits. Therefore, this criterion is not applicable to this application.

17.49.120 - Maximum disturbance allowance for highly constrained lots of record.

In addition to the general development standards of Section 17.49.100, the following standards apply to a vacant lot of record that is highly constrained by the NROD, per Sections 17.49.90B. and 17.49.90F.:

- A. Standard for Residential Development. In the NROD where the underlying zone district is zoned Residential (R-10, R-8, R-6, R-5, R-3.5): the maximum disturbance area allowed for new residential development within the NROD area of the lot is two thousand five hundred square feet.
- B. Standard for all developments not located in R-10, R-8, R-6, R-5, and R-3.5. For all other underlying zone districts, including R-2 multi-family, the maximum disturbance area allowed for a vacant, constrained lot of record development within the NROD is that square footage which when added to the square footage of the lot lying outside the NROD portion equals twenty-five percent of the total lot area.

[1] Lots that are entirely covered by the NROD will be allowed to develop twenty-five percent of their area.

[1] Note: This can be determined by (1) Multiplying the total square footage of the lot by .25; (2) Subtracting from that amount the square footage of the lot that is located outside the NROD; (3) The result is the maximum square footage of disturbance to be allowed in the NROD portion of the lot. If the result is < or = to 0, no disturbance is permitted and the building shall be located outside of the boundary.

- C. In all areas of Oregon City, the disturbance area of a vacant, highly constrained lot of record within the NROD shall be set back at least one hundred feet from the top of bank on Abernethy Creek, Newell Creek, or Livesay Creek or fifty feet from the top of bank of any tributary of the aforementioned Creeks, other water body, or from the delineated edge of a wetland located within the NROD area.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The subject property does not qualify as a vacant lot of record under outlined Items A through C of the City's Municipal Code. Therefore, this criterion is not applicable to this application.

17.49.130 - Existing development standards.

In addition to the General Development Standards of Section 17.49.100, the following standards apply to alterations of existing development within the NROD, except for trails, rights-of-way, utility lines, land divisions and mitigation projects:

A. One of the following shall be met:

1. The disturbance area shall not exceed two thousand five hundred square feet of Section 17.49.120 and the disturbance area shall not be expanded toward the protected feature; or
2. If the existing disturbance area now exceeds two thousand five hundred square feet, a permanent disturbance area shall be delineated that includes all existing buildings, parking and loading areas, paved or graveled areas, patios and decks, and contains the proposed development. The same delineated disturbance area shall be shown on every subsequent proposal for alterations meeting this standard.

Applicant's Response: In accordance with this section of the City's code, the standards cited above apply to alterations of existing developments within the NROD boundary. The proposed development of the subject property will include the alteration and rehabilitation of existing roadways, driveways, and parking areas. The proposed Concept Development Plan and Detailed Development Plan shows modifications to the roadway and parking configurations in the vicinity of the Natural Resource Overlay District boundary.

The existing disturbance area consists of 10,131 square feet including a portion of the roadway, parking area, and sidewalk. Based on Item 2 above, if the existing disturbance area now exceeds two thousand five hundred square feet, a permanent disturbance area shall be delineated that includes all existing buildings, parking and loading areas, paved or graveled areas, patios, and decks, and contains the proposed development.

It should be noted that the permanent disturbance is proposed to be reduced to 4,491 square feet. This is a significant reduction in the amount of square feet within the vegetated corridor.

Refer to Section 3 -Site Drawings, Plan Drawing C3.0 – Concept Development Plan and C3.1 - Detailed Development Plan for additional information. This criterion has been satisfied.

B. The proposed development shall be set back at least twenty-five feet from the top-of-bank of any stream, water body, or from the delineated edge of any wetland located within the NROD area.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *The Applicant acknowledges that the proposed development will be set back at least twenty-five feet from the top of bank.*

Refer to Section 3 -Site Drawings, Plan Drawing C3.0 – Concept Development Plan and C3.1 - Detailed Development Plan for additional information. This criterion has been satisfied.

17.49.140 - Standards for utility lines.

The following standards apply to new utilities, private connections to existing or new utility lines, and upgrades of existing utility lines within the NROD:

- A. The disturbance area for private connections to utility lines shall be no greater than ten feet wide;
- B. The disturbance area for the upgrade of existing utility lines shall be no greater than fifteen feet wide;
- C. New utility lines shall be within the right-of-way.
- D. No fill or excavation is allowed within the ordinary high water mark of a stream;
- E. The Division of State Lands must approve any work that requires excavation or fill in a wetland;
- F. Native trees more than ten inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and
- G. Each six to ten-inch diameter native tree cut shall be replaced at a ratio of three trees for each one removed. Each eleven-inch or greater diameter native tree shall be replaced at a ratio of five trees for each removed. The replacement trees shall be a minimum one-half inch diameter and selected from the Oregon City Native Plant List. All trees shall be planted on the applicant's site. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees shall be planted between the utility line and the stream channel.
- H. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *There are no utility lines proposed within the NROD boundary. Based on this, the Standards for Utility Lines, Items A through H cited above do not apply. Therefore, this criterion is not applicable to this application.*

17.49.150 - Standards for rights-of-ways.

The following standards apply to public rights-of-way within the NROD, including roads, bridges/stream crossings and pedestrian paths with impervious surfaces:

- A. Stream crossings shall be limited to the minimum number necessary to ensure safe and convenient pedestrian, bicycle and vehicle connectivity, and shall cross the stream at an angle as close to perpendicular to the stream channel as practicable. Bridges shall be used instead of culverts wherever practicable.
- B. Where the right-of-way crosses a stream the crossing shall be by bridge or a bottomless culvert;
- C. No fill or excavation shall occur within the ordinary high water mark of a stream;
- D. If the Oregon Department of State Lands (DSL) has jurisdiction over any work that requires excavation or fill in a wetland, required permits or authorization shall be obtained from DSL prior to release of a grading permit;
- E. Any work that will take place within the banks of a stream shall be conducted between June 1 and August 31, or shall be approved by the Oregon Department of Fish and Wildlife; and
- F. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: There are no right-of-ways within the NROD boundary. Based on this, the Standards for Rights-Of-Way, Items A through F cited above do not apply. Therefore, this criterion is not applicable to this application.

17.49.155 - Standards for storm water facilities.

Approved facilities that infiltrate storm water on-site in accordance with Public Works Low-Impact Development standards, including but not limited to; vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins, and their associated piping, may be placed within the NROD boundary pursuant to the following standards:

- A. The forest canopy within the drip lines of existing trees shall not be disturbed.
- B. Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.
- C. Mitigation is required, subject to Section 17.49.180 or 17.49.190.
- D. The community development director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the Natural Resource Overlay District.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: There are no storm water facilities located with the NROD boundary. Based on this, the Standards for Storm Water Facilities, Items A through D cited above do not apply. Therefore, this criterion is not applicable to this application.

17.49.160 - Standards for land divisions.

Other than those land divisions exempted by Section 17.49.[0]70, the only type of lot allowed within the NROD is a lot created for a residence that existed before the NROD was applied to a subject property. A new lot for an existing house may be created when all of the following are met:

- A. There is an existing house on the site that is entirely within the NROD area; and
- B. The existing house will remain; and
- C. The new lot is no larger than required to contain the house, minimum required side setbacks, garage, driveway and a twenty-foot deep rear yard, with the remaining NROD area beyond that point protected by a conservation easement, or by dedicating a conservation tract or public open space.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: There are no land divisions located with the NROD boundary. Based on this, the Standards for Land Divisions, Items A through C cited above do not apply. Therefore, this criterion is not applicable to this application.

17.49.170 - Standards for trails.

The following standards apply to trails within the NROD:

- A. All trails that are not exempt pursuant to Chapter 17.49., shall be setback at least fifty feet from the tops of banks of streams or the delineated boundary of a wetland, except as designated in the Oregon City Parks, Open Space and Trails Master Plans; and
- B. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: There are no trails located with the NROD boundary. Based on this, the Standards for Trails, Items A through B cited above do not apply. Therefore, this criterion is not applicable to this application.

17.49.180 - Mitigation Standards

The following standards (or the alternative standards of Section 17.49.190) apply to required mitigation:

- A. Mitigation shall occur at a 2:1 ratio of mitigation area to proposed disturbance area;

Applicant's Response: The Applicant acknowledges that mitigation will occur at a ratio of 2:1 for proposed disturbance areas. Based on the proposed Concept Development Plan and Detailed Development Plan, approximately 1,190 square feet will remain permanently disturbed within the NROD boundary. At a ratio of 2:1,

2,380 square feet of mitigation will be required. Please see Section 4, 8.25.10 supplement to Exhibit N to see an updated environmental memorandum and diagram demonstrating compliance with the 2:1 mitigation requirements.

Refer to Section 3 -Site Drawings, Plan Drawing L2.0 – Preliminary Mitigation Plan for additional information. This criterion has been satisfied.

- B. Mitigation shall occur on the site where the disturbance occurs, except as follows:
1. The mitigation is required for disturbance associated with a right-of-way or utility in the right-of-way;
 2. The mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and
 3. An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.

Applicant's Response: In accordance with this section, the mitigation for disturbances will occur on site. This will occur on property immediately adjacent to the natural resource area.

Refer to Section 3 -Site Drawings, Plan Drawing L2.0 – Preliminary Mitigation Plan for additional information. This criterion has been satisfied.

- C. Mitigation shall occur within the NROD area of a site unless it is demonstrated that this is not feasible because of a lack of available and appropriate area. In such cases, the proposed mitigation area shall be contiguous to the existing NROD area so the NROD boundary can be easily extended in the future to include the new resource site.

Applicant's Response: As previously mentioned, mitigation for disturbed areas will occur on site. This will occur on property immediately adjacent to the natural resource area.

Refer to Section 3 -Site Drawings, Plan Drawing L2.0 – Preliminary Mitigation Plan for additional information. This criterion has been satisfied.

- D. Invasive and nuisance vegetation shall be removed within the mitigation area;

Applicant's Response: The Applicant understands that invasive and nuisance vegetation will be removed within the mitigation area. Notes describing this requirement are contained in the application drawings.

Refer to Section 3 -Site Drawings, Plan Drawing L2.0 – Preliminary Mitigation Plan for additional information. This criterion has been satisfied.

- E. Required Mitigation Planting. An applicant shall meet Mitigation Planting Option 1 or 2 below, whichever option results in more tree plantings, except that where the disturbance area is one

acre or more, Mitigation Option 2 shall be required. All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.

NOTE: Applications on-sites where no trees are present or which are predominantly covered with invasive species shall be required to mitigate the site, remove the invasive species and plant trees and native plants pursuant to Option 2.

1. Mitigation Planting Option 1.

- a. Option 1—Planting Quantity. This option requires mitigation planting based on the number and size of trees that are removed from the site pursuant to Table 17.49.180E.1.a. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses and ground cover species.

**Table 17.49.180E.1.a.
Required Planting Option 1**

Size of Tree to be Removed (DBH)	Number of Trees and Shrubs to be Replanted
6 to 12"	2 trees and 3 shrubs
13 to 18"	3 trees and 6 shrubs
19 to 24"	5 trees and 12 shrubs
25 to 30"	7 trees and 18 shrubs
Over 30"	10 trees and 30 shrubs
6 to 12"	2 trees and 3 shrubs

- b. Option 1—Plant Size. Replacement trees shall be at least one-half inch in caliper on average, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees. Oak, madrone, ash or alder may be one gallon size. Conifers shall be a minimum of six feet in height. Shrubs must be in at least one gallon container size or the equivalent in ball and burlap, and shall be at least twelve inches in height at the time of planting. All other species shall be a minimum of four-inch pots;
- c. Option 1—Plant Spacing. Except for the outer edges of mitigation areas, trees and shrubs shall be planted in a non-linear fashion. Plant spacing for new species shall be measured from the drip lines of existing trees when present. Trees shall be planted on average between eight and twelve feet on center, and shrubs shall be planted on average between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted on average between eight and ten feet on center.
- d. Option 1—Mulching and Irrigation. Mulch new plantings a minimum of three inches in depth and eighteen inches in diameters. Water new plantings one-inch per week from June 30th to September 15th, for the three years following planting.

- e. Option 1—Plant Diversity. Shrubs shall consist of at least two different species. If ten trees or more are planted, no more than one-half of the trees may be of the same genus.

2. Mitigation Planting Option 2.

- a. Option 2—Planting Quantity. In this option the required number of plantings is calculated based on the size of the disturbance area within the NROD. The ratio of native trees and shrubs to be planted is eight hundred twenty trees and eight hundred twenty shrubs per acre for every acre of HCA disturbance. This amount shall be adjusted for smaller disturbance areas. For example, four hundred ten trees and four hundred ten shrubs shall be planted per acre for every half-acre of HCA disturbance. Bare ground shall be planted or seeded with native grasses and ground cover species.
- b. Option 2—Plant Size. Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than twelve inches in height.
- c. Option 2—Plant Spacing. Trees shall be planted at average intervals of seven feet on center. Shrubs may be planted in single-species groups of no more than four plants, with clusters planted on average between eight and ten feet on center.
- d. Option 2—Mulching and Irrigation shall be applied in the amounts necessary to ensure eighty percent survival at the end of the required five-year monitoring period.
- e. Option 2—Plant Diversity. Shrubs shall consist of at least three different species. If twenty trees or more are planted, no more than one-third of the trees may be of the same genus.

An alternative planting plan using native plants may be approved in order to create a new wetland area, if it is part of a wetlands mitigation plan that has been approved by the DSL or the U.S. Army Corps of Engineers (USACE) in conjunction with a wetland joint removal/fill permit application.

Applicant's Response: *In accordance with this section of the code, the Applicant is required to use the option that results in the most tree plantings. Since the disturbance area contains no trees, the Applicant is required to use Mitigation Planting Option 2 to calculate the mitigation requirements.*

Code requires 820 trees and shrubs per acres. This is equivalent to 1 tree and 1 shrub per 53 square feet of disturbed area. Based on disturbance area of 2,380 square feet, 45 trees are required and 45 shrubs are required. Mitigation plantings are required to be at least twelve inches in height. Trees are to be planted at average intervals of seven feet on center. Shrubs may be planted in single-species groups of no more than four plants, with clusters

planted on average between eight and ten feet on center. Shrubs will consist of at least three different species. If twenty trees or more are planted, no more than one-third of the trees are to be of the same genus. Mulching and Irrigation will be applied in the amounts necessary to ensure eighty percent survival at the end of the required five-year monitoring period.

Refer to Section 3 -Site Drawings, Plan Drawing L2.0 – Preliminary Mitigation Plan for additional information. This criterion has been satisfied.

- F. Monitoring and Maintenance. The mitigation plan shall provide for a five-year monitoring and maintenance plan with annual reports in a form approved by the director of community development. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the city's planning division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of eighty percent survival of trees and shrubs of those species planted is required at the end of the five-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind. Bare spots and areas of invasive vegetation larger than ten square feet that remain at the end the five-year monitoring period shall be replanted or reseeded with native grasses and ground cover species.

Applicant's Response: The Applicant understands that the mitigation plan will incorporate a five-year monitoring and maintenance plan. Ongoing care will be the responsibility of the Applicant. Notes describing this requirement are contained in the application drawings.

Refer to Section 3 -Site Drawings, Plan Drawing L2.0 – Preliminary Mitigation Plan for additional information. This criterion has been satisfied.

- G. Covenant or Conservation Easement. Applicant shall record a restrictive covenant or conservation easement, in a form provided by the city, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land, and permit the city to complete mitigation work in the event of default by the responsible party. Costs borne by the city for such mitigation shall be borne by the owner.

Applicant's Response: The Applicant acknowledges that a restrictive covenant or conservation easement will be required for the mitigation area. This will be in a form provided by the City.

- H. Financial Guarantee. A financial guarantee for establishment of the mitigation area, in a form approved by the city, shall be submitted before development within the NROD disturbance area commences. The city will release the guarantee at the end of the five-year monitoring period, or before, upon it's determination that the mitigation plan has been satisfactorily implemented pursuant to this section.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: In accordance with this section, a financial guarantee in the form of a performance bond will be required for the establishment of the mitigation area.

17.49.190 - Alternative mitigation standards.

In lieu of the above mitigation standards of Section 17.49.180, the following standards may be used. Compliance with these standards shall be demonstrated in a mitigation plan report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the city may require the report to be reviewed by an environmental consultant.

- A. The proposed mitigation shall occur at a minimum 2:1 ratio of mitigation area to proposed disturbance area;
- B. The proposed mitigation shall result in a significant improvement of at least one functional value listed in Section 17.49.10, as determined by a qualified environmental professional;
- C. There shall be no detrimental impact on resources and functional values in the area designated to be left undisturbed;
- D. Where the proposed mitigation includes alteration or replacement of development in a stream channel, wetland, or other water body, there shall be no detrimental impact related to the migration, rearing, feeding or spawning of fish;
- E. Mitigation shall occur on the site of the disturbance to the extent practicable. If the proposed mitigation cannot practically occur on the site of the disturbance, then the applicant shall possess a legal instrument, such as an easement, sufficient to carryout and ensure the success of the mitigation.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The Applicant will comply with the mitigation requirements as outlined in section 17.49.180. Based on this, the Alternative Mitigation Standards, Items A through E cited may be used to comply with the mitigation requirements.

17.49.200 - Adjustment from standards.

If a regulated NROD use listed in Section 17.49.90 cannot meet one or more of the applicable NROD standards then an adjustment may be issued if all of the following criteria are met. Compliance with these criteria shall be demonstrated by the applicant in a written report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the city may require the report to be reviewed by an environmental consultant. Such requests shall be processed under the Type III development permit procedure. The applicant shall demonstrate:

- A. There are no feasible alternatives for the proposed use or activity to be located outside the NROD area or to be located inside the NROD area and to be designed in a way that will meet all of the applicable NR-SW development standards;
- B. The proposal has fewer adverse impacts on significant resources and resource functions found in the local NROD area than actions that would meet the applicable environmental development standards;
- C. The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;
- D. Fish and wildlife passage will not be impeded; and
- E. With the exception of the standard(s) subject to the adjustment request, all other applicable NROD standards can be met.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *The Applicant will comply with the mitigation requirements as outlined in section 17.49.180 to the maximum extent possible.*

Based on the Site Assessment/Wetland Determination, the resource boundary is limited to the existing edge of the drive aisle that parallels the channelized drainage feature. The proposed improvements will not encroach any further into the NROD boundary than currently exists.

Alternative mitigation associated with permanent impacts and tree removal will increase the functionality of the existing resource. The proposed Detailed Development Plan identifies 4,774 square feet adjacent to the existing resource that will be reclaimed to provide a vegetated corridor along this resource.

Refer to Section 3 -Site Drawings, Plan Drawing L5.0 – Preliminary Mitigation Plan for additional information.

17.49.210 - Type II development permit application.

Unless otherwise directed by the NROD standards, proposed development within the NROD shall be processed as a Type II development permit application. All applications shall include the items required for a complete application by Sections 17.49.220—17.49.230, and Section 17.50.080 of the Oregon City Municipal Code as well as a discussion of how the proposal meets all of the applicable NROD development standards Sections 17.49.100—17.49.170.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *The Applicant acknowledges that an NROD permit application is processed as a Type II procedure. However, because the application is to be submitted in combination with a Type III application (i.e. Master Plan), it will be reviewed through a Type III procedure.*

17.49.220 - Required site plans.

Site plans showing the following required items shall be part of the application:

- A. For the entire subject property (NROD and non-NROD areas):
1. The NROD district boundary. This may be scaled in relation to property lines from the NROD Map;
 2. One-hundred-year floodplain and floodway boundary (if determined by FEMA);
 3. Creeks and other water bodies;
 4. Any wetlands, with the boundary of the wetland that will be adjacent to the proposed development determined in a wetlands delineation report prepared by a professional wetland specialist and following the Oregon Division of State Lands wetlands delineation procedures;
 5. Topography shown by contour lines of two or one foot intervals for slopes less than fifteen percent and by ten-foot intervals for slopes fifteen percent or greater;
 6. Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.
 7. Extent of the required Vegetated Corridor required by Table 17.49.110.

Applicant's Response: The information cited above has been included in the application materials.

Refer to Section 3 -Site Drawings, Plan Drawing C1.0 – Regional Context/Aerial Photo and C2.0 – Existing Conditions Plan for additional information. This criterion has been satisfied.

- B. Within the NROD area of the subject property:
1. The distribution outline of shrubs and ground covers, with a list of most abundant species;
 2. Trees six inches or greater in diameter, identified by species. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;
 3. An outline of the disturbance area that identifies the vegetation that will be removed. All trees to be removed with a diameter of six inches or greater shall be specifically identified as to number, trunk diameters and species;
 4. If grading will occur within the NROD, a grading plan showing the proposed alteration of the ground at two-foot vertical contours in areas of slopes less than fifteen percent and at five-foot vertical contours of slopes fifteen percent or greater.

Applicant's Response: The information cited above has been included in the application materials.

Refer to Section 3 -Site Drawings, Plan Drawing C1.0 – Regional Context/Aerial Photo and C2.0 – Existing Conditions Plan for additional information. This criterion has been satisfied.

- C. A construction management plan including:
1. Location of site access and egress that construction equipment will use;
 2. Equipment and material staging and stockpile areas;
 3. Erosion control measures that conform to City of Oregon City erosion control standards;
 4. Measures to protect trees and other vegetation located outside the disturbance area.

Applicant's Response: A construction management plan has been included in the application materials.

Refer to Section 3 -Site Drawings, Plan Drawing C7.0 – Preliminary Construction Management Plan for additional information. This criterion has been satisfied.

- D. A mitigation site plan demonstrating compliance with Section 17.49.180 or 17.49.190, including:
1. Dams, weirs or other in-water features;
 2. Distribution, species composition, and percent cover of ground covers to be planted or seeded;
 3. Distribution, species composition, size, and spacing of shrubs to be planted;
 4. Location, species and size of each tree to be planted;
 5. Storm water management features, including retention, infiltration, detention, discharges and outfalls;
 6. Water bodies or wetlands to be created, including depth;
 7. Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: A mitigation site plan has been included in the application materials. Refer to Section 3 -Site Drawings, Plan Drawing L2.0 – Preliminary Mitigation Plan for additional information. This criterion has been satisfied.

17.49.230 - Mitigation plan report.

A mitigation plan report that accompanies the above mitigation site plan is also required. The report shall be prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. The mitigation plan report shall, at a minimum, discuss:

- A. Written responses to each applicable Mitigation Standard 17.49.180 or 17.49.190 indicating how the proposed development complies with the mitigation standards;
- B. The resources and functional values to be restored, created, or enhanced through the mitigation plan;
- C. Documentation of coordination with appropriate local, regional, state and federal regulatory/resource agencies such as the Oregon Department of State Lands (DSL) and the United States Army Corps of Engineers (USACE);
- D. Construction timetables;
- E. Monitoring and Maintenance practices pursuant to Section 17.49.230 and a contingency plan for undertaking remedial actions that might be needed to correct unsuccessful mitigation actions during the first five years of the mitigation area establishment.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *In accordance with this section of the code, a mitigation report will be prepared to supplement the mitigation plan. This report will address Items A through E as outlined above.*

Refer to Section 3 -Site Drawings, Plan Drawing L2.0 – Preliminary Mitigation Plan for additional information. Also refer to Section 4 – Appendices, Exhibit N – Site Assessment/Wetland Determination Memorandum. This criterion has been satisfied.

17.49.240 - Density transfer.

The NROD allocates urban densities to the non-NROD portions of properties located partially within the NROD, generally resulting in a substantial increase in net development potential. For lots of record that are located within the NROD, additional density transfer credits are allowed, subject to the following provisions:

- A. Density may be transferred from the NROD to non-NROD portions of the same property or of contiguous properties within the same development site;
- B. The residential transfer credit shall be as follows: One-third of the gross density of the underlying zone district within the NROD tract is permitted to be transferred to the net developable area outside of the tract within the boundary of the development site.

- C. For transfers to the Mixed-Use Commercial (MUC-2), Mixed-Use Employment (MUE) Employment, or Mixed-Use Downtown (MUD), the transfer credit is ten thousand sq. ft. (FAR) per acre of land within the NROD;
- D. The area of land contained in the NROD area may be excluded from the calculations for determining compliance with minimum density requirements of the land division code.
- E. The owner of the transferring property shall execute a covenant with the city that records the transfer of units. The covenant shall be found to meet the requirements of this section and be recorded before building permits are issued; and
- F. All other applicable development standards, including setbacks and building heights, shall continue to apply when a density transfer occurs.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: No density transfers are being requested as part of this development. Therefore, this criterion is not applicable to this application.

17.49.250 - Verification of NROD boundary.

The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site. This may through a site specific environmental survey or, in those cases where existing information demonstrates that the NROD significance rating does not apply to a site-specific area. Applications for development on a site located in the NROD area may request a determination that the subject site is not in an NROD area and therefore is not subject to the standards of Section 17.49.100. Verifications shall be processed as either a Type I or Type II process.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The Applicant acknowledges that an NROD boundary may need to be verified to determine the true location of a resource and its functional value. This can be processed as a Type I or Type II procedure.

17.49.255 - Type I verification.

- A. Applicants for a determination under this section shall submit a site plan meeting the requirements of 17.49.220, as applicable.
- B. Alternatively, an applicant may request a Type I verification determination by the community development director by making an application therefore and paying to the city a fee as set by resolution of the city commission. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:

There is an existing physical barrier between the site and a protected water feature, including:
a. streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen

feet and which includes drainage improvements that are connected to the city storm sewer system, as approved by the city; and b. Walls, buildings, drainages, culverts or other structures and which form a physical barrier between the site and the protected water features, as approved by the city.

1. No soil, vegetation, hydrologic features have been disturbed;
 2. No hydrologic features have been changed;
 3. There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.
 4. The property does not contain a wetland as identified by the city's local wetland inventory or water quality and flood management areas map.
 5. There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or man-made storm or surface water runoff structures or artificial water collection devices.
 6. Evidence of prior land use approvals that conform to the city's existing Water Quality Resource Area Overlay District.
- C. If a the city is not able to clearly determine, through the Type I verification process that the applicable criteria B.1.—6. above are met the verification application shall be denied. An applicant may then opt to apply for an verification through the Type II process defined below.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The Applicant is not pursuing a verification of the NROD boundary at this time. Therefore, this criteria is not applicable to this application.

17.49.260. - Type II verification.

Verifications of the NROD which cannot be determined pursuant to the standards of 17.49.255 may be processed under the Type II permit procedure.

- A. Applicants for a determination under this section shall submit a site plan meeting the requirements of 17.49.220 as applicable.
- B. Such requests may be approved provided that there is evidence that demonstrates in an environmental report prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry, that a resource function(s) and/or land feature(s) does not apply to a site-specific area.
- C. Verification to remove a recently developed area from the NROD shall show that all of the following have been met:

1. All approved development in the NROD has been completed;
2. All mitigation required for the approved development, located within the NROD, has been successful; and
3. The previously identified resources and functional values on the developed site no longer exist or have been subject to a significant detrimental impact.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The Applicant is not pursuing a verification of the NROD boundary at this time. Therefore, this criteria is not applicable to this application.

17.49.265 - Corrections to violations.

For correcting violations, the violator shall submit a remediation plan that meets all of the applicable standards of the NROD. The remediation plan shall be prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry. If one or more of these standards cannot be met then the applicant's remediation plan shall demonstrate that there will be:

- A. No permanent loss of any type of resource or functional value listed in Section 17.49.10, as determined by a qualified environmental professional;
- B. A significant improvement of at least one functional value listed in Section 17.49.10, as determined by a qualified environmental professional; and
- C. There will be minimal loss of resources and functional values during the remediation action until it is fully established.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The Applicant is not in violation of any requirement pertaining to the Natural Resource Overlay District. Therefore, this criteria is not applicable to this application.

17.50. Administration and Procedures

The application will be processed through a Type III procedure in compliance with all applicable administration and procedure requirements as provided for in this Chapter.

17.52. Off Street Parking and Loading

17.52.010 - Number of spaces required.

The construction of a new structure or at the time of enlargement or change in use of an existing structure within any district in the city, off-street parking spaces shall be provided in accordance with this section. 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. 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. 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. The required number of parking stalls may be reduced if one or more of the following is met:

- A. Transit Oriented Development. The community development director may reduce the required number of parking stalls up to ten percent when it is determined that a commercial business center or multi-family project is adjacent to or within one thousand feet of an existing or planned public transit. Also, if a commercial center is within one thousand feet of a multi-family project, with over eighty units and pedestrian access, the parking requirements may be reduced by ten percent.

Applicant's Response: The proposed Concept Development Plan and Detailed Development Plan will provide the required number of off-street parking spaces taking into consideration the existing commercial development, the presence of a natural resource area along the southern portion of the site, and the property's proximity to existing public transit. The minimum number of spaces required is 958 stalls (1,064 stalls less 10%). Currently, the proposed Concept Development Plan illustrates 1,046 stalls.

The Applicant is requesting a 10% reduction in accordance with this Section 17.52.010 due to the project's proximity to major transit corridors (i.e. Beavercreek Road and Molalla Avenue). Bus line #33 maintains a stop along Beavercreek Road adjacent to the property and bus line #32 has a stop just north of the subject property on Molalla Avenue.

With the director's acknowledgement of the allowed Transit Oriented Development parking reduction pursuant to this Section 17.52.010, this criterion is satisfied.

- B. Transportation Demand Management. The community development director may reduce the required number of parking stalls up to ten percent when a parking-traffic study prepared by a traffic engineer demonstrates:
 - 1. Alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as

compared to standard Institute of Transportation Engineers vehicle trip generation rates and minimum city parking requirements.

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

Applicant's Response: In accordance with this section of the City municipal code, the proposed Concept Development Plan and Detailed Development Plan will provide the maximum number of off-street parking spaces possible. Given the proximity to transit streets and the high amount of pedestrian and bicycle use in the area, the project would also qualify for a reduction based on transportation demand. However, the Applicant is seeking a 10% reduction through the directly applicable Transit Oriented Development reduction provided for in Section 17.52.010 above. Therefore, this criterion is not applicable to this application.

- C. Shared Parking. The community development director may reduce the required number of parking stalls up to fifty percent for:
 1. Mixed uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the community development director.
 2. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.
 3. Reduction in parking for tree preservation. The community development director may grant an adjustment to any standard of this provided that the adjustment preserves a regulated tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition. The amount of reduction can be determined only after taking into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be approved by the community development director. This reduction is discretionary and subject to the approval of the community development director.

Applicant's Response: *The proposed Concept Development Plan and Detailed Development Plan assumes that several uses will occupy the new commercial retail space. However, most of the proposed uses will fall under the general category of "retail store/shopping center." The only exception is the "stadium/arena/theater use.*

It should be noted that some amount of shared parking does occur with the existing theater building use. Although the peak times of use between the commercial retail and theater may slightly overlap in the late afternoons, the peak use times are generally during different periods of the day. However, the Applicant is not seeking a reduction in parking under this criterion and, therefore, it is not applicable.

- D. On-Street Parking. On-street parking for commercial 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/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 face abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and its 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.

LAND USE	PARKING REQUIREMENTS The parking requirements are based on spaces per 1,000 square feet gross leaseable area unless otherwise stated.	
	MINIMUM	MAXIMUM
Single-Family Dwelling	1.00 per unit	
Multi-Family: Studio	1.00 per unit	1.5 per unit
Multi-Family: 1 bedroom	1.25 per unit	2.00 per unit
Multi-Family: 2 bedroom	1.5 per unit	2.00 per unit
Multi-Family: 3 bedroom	1.75 per unit	2.50 per unit
Hotel/Motel	1.0 per guest room	1.25 per guest room
Welfare/Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	1 per 7 beds	1 per 5 beds

Hospital	2	4
Religious Assembly Building	0.25 per seat	0.5 per seat
Preschool Nursery/Kindergarten	2	3
Elementary/Middle School	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High School/College/Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium/Meeting Room/Stadium	.25	0.5 per seat
Retail Store/Shopping Center/Restaurants	4.10	5.00
Office	2.70	3.33
Medical or Dental Clinic	2.7	3.33
Sports Club/Recreation Facilities	Case Specific	5.40
Storage Warehouse/Freight Terminal	0.30 per gross sq-ft	0.40 per gross sq-ft
Manufacturing/Wholesale Establishment	1.60 per gross sq-ft	1.67 per gross sq-ft
Light Industrial/Industrial Park	1.3	1.60

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *In accordance with the table above, the minimum parking requirement for retail/shopping centers/restaurants is 4.1 spaces per 1,000 square feet and the maximum is 5.0 spaces per 1,000 square feet. Parking requirements for auditoriums (e.g. movie theaters) are calculated on a per seat basis. Minimum parking requirements are 0.25 spaces per seat and the maximum is 0.5 spaces per seat.*

Use	Proposed Building Square Footage	Vehicle Parking Requirement - Minimum (4.1 spaces per 1,000 gross leaseable area)	Vehicle Parking Requirement - Maximum (5.0 spaces per 1,000 gross leaseable area)	Number of Spaces Provided in the Concept Development Plan
Existing Building (Building B – Retail)	24,472	100	122	
Existing Building (Bugatti)	4,255	17	21	
Existing Building (Coffee Kiosk)	280	1	1	
Existing Building (Pad - Retail C)	7,200	30	36	
Existing Building (Key Bank)	2,761	11	14	
Existing Building (McDonald's)	5,320	22	27	
Existing Building (Movie Theater) **	32,128	463	926	
Existing Building (US Bank)	0	0	0	
Existing Building (Grocery)	0	0	0	

Proposed Building (Retail @ Grocery)	23,236	95	116	
Proposed Building (Grocery)	56,153	230	281	
Proposed Building (Pad - Future Retail)	10,500*	2	2	
Proposed Building (Pad - Future Restaurant)	7,600	31	38	
Proposed Building (Pad - Future Retail)	15,000	62	75	
Totals	178,805	1,064	1,659	1,046

Based on these parking standards, a minimum of 1,064 to a maximum of 1,659 spaces are needed to fulfill these uses. The minimum number of spaces required is 958 stalls (1,064 stalls less 10%). The proposed plan identifies a total of 1,046 spaces of which 846 are standard stalls, 31 are handicapped spaces, and 169 are compact stalls.

17.52.020 - Administrative provisions.

- A. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner.

Applicant's Response: The Applicant acknowledges that the provision and maintenance of off-street parking and loading are the obligations of the owner. This criterion has been satisfied.

- B. Off-street parking for dwellings shall be located on the same lot with the dwelling.

Applicant's Response: There are no dwellings associated with the proposed Concept Development or Detailed Development Plan. Therefore, this criterion is not applicable to this application.

- C. 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.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: All off-street parking for the proposed Concept Development Plan and Detailed Development Plan will be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees. These spaces will not be used for storage of vehicles or materials. This criterion has been satisfied.

17.52.030 - Design review.

- A. Development of or alterations to existing parking lots shall require site plan review.

Applicant's Response: *In accordance with this section of the code, the Applicant acknowledges that the development of parking lots will require a site plan review and therefore this application will include a site plan review. This criterion has been satisfied.*

- 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's Response: *Access to the proposed development will be provided through seven existing private drives off Warner Milne Road, Molalla Avenue, and Beaver Creek Road. Each of these ingress and egress locations have been designed with public traffic safety in mind. Parking spaces have been located so that they are served by drive aisles and do not require backward movement to maneuver within an access way or street right-of-way. Furthermore, an internal private street grid provides safe and efficient access both to and through the site for optimal traffic efficiencies and safety.*

Refer to Section 3 Site Drawings, Sheet C3.0 Preliminary Concept Development Plan for additional schematic information on the flow of ingress and egress traffic. Each access location provides direct linkages to the interior street grid and avoids any maneuvering within the right-of-way or backward movements. Furthermore, the driveway slopes are all less than fifteen percent. This criterion has been satisfied.

- 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 storm water runoff and improve water quality pursuant to the city's storm water and low impact development design standards are encouraged.

Applicant's Response: *All off-street parking spaces and drive aisles will be paved and adequately maintained. As appropriate, alternative design and construction techniques will be used in an effort to reduce storm water runoff and improve water quality. This criterion has been satisfied.*

- D. Drainage. Drainage shall be designed in accordance with the requirements of Chapter 13.12 and the city public works storm water and grading design standards.

Applicant's Response: *All drainage will be designed in accordance with City Public Work storm water and grading design standards. The parking areas utilize low impact design features to capture and infiltrate surface water.*

For additional information, refer to Section 3 Site Drawings, Sheet C6.0 Preliminary Grading and Erosion and Sediment Control Plan. Also, see Sheet L1.0 through L4.0, Preliminary Landscape Plan for landscape treatment of infiltration planters. This criterion has been satisfied.

E. Dimensional Requirements.

1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American[s] with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The community development director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.
2. Alternative parking/landscaping plan. The city understands the physical constraints imposed upon small parking lots and encourages alternative designs for parking lots of less than ten parking stalls. The community development director may approve an alternative parking lot/landscaping plan with variations to the parking angle or space dimensions and landscaping standards for off-street parking. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while retaining landscaping to the quantity and quality found within parking lot landscaping requirements.

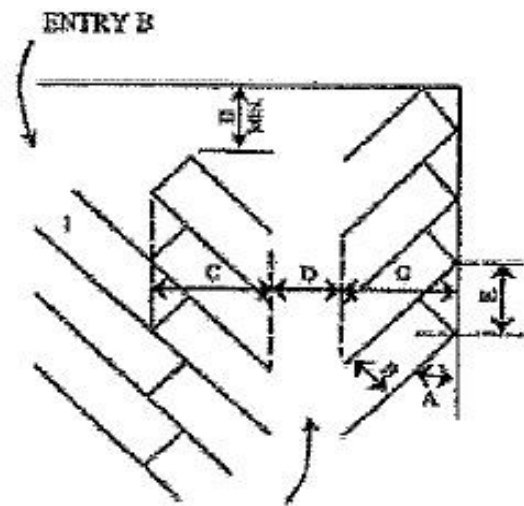
(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

PARKING STANDARD
PARKING ANGLE SPACE DIMENSIONS

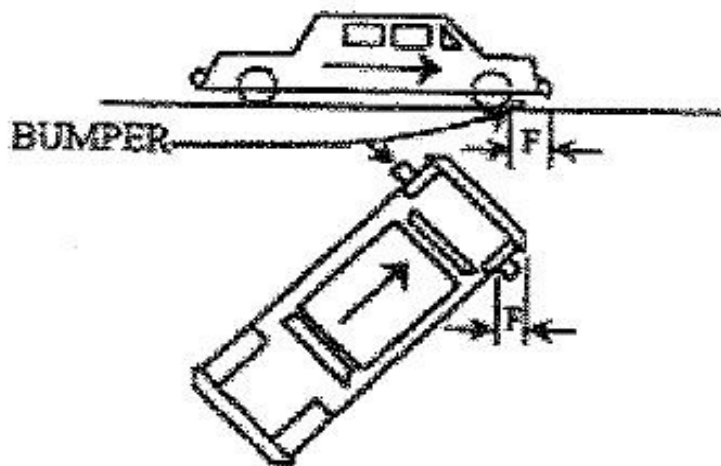
A Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9.0	12	20	0
30 degrees	Standard Compact	9' 8'	17.3' 14.9'	11' 11'	18' 16'	
45 degrees	Standard Compact	8.5 8.5	19.8' 17.0'	13' 13'	12.7' 11.3'	1.4
45 degrees	Standard Compact	8.5 8.5	19.8' 17.0'	13' 13'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

All dimensions are to the nearest tenth of a foot

TYPICAL PARKING LAYOUT



sz=9.5q; ENTRY A
NOTE: SPACE 1 CONTINGENT UPON ENTRY B



sz=9.5q; OVERHANG
sz=9.5q; NOTE: Overhang dimensions are intended to indicate possible location from parking area edge for location of bumpers.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *All parking stalls will meet the dimensional standards for off-street parking. The parking design within the proposed Concept Development Plan and Detailed Development Plan identifies stalls that range from 9' x 18' to 9' x 19.5' in the parking field. Adjacent to the buildings, stalls are 9' x 16'-6" excluding the 1.5' overhang. Compact stalls measure 8.6' x 16'-6", excluding the 1.5' overhang. These dimensions satisfy the design criteria.*

Refer to Section 3 - Site Drawings, Sheet C3.0 Preliminary Concept Development Plan for additional information. This criterion has been satisfied.

17.52.040 - Carpool and vanpool parking.

- A. New, office 1 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."

Applicant's Response: In accordance with this section, no carpool or vanpool parking is required because the intended uses of the property are commercial. Therefore this criterion is not applicable to this application.

- B. As used in this section, "carpool" means a group of two or more commuters, including the driver, who share the ride to and from work, school and other destination. "Vanpool" means a group of five or more commuters, including the driver, who share the ride to and from work, school or other destination on a regularly scheduled basis.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The Applicant understands the definition of "carpool" to mean a group of two or more commuters, including the driver, and "vanpool" to mean a group of five or more commuters, including the driver.

17.52.050 - Bicycle parking-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 of the following uses:

- A. Multi-family housing of four or more units;

Applicant's Response: The proposed plan does not include any multi-family dwellings. Therefore, this criterion is not applicable to this application.

- B. Retail and office development;

Applicant's Response: The proposed Concept Development Plan and Detailed Development Plan includes uses within the "retail store/shopping center" classification. In accordance with this section, the proposed Concept Development Plan and Detailed Development Plan will incorporate bicycle parking into the design.

For additional information, refer to Section 3 - Site Drawings, Sheet A1.1 Grocery Building and Plaza Plan. This criterion has been satisfied.

C. Industrial development;

Applicant's Response: The proposed Concept Development Plan and Detailed Development Plan does not include any industrial development. Therefore, this criterion is not applicable to this application.

D. Institutional development;

Applicant's Response: The proposed Concept Development Plan and Detailed Development Plan does not include any institutional development. Therefore, this criterion is not applicable to this application.

E. Transit transfer stations and park-and-ride lots;

Applicant's Response: The proposed Concept Development Plan and Detailed Development Plan does not include any Transit transfer stations and park-and-ride lots. Therefore, this criterion is not applicable to this application.

F. Automobile parking lots and structures;

Applicant's Response: The proposed Concept Development Plan and Detailed Development Plan includes parking lots for automobiles. In accordance with this section, the proposed Detailed Development Plan will incorporate bicycle parking into the design as explained in detail in the chart below at Section 17.52.060.

For additional information, refer to Section 3 - Site Drawings, Sheet C3.0 Concept Development Plan. This criterion has been satisfied.

G. Restaurants;

Applicant's Response: The proposed Concept Development Plan and Detailed Development Plan includes uses within the "restaurants" classification. In accordance with this section, the proposed Concept Development Plan and Detailed Development Plan will incorporate bicycle parking into the design as explained in detail above.

For additional information, refer to Section 3 - Site Drawings, Sheet C3.0 Concept Development Plan. This criterion has been satisfied.

H. Schools;

Applicant's Response: The proposed Concept Development Plan and Detailed Development Plan does not include any schools. Therefore, this criterion is not applicable to this application.

I. Religious institutions.

Applicant's Response: *The proposed Concept Development Plan and Detailed Development Plan does not include any religious institutions. Therefore, this criterion is not applicable to this application.*

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

17.52.060 - 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.
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.
 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.

TABLE A Required Bicycle Parking Spaces*

USE	BICYCLE PARKING
Residential	
Multiple family (three or more units)	1 per unit
Commercial Residential	
Hotel and Motel	1 per 10 guest rooms
Rooming or boarding houses	1 per 10 guest rooms
Bed and breakfast inns	1 per 10 guest rooms
Club/lodge	1 per 20 auto spaces
Institutional	
Welfare institution	not applicable
Correctional institution	1 per 30 auto spaces
Nursing home, care facility, sanitarium	1 per 30 auto spaces
Hospital	1 per 20 auto spaces
Park-and-ride lot	5 per acre, at least one of which is a locker
Transit center	5 per center, at least one of which

	is a locker
Parks and open space	1 per 10 auto spaces
Public parking lots	1 per 20 auto spaces
Automobile parking structures	1 per 20 auto spaces
Places of Public Assembly	
Religious institutions	1 per 20 auto spaces
Libraries, museums	1 per 10 auto spaces
Preschool, nursery, kindergarten	2 spaces
Elementary, junior high	4 per classroom
High school	2 per classroom
College, business/commercial schools	2 per classroom
Other auditorium/meeting room	1 per 20 auto spaces
Commercial Amusement	
Stadium, arena, theater	1 per 20 auto spaces
Bowling alley, skating rink, dance hall	1 per 15 auto spaces
Commercial	
Retail stores and shopping centers	1 per 20 auto spaces
Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental	1 per 40 auto spaces
Bank, office	1 per 20 auto spaces
Medical and dental clinic	1 per 20 auto spaces
Convenience food store	1 per 10 auto spaces
Furniture and appliance stores	1 per 40 auto spaces
Eating and drinking establishment	1 per 20 auto spaces
Auto repair garage and gasoline service station	2 spaces
Mortuaries	not applicable
Swimming pools, gymnasiums, ball courts	1 per 10 auto spaces
Industrial	
Storage warehouse	1 per 50 auto spaces
Manufacturing	1 per 40 auto spaces

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *In accordance with this section, bicycle parking for the proposed Detailed Development Plan will be provided on-site, clearly marked and located in convenient and accessible locations in close proximity to the main building entry. The number of required bicycle parking spaces will be determined based on the use of the building and meet the requirements of Table A.*

Bicycle parking is calculated as a ratio of bicycle spaces to vehicle stalls. For all uses, the ratio is one bicycle space per 20 vehicle spaces. Based on these parking standards, 50 to 79 spaces are needed to fulfill these requirements for the overall Concept Development Plan and of those 19–22 are needed in the Detailed Development Plan. Currently, 32 spaces are provided in phase 1 through the Detailed Development Plan. The additional spaces will provided in future phases. The initial bicycle parking provided in the Detailed Development Plan will be appropriated proportionate as follows:

Use	Bicycle Parking Requirement –	Bicycle Parking Requirement –	Number of Spaces Required for	Number of Spaces
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	<i>Based on Minimum Parking Requirements (1 per 20 auto spaces)</i>	<i>Based on Maximum Parking Requirements (1 per 20 auto spaces)</i>	<i>Detailed Development Plan (Based on Minimum-Maximum Parking)</i>	<i>Identified in the Detailed Development Plan</i>
Existing Building (Building B -	5	6		
Existing Building (Bugatti)	1	1		
Existing Building (Coffee	0	0	0-0	
Existing Building (Pad - Retail	1	2		
Existing Building (Key Bank)	1	1		
Existing Building (McDonald's)	1	1		
Existing Building (Movie	23	46		
Existing Building (US Bank)	0	0		
Existing Building (Grocery)	0	0		
Proposed Building (Retail @ Grocery)	5	6	5-6	6
Proposed Building (Grocery)	12	14	12-14	24
Proposed Building (Pad -	0	0		
Proposed Building (Pad - Future Restaurant)	2	2	2-2	2
Proposed Building (Pad -	3	4		
Totals	50	79	19-22	32

For additional information, refer to Section 3 - Site Drawings, Sheet A1.1 Grocery Building Plan and Plaza Plan and Sheet A1.2 & A1.3 In-Line Retail Enlarged Area Plan. This criterion has been satisfied.

- B. All bicycle parking areas shall be located to avoid conflicts with pedestrian and motor vehicle movement.
- 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.
 - 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's Response: All bicycle parking areas will be located to avoid conflicts with pedestrian and motor vehicle movement by a barrier of a minimum of five feet and will not obstruct pedestrian walkways. This criterion has been satisfied.

- 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's Response: *In accordance with this section, all outdoor bicycle parking will be connected to the main building entrances by accessible pedestrian walkways. The proposed development, to the maximum extent possible, recognizes the grades and provides a direct connection to the public right-of-way and to existing pedestrian walkways.*

For additional information, refer to Section 3 - Site Drawings, Sheet C3.0 Preliminary Concept Development Plan. This criterion has been satisfied.

- 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.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *In accordance with this section, bicycle parking facilities will 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 will be securely anchored to the ground or to a structure. The table above shows the location of all bicycle parking. This criterion has been satisfied.*

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's Response: *The proposed off street parking and loading area provides safe, direct, well lighted and convenient pedestrian walkways linking the parking area and the proposed development. The proposed Concept Development Plan and Detailed Development Plans depicts an accessible pedestrian walkway along both sides of the internal private street grid as well as along the exterior of all sides of the new building. The proposed pedestrian walkways make multiple separate and direct connections from parking areas to the main pedestrian sidewalk along the building. Sidewalks also connect to existing development, including connections from Molalla Avenue to the Theater; from Warner Milne Road to the existing northwest corner building and the new building; and from Beaver Creek to the new building and through to both Molalla and Warner Milne Road. Additionally, the access points along Beaver Creek Road are new access points that connect to the new commercial spaces oriented toward this roadway.*

For additional information, refer to Section 3 - Site Drawings, Sheet C3.0 Preliminary Concept Development Plan. This criterion has been satisfied. Also refer to Site Drawings, Sheet EX.1.0, Proposed Pedestrian Connectivity.

17.52.090 - Parking lot landscaping.

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

Applicant's Response: The Applicant acknowledges the purpose of the parking lot landscaping requirements above. The proposed Concept Development Plan and Detailed Development Plans will, to the maximum extent possible, comply with the intent of this parking landscape code. Due to site constraints and parking requirements, alternative parking lot landscaping is being proposed in order to provide the necessary parking stalls required by the OCMC as well as to incorporate low impact landscaping components that will improve water quality and provide long-term operational and maintenance benefits. At the same time, the parking lot landscape plan will still enhance and soften the parking lot appearance through visually pleasing tree plantings at intervals of one tree per every 6.9 parking stalls. These trees will limit the visual impact of the parking lots from the sidewalks and streets and will shade parking areas. Additionally, the low impact landscaping plan provides the highest possible return to improve water quality and reduce storm water impacts. The overall impact of the parking lot landscaping will be to create a parking area that is more inviting to pedestrians and bicyclists, as well as pleasing to the eye. Because of the slightly reduced number of trees per stall and the mix of trees, the Applicant is seeking approval of an adjustment to the parking lot landscape plan for the interior of the parking field as allowed under Section 17.65.070.

For additional information, refer to Section 3 - Site Drawings, Sheet L1.0 through L4.0 - Preliminary Landscape Plans.

- B. Development Standards. Parking lot landscaping is required for all uses, except for single- and two-family residential dwellings.

In order to provide connectivity between non-single-family sites, the community development director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi-family, commercial or

industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.

1. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots shall include a five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. The perimeter parking lot area shall include:
 - a. Trees spaced a maximum of thirty-five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
 - b. Ground cover, such as wild flowers, spaced a maximum of sixteen inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
 - c. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.
2. Parking Area/Building Buffer. Parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:
 - a. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) abutting either side of a parking lot sidewalk with:
 - i. Trees spaced a maximum of thirty-five feet apart;
 - ii. Ground cover such as wild flowers, spaced a maximum of sixteen inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
 - iii. An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or
 - b. Seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells.
3. Interior Parking Lot Landscaping. Surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce stormwater runoff, and provide pavement shade. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site

landscaping required by Section 17.62.050A.1. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Interior parking lot landscaping shall include:

- a. A minimum of one tree per six parking spaces.
 - b. Ground cover, such as wild flowers, spaced a maximum of sixteen inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.
 - c. Shrubs spaced no more than four feet apart on average.
 - d. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips provided between rows of parking shall be a minimum of six feet in width to accommodate:
 - i. Pedestrian walkways shall have shade trees spaced a maximum of every thirty-five feet in a minimum three-foot by five-foot tree wells; or
 - ii. Trees spaced every thirty-five feet, shrubs spaced no more than four feet apart on average, and ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.
4. Alternative parking/landscaping plan. The city understands the physical constraints imposed upon small parking lots and encourages alternative designs for parking lots of less than ten parking stalls. The community development director may approve an alternative parking lot/landscaping plan with variations to the parking dimensions and landscaping standards for off-street parking. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while retaining landscaping to the quantity and quality found within parking lot landscaping requirements. The landscaping plan shall be prepared by a licensed landscape architect.
 5. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.
 6. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade.
 7. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.

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.
 9. Landscaped areas shall include irrigation systems.
 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.
 11. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.
 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;
- C. Installation.
1. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.
 2. The site, soils and proposed irrigation systems shall be appropriate for the healthy and long-term maintenance of the proposed plant species.
 3. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the city, such as the posting of a surety.
- D. Maintenance.
1. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of 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.
 2. 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.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response:

Perimeter Landscaping: Trees will be spaced a maximum of thirty-five feet apart. An evergreen hedge, where applicable, will be placed parallel to entry roads to screen parking areas. Ground cover will cover one hundred percent of the exposed ground. The perimeter landscaping meets the requirements of the OCMC.

Parking/Building Buffer Landscaping: Parking areas will be separated from the exterior wall of a structure with trees. Shade trees will be spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells. The parking/building buffer landscaping meets the requirements of the OCMC.

Interior Parking Lot Landscaping: The Applicant is seeking an adjustment specifically for the interior of the parking areas. The plan identifies several large low impact development swales dispersed throughout the parking field. The swale is a narrow, gently sloping, landscape area that collects and conveys storm water runoff. The entire area, including the slopes and treatment areas, is planted with vegetation appropriate for the soil conditions. These areas will meet the intent of the low impact design through the incorporation of landscaping water quality strips. Additionally, these low impact treatments will improve water quality on the site.

Parking/Landscape Plan Adjustment. The following items are requested for adjustment:

- 1) Adjustment to the percentage of overall landscape area within the parking field is required: Code requires 10% of the parking area to be landscaping. The proposed landscape plan illustrates 6.7% which is an increase from the 4.5% that currently exists. Given the fact that this is a redevelopment of an existing use, the proposed landscape plan brings the site in to closer conformance with the required development standards.
- 2) Adjustment of the number of required landscape trees in the interior parking field: Code requires 1 tree for every 6 parking spaces. Given the nature of the use (i.e. parking for grocery/retail), the landscape planter islands have been rotated to facilitate the incorporation of low impact design ("LID") infiltration swales. The proposed layout also promotes efficient maintenance of the grocery parking fields. Due to the rotation of the landscape planter islands, the tree spacing has been modified. This has resulted in a slight reduction in the number of trees required to meet standard. The Applicant is proposing 1 tree for every 6.9 parking spaces, rather than 1 tree for every 6 parking spaces as the Code calls for. The placement of the trees still fulfills the intent of the tree requirement by providing shade trees at intervals that are distributed throughout the interior parking field. This modification

meets the intent of the guideline and provides the additional benefit of incorporating storm water infiltration in to the interior parking lot design.

- 3)** *Adjustment of the requirement to provide a planter strip within the parking field. Code requires a planter to be placed at intervals of no more than 8 contiguous spaces. Again, the proposed layout facilitates the incorporation of LID infiltration swales, promotes efficient maintenance of the grocery parking field, and exceeds the required interior parking area landscape requirements by at least 13% within the development area. Additionally, the LID infiltration swales improve water quality. This adjustment meets the intent of the guideline.*
- 4)** *Adjustment to the mix of Deciduous and Evergreen Trees. Due to the nature of the use (i.e. parking for grocery/retail), the proposed landscape materials consist mostly of deciduous trees that are dispersed throughout the parking field. Because of the low branching structure of evergreen trees, deciduous trees are better suited for parking areas and provide broader canopies for shade. This modification better meets the intent of the guidelines.*
- 5)** *Adjustment of the standard parking dimensions. Standard spaces for 90 degree parking stall are required to be 9' wide by 19' long and 60 degree parking stalls are required to be 9' wide by 21' long. Compact spaces for 90 degree parking stalls are required to be 8' wide by 16' long and 60 degree parking stalls are required to be 8' wide by 17.9' long. The Applicant is seeking a modification to allow some variations on the length of stalls as illustrated on the Detailed Development Plan.*

The adjustments being sought meet the intent of the design standards and are consistent with the purpose of the guidelines that are being modified. The adjustments being sought are all minimal adjustments and vary from the Code requirements only slightly. The site constraints and parking demands for the current and planned uses make it imperative that the Applicant have the most efficient parking plan possible. By adjusting the criteria slightly as explained above, the Applicant can provide the required parking while at the same time providing a well landscaping parking lot interior that also provides improvements to water quality and a softened parking lot area that is inviting to pedestrians. Additionally, shade and visually softened parking fields create a pleasant area for visitors to the site. The adjustment criteria are addressed more specifically below in Section 17.65.070. Through satisfaction of the adjustment criteria, this criterion is satisfied.

All landscaped areas will include irrigation systems. Refer to Section 3 - Site Drawing, Sheet L1.0 through L4.0 – Landscape Plans for further information. These criteria are been satisfied.

17.62. Site Plan and Design Review

17.62.010 - Purpose.

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

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The Applicant acknowledges the purpose of the site plan and design review process. The proposed development plan will comply with established procedures and standards of this section.

17.62.015 - Modifications that will better meet design review requirements.

The review body may consider modification of site-related development standards. These modifications are done as part of design review and are not required to go through the variance process pursuant to Section 17.62.020. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the variance process pursuant to Section 17.62.020. Modifications that are denied through design review may be requested as variance through the variance process pursuant to Section 17.62.020. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. The modification will result in a development that better meets design guidelines; and
- B. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The Applicant is seeking adjustments rather than modifications through the applicable adjustment process at Section 17.65.070 as part of the Detailed Development Plan. Therefore, this criterion is not applicable.

17.62.020 – Pre-application conference.

Prior to filing for site plan and design review approval, the applicant shall confer with the community development director pursuant to Section 17.50.030. The community development director shall identify and explain the relevant review procedures and standards.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: In accordance with this section, a pre-application conference was held with Oregon City staff on February 23, 2010. At this time, City staff indicated that the proposed development would be processed through a Type III procedure.

Refer to Section 4 - Appendices, Exhibit F - Pre-Application Conference Summary/Notes for more information. This criterion has been satisfied.

17.62.030 - When required.

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

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: In accordance with this section of the code, a site plan and design review is required for non-residential uses in all zoned. This criterion has been satisfied.

17.62.035 - Minor site plan and design review.

This section provides for a minor site plan and design review process. This section is a Type II decision subject to administrative proceedings described in Oregon City Municipal Code 17.50. This section may be utilized as the appropriate review process only when authorized by the community development director. The purpose of this type of review is to expedite design review standard for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

- A. Generally. Minor site plan and design review applies to the following uses and activities:
1. Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).
 2. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.
 3. Other land uses and activities may be added if the community development director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.

Applicant's Response: Because the proposed Detailed Development Plan includes the construction of a new building, it does not meet the thresholds for a minor site plan and design review. Therefore, this criterion is not application to this application.

- B. Application. The application for the minor site plan and design review shall contain the following elements:
1. The submittal requirements of Chapter 17.50.
 2. A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in Section 17.62.035C. below.
 3. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
 4. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
 5. Additional submittal material may be required by the community development director on a case-by-case basis.

Applicant's Response: Again, because the proposed Detailed Development Plan involves the construction of a new building, it does not meet the thresholds for a minor site plan and design review. Therefore, this criterion is not application to this application.

- C. Development Standards for Minor Site Plan and Design Review.
1. All development shall comply with Section 17.62.050A.(1.—6. and 8.—15.) when deemed applicable by the community development director. The community development director may add conditions of approval to ensure the proposed modification meets the requirements and standards of site plan and design review.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The proposed Detailed Development Plan does not meet the thresholds for a minor site plan and design review. Therefore, this criterion is not applicable to this application.

17.62.040 - Plans required.

A complete application for site plan and design review shall be submitted. Except as otherwise in subsection I of this section, the application shall include the following plans and information:

- A. A site plan or plans, to scale, containing the following:
1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;

Applicant's Response: *A vicinity map showing streets and access points is contained within the application submittal.*

Refer to Section 3 - Site Drawings, Sheet CS – Cover Sheet for additional information. Also refer to Section 3 - Site Drawings, Sheet 4.0 – Preliminary Site Circulation Plan for additional information. This criterion has been satisfied.

2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;

Applicant's Response: *The size, dimensions, and zoning of each lot on the subject property can be found on Sheet 1.0 and 2.0 along with information on adjacent properties. This criterion has been satisfied.*

3. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent;

Applicant's Response: *Contour lines at one foot intervals are contained within the application submittal on sheet C2.0. This criterion has been satisfied.*

4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:
 - a. Areas indicated on floodplain maps as being within the one hundred-year floodplain,
 - b. Unstable slopes, as defined in Section 17.44.020,
 - c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;

Applicant's Response: *There are no natural hazards within the boundaries of the property or within 100 feet of the boundaries of the site. Therefore, this criterion is not applicable to this application.*

5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;

Applicant's Response: *One natural resource area exists on the site along the southern edge of the property as shown on Sheet C2.0. Also refer to Section 4 – Appendices, Exhibit N – Site Assessment/Wetland Determination Memorandum for boundaries of the natural resource area. The natural resource areas within one hundred feet of the boundaries of the site include a small number of resources along with*

western edge of the site and can be found on the Concept Plan Drawing Sheet C3.0. This criterion has been satisfied.

6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;

Applicant's Response: There are no historic or cultural resources within the boundaries of the Detailed Development Plan or 100 feet of the boundaries of the site. Therefore, this criterion is not applicable to this application.

7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty-five feet of the site, and the current or proposed uses of the structures;

Applicant's Response: The location, dimensions, and setback distances of all existing permanent structures are contained within the application submittal.

Refer to Section 3 - Site Drawings, Sheet C2.0 – Existing Conditions Plan for additional information. This criterion has been satisfied.

8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;

Applicant's Response: The location, dimensions and square footage, building orientation, and setback distances of proposed structures are contained within the application submittal.

Refer to Section 3 - Site Drawings, Sheet C5.0 – Detailed Development Plan for additional information. This criterion has been satisfied.

9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;

Applicant's Response: The location, dimensions, names of all existing streets, and other landmarks, as required by this section, are contained within the application submittal.

Refer to Section 3 - Site Drawings, Sheet C2.0 – Existing Conditions Plan for additional information. This criterion has been satisfied.

10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;

Applicant's Response: *There are no public streets proposed as part of this application. All other public ways, sidewalks, bike routes, etc. are shown within the application submittal.*

Refer to Section 3 - Site Drawings, Sheet C5.0 – Detailed Development Plan for additional information. This criterion has been satisfied.

11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title;

Applicant's Response: *All parking, circulation, loading, and servicing areas are contained within the application submittal.*

Refer to Section 3 - Site Drawings, Sheet C5.0 – Detailed Development Plan for additional information. Also refer to Section 3 - Site Drawings, Sheet C4.0 – Preliminary Site Circulation Plan for additional information. This criterion has been satisfied.

12. Site access points for automobiles, pedestrians, bicycles and transit;

Applicant's Response: *Site access points for automobiles, pedestrians, bicycles, and transit are contained within the application submittal.*

Refer to Section 3 - Site Drawings, Sheet C5.0 – Detailed Development Plan for additional information. Also refer to Section 3 - Site Drawings, Sheet C4.0 – Preliminary Site Circulation Plan for additional information. This criterion has been satisfied.

13. On-site pedestrian and bicycle circulation;

Applicant's Response: *On-site pedestrian and bicycle circulation are contained within the application submittal.*

Refer to Section 3 - Site Drawings, Sheet C5.0 – Detailed Development Plan for additional information. Also refer to Section 3 - Site Drawings, Sheet C4.0 – Preliminary Site Circulation Plan for additional information. This criterion has been satisfied.

14. Outdoor common areas proposed as open space;

Applicant's Response: *There are no outdoor common areas proposed as open space within the boundaries of the Detailed Development Plan. Therefore, this criterion is not applicable to this application.*

15. Total impervious surface created (including buildings and hard ground surfaces).

Applicant's Response: *Within the Detailed Development Plan, the total new impervious surface being created is equivalent to 35,370 square feet.*

Refer to Section 3 - Site Drawings, Sheet C8.0 – Preliminary Composite Utility Plan for additional information. This criterion has been satisfied.

16. The proposed location, dimensions and materials of fences and walls.

Applicant's Response: The proposed location, dimensions, and materials of walls are contained within the application submittal.

Refer to Section 3 - Site Drawings, Sheet C5.0 – Detailed Development Plan for additional information. Also refer to Section 3 - Site Drawings, Sheet C6.0 – Preliminary Grading and Drainage Plan for additional information. This criterion has been satisfied.

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

Applicant's Response: A landscape plan illustrating the location and type of vegetation proposed to be removed, the location and design of proposed landscaped areas, the varieties, sizes, and spacing of trees and plant materials to be planted on the site, other pertinent landscape features, and an irrigation system required to maintain plant materials, are included in the application materials for the proposed Detailed Development Plan.

Refer to Section 3 - Site Drawings, Preliminary Landscape Plans for additional information. This criterion has been satisfied.

- C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction.

Applicant's Response: Architectural floor plans and elevations illustrating the exterior materials, grades, and accessory improvements are included in the application materials.

Refer to Section 3 - Site Drawings, In Line Retail and Grocery Architectural Floor Plans and Elevations for additional information. This criterion has been satisfied.

- D. A materials board, no longer in size than eight and one-half inches by fourteen inches clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures.

Applicant's Response: A materials board depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures is included in the application materials.

Refer to Section 4 - Appendices, Exhibit Q – Grocery Material Board and Exhibit R – In Line Retail Materials Board for additional information. This criterion has been satisfied.

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

Applicant's Response: In accordance with this section, a preliminary erosion/sedimentation control plan illustrating location of drainage patterns and drainage courses on and within one hundred feet of the project boundary.

Refer to Section 3 - Site Drawings, Sheet C6.0 - Preliminary Grading and Erosion and Sediment Control Plan for additional information. This criterion has been satisfied.

- F. The legal description of the site.

Applicant's Response: A legal description of the property is included in the application materials.

Refer to Section 4 - Appendices, Exhibit B - Preliminary Title Report for additional information. This criterion has been satisfied.

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

Applicant's Response: In accordance with this section, a preliminary Site Lighting Plan showing type, height, and area of illumination is included in the application.

Refer to Section 3 - Site Drawings, Site Lighting Plan for additional information. This criterion has been satisfied.

- H. Such special studies or reports as the community development director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The community development director shall require an applicant to submit one or more development impact statements, as described in Section 16.12.050, upon determination that (1) there is a reasonable likelihood that traffic safety or capacity improvements may be required; (2) the proposal could have significant adverse impacts on identified natural resource areas, including areas designated as being within the natural resources overlay district; or (3) the proposal would be located on or could have significant adverse impacts on natural hazard areas, including the geologic hazard and flood plain overlay districts. The community development director shall determine which types of development

impact statements are necessary and provide written reasons for requiring the statement(s). The development impact statements shall include the information described in Sections 16.12.070, 16.12.080, and 16.12.120 [and this Section] 17.62.040.

Applicant's Response: Special studies or reports that are required to ensure that the proposed development does not adversely affect the surrounding community or identified natural resources will be prepared, as necessary, at the request of the City.

Refer to Section 4 - Appendices, Exhibit L - Geotechnical Report and Exhibit N – Site Assessment/Wetland Determination for additional information. This criterion has been satisfied.

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

1. The community development director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the community development director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter is forwarded to the planning commission for initial review, the information required by this paragraph shall be included in the staff report;
2. The community development director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance. If additional information is required, the community development director shall, in the decision, explain the reasons for requiring the additional information.

Applicant's Response: The Applicant acknowledges that the City may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. This criterion has been satisfied.

J. If the applicant has not already done so as some other part of the land use review process, the applicant shall submit an erosion control plan that complies with the applicable requirements of Chapter 17.74 of this Code.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The Applicant, as part of the submittal requirements, will provide a Preliminary Grading and Erosion and Sediment Control Plan.

Refer to Section 3 - Site Drawings, Sheet C6.0 - Preliminary Grading and Erosion and Sediment Control Plan for additional information. This criterion has been satisfied.

17.62.050 - Standards.

A. All development shall comply with the following standards:

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's Response: A complete Traffic Impact Analysis (TIA) has been prepared for the proposed development which addresses the transportation systems capability and any impacts on the current levels of service. See below at Section 17.65.050.2 for a more detailed discussion of the TIA. Also refer to Section 4 -Appendices, Exhibit J – Traffic Impact Analysis Report for additional information. This criterion has been satisfied.

1. Landscaping, A minimum of fifteen percent of the lot area being developed shall be landscaped. Natural landscaping comprised of native species shall be retained to meet the landscaping requirement. All invasive species, such as Himalayan Blackberry and English Ivy shall be removed on-site prior to building final. 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. 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. 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. For properties within the downtown design district, and for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the fifteen percent requirement. Landscaping also shall be visible from public thoroughfares to the extent practicable. Interior shall not be counted toward the fifteen percent minimum.

Applicant's Response: *In accordance with this section of the code, a minimum of 15% of the proposed Concept Development Plan and Detailed Development Plan will be landscaping. In accordance with this section of the code, the Applicant proposes a total of 16.8% of the Detailed Development Plan will be landscaping. Therefore, this criterion is satisfied.*

Refer to Section 3 - Site Drawings, Preliminary Landscape Plan for additional information. Also refer to EX2.0 for information on compliance of the individual standards. This criterion has been satisfied.

2. Vehicular Access and Connectivity.

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

Applicant's Response: *The Applicant proposes parking both behind and on both sides of the buildings, as well as in front of the building. Because of the unique nature of the site and the site constraints along Beavercreek Road, the Applicant has introduced an internal private street grid. This grid provides a pedestrian scale street grid on the interior of the site (roughly the same dimensions as a city block in downtown Oregon City). The main parking field sits behind the building on the interior of the site and intersected by the private street grid. Additional parking is provided on the east side of the new building.*

The Applicant seeks an adjustment to this standard to allow parking on all sides of the building. The front parking along Beavercreek Road is a small parking field and utilizes the space over the city Sewer easement. Because the easement does not allow a building over it, the construction of parking fields, landscaping and pedestrian plazas are proposed. This is the most practical way in which to use the City sewer easement property in an efficient and useful manner to serve the site.

Parking behind the building will serve the new grocery as well as the in-line retail shops. Please see Section 17.65.070 for a response to the adjustment criteria. Through compliance with the adjustment criteria, this criterion is satisfied.

- 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.

Applicant's Response: The project is not in any of the above listed districts, so this criterion is not applicable..

- d. 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.

Applicant's Response: The access points on all corners are away from the street intersection, so this criterion is satisfied.

- e. Sites abutting an alley shall be required to gain vehicular access from the alley.

Applicant's Response: This criterion is not applicable.

- f. Where no alley access is available, the development shall be configured to allow only one driveway per frontage. Shared driveways shall be required as needed to accomplish the requirements of this section. The driveway shall be located to one side of the lot and away from the center of the site. 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.

Applicant's Response: The large existing lot and the access spacing is approved through the TIA and the City. The features outlined above related to the location and design of pedestrian access is complied with through emphasized sidewalks, distinguishable from vehicle access and use of paving, lighting and architectural treatments.

- g. Development of large sites (more than two acres) shall be required to provide existing or future connections to adjacent sites through the use of a vehicular and pedestrian access easements where applicable.

Applicant's Response: Vehicle parking and connectivity has been addressed in the Concept Development Plan and Detailed Development Plan. Because the adjacent properties are already developed, there is no opportunity to provide connections to adjoining properties.

As depicted on the Detailed Development Plan, the new grocery building and restaurant pad front an internal private street providing principal east-west vehicular and pedestrian connectivity through the site. Primary parking for the new grocery building and restaurant pad is located immediately opposite the

internal private street with ancillary parking distributed proportionally along the side and rear (east and south) of the grocery building for the proposed in-line commercial retail.

Refer to Section 3 - Site Drawings, Sheet C3.0 – Preliminary Concept Development Plan and Sheet C5.0 – Preliminary Detailed Development Plan for additional information. Also refer to EX1.0 for information on compliance of the individual standards. This criterion has been satisfied.

- h. 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.
- i. 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.

Applicant's Response: The Sections (h) and (i) are not applicable.

- 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 façades or decking shall be prohibited.

Applicant's Response: In accordance with this section of the code, building design has been addressed in the In Line Retail and Grocery Architectural Floor Plans and Elevations.

The north elevation of the structure (the primary grocery façade) creates a strong, pedestrian-oriented entry along the primary east-west internal private street, including an enhanced outdoor plaza/outdoor seating area beneath a structured pergola/canopy located along the grocery's entry façade and a landscaped plaza/outdoor seating area at the northeast corner of the proposed building. The "pavilion" language of the primary grocery façade is integrated along the west (loading area) façade as the building integrates into an additional pedestrian plaza/outdoor seating area linked directly to the Beaver Creek right-of-way. The in-line retail shops facing south and east continue the complimentary use of material, color and architectural elements to complete the urban, pedestrian-scaled access walkway that re-engages with the internal private street. All four (4) building elevations are architecturally developed in a complementary manner in accordance with this code section.

Refer to Section 3 - Site Drawings, Sheets A2.1 thru A2.3 – In Line Retail and Grocery Architectural Elevations for additional information. Also refer to Section 4 - Appendices, Exhibit Q– Grocery Materials Board for information on compliance of the individual standards. This criterion has been satisfied.

- 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.

Applicant's Response: The proposed development is not located within the McLoughlin Conservation District, Canemah National Register District or the Downtown Design District. Therefore, this criterion does not apply to this application.

- 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's Response: Again, the proposed development is not located within a historic district. Therefore, this criterion does not apply to this application.

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

Applicant's Response: Grading has been designed in accordance with the requirements of Chapter 15.48 and will meet the standards for public storm water and grading.

Refer to Section 3 - Site Drawings, Sheet C6.0 – Preliminary Grading and Erosion and Control Plan for additional information. This criterion has been satisfied.

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

Applicant's Response: There are no geologic hazards within the boundaries of the Detailed Development Plan. Therefore, this criterion is not applicable to this application.

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's Response: Drainage has been designed in accordance with the City's Drainage Master Plan, Chapter 13.12 and the public works storm water and grading standards.

Refer to Section 3 - Site Drawings, Sheet C8.0 – Preliminary Composite Utility Plan for additional information. This criterion has been satisfied.

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

Applicant's Response: Parking has been addressed in the Concept Development Plan and Detailed Development Plan.

Refer to Section 3 - Site Drawings, Sheet C3.0 – Preliminary Concept Development Plan and Sheet C5.0 – Preliminary Detailed Development Plan for additional information. This criterion has been satisfied.

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's Response: Sidewalks/curbs and access driveways/streets have been designed to meet or exceed the intent of the City's Transportation Plan and Street Design Standards.

Either side of the primary east-west internal private street grid fronting the grocery entry façade provides a defined, protected pedestrian zone within a 'private street' configuration to safely accommodate both grocery store customers and cross-site pedestrian access. The Applicant requests that the community development director allow for an alternative private street configuration in this pedestrian zone that is not typical of street standards but allows grocery shoppers with loaded carts to leave the store and take cars directly across the vehicular drive to the parking aisles and their vehicles. Along the new private street there are multiple elements that provide vehicular separation and protection to the pedestrian as described below.

Along the new east-west internal private street, which establishes a principal vehicular and pedestrian circulation route for the development, multiple elements identify the vehicular separation from the protected pedestrian circulation zones. Bollards, landscaping and pergolas will provide vertical

definition and delineation of pedestrian zones. Differing pavement color, joint patterns and/or textures including a highly textured pavement section for the pedestrian crossings are proposed as traffic calming elements within the 'private street' configuration.

Because the alternative plan provides adequate protection to pedestrians the criterion is met.

Refer to Section 3 - Site Drawings - Sheet C5.0 – Preliminary Detailed Development Plan for additional information. Also refer to Section 3 - Site Drawings - Sheets A1.0 thru A1.3 – Site, Grocery and In-Line Retail Floor Plans. This criterion has been satisfied.

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.

Applicant's Response: The proposed project has three main pedestrian connections between the two main streets (Molalla and Beavercreek). Each pedestrian connection is well-marked and protected through a variety of design elements to allow the pedestrian to circulate throughout the site in a direct, safe and efficient manner.

The first pedestrian connection is along the private internal street grid from Molalla Avenue to the northwest corner of the new building. Once at the northwest corner of the new building, the pedestrian enters a pedestrian plaza with seating amenities. This establishes the major pedestrian connection at the northwest corner of the building towards the nearest transit street. From this location, the pedestrian can continue along the generous 12-foot to 15-foot wide pedestrian-scaled, tree lined walkway to the entrance to the grocery store. Alternatively, the pedestrian can head south along the in-line retail building. Heading south the pedestrian can access all tenants from the continued generous tree-lined walkway linking the in-line retail shops to the grocery primary entrance. As the pedestrian travels to the southwestern edge of the new building the second connection to the next transit street is found. At the southwest corner of the new building a direct sidewalk linkage will take the pedestrian directly to Beavercreek Road via a pedestrian plaza with natural grass landscaping, a decomposed granite path, benches and a final linkage to the transit bus stop along Beavercreek. This landscaped pedestrian plaza is the second pedestrian connection on the site and provides direct linkage to Beavercreek Road. Finally, a third pedestrian connection is found traveling to the southeastern corner of the new building at the end of the in-line retail shops. Here, a third pedestrian plaza is located with raised

concrete walls, restaurant seating and a connection to Beavercreek where the internal private north/south street grid connects to Beavercreek Road. This pedestrian plaza is immediately adjacent to the in-line retail shops and provides a protected pedestrian area that directly links to Beavercreek.

The multiple pathways linking the main building entrances to the street provide a safe and convenient avenue for pedestrians to access the site. This criterion has been satisfied.

- 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.

Applicant's Response: As discussed directly above, the pedestrian circulation system connects all main entrances on the site. This criterion has been satisfied.

- 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.

Applicant's Response: There are no dwelling units located within the boundaries of the Detailed Development Plan. Therefore, this criterion is not applicable to this application.

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

Applicant's Response: In accordance with this section, the pedestrian circulation system connects with main entrances of adjacent buildings within the Concept Development Plan boundaries. Specifically, the internal private east/west street grid provides a dedicated pedestrian connection between Molalla Avenue and the grocery store and the theater. The north/south connection provides a dedicated pedestrian connection between Bugatti's restaurant, the grocery store and the in-line retail tenants. Connections are also made to McDonalds and Key Bank through the east/west connection on the internal private street grid. The site is well-served with a variety of pedestrian connections both on the interior and perimeter of the site. This criterion is satisfied.

- 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.

Applicant's Response: The pedestrian circulation system connects the principal building(s) entrance with buildings on adjacent commercial sites through the use of contiguous perimeter sidewalks along Warner Milne Road, Molalla Avenue and Beavercreek Road. Specifically, a pedestrian can leave the main grocery entrance and travel on dedicated pedestrian sidewalks on the internal private east/west street grid to Molalla Avenue, Beavercreek Road or Warner Milne Road. From any of these public streets a perimeter sidewalk can be traveled to adjacent developments. This criterion is satisfied.

- 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.

Applicant's Response: Sidewalks along the in-line retail create a generous walkway surface for pedestrian activity and range from 12 to 15 feet in width. The parallel walkways on either side of the new east-west internal private street grid in front of the grocery area are marked with bollards, landscaping and a trellis/pergola creating a well defined, safe pedestrian circulation zone. Along the east-west street grid differing pavement color, joint patterns and/or textures including a highly textured pavement section for the pedestrian crossings are proposed as traffic calming elements within the internal private street grid configuration. All sidewalks bordering parking include a curb stop to provide separation from autos and where the walkways border auto traffic the use of raised materials, differing paving color, join patterns and textures provide separation from auto traffic. All walkways crossing drive aisles use textured pavement to alert the driver of the pedestrian crossing. Please see Sheets C3.0 and C5.0 for a detailed illustration. This criterion is satisfied.

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's Response: The Applicant understands that maintenance for the items noted in this section will be the responsibility of the owner and will be accounted for in the yearly maintenance budget.

11. Site planning shall conform to the requirements of Oregon City Municipal Code Chapter 17.41—Tree Protection.

In accordance with this section of the code, all site planning will conform to the requirements of Section 17.41 – Tree Protection. Please see the tree protection plan at Sheet TP.1. This criterion is satisfied.

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's Response: The proposed development recognizes the presence of an existing storm water drainage channel and NROD along Beavercreek Road near the southern boundary of the site. The Detailed Development Plan identifies a mitigation area adjacent to the existing resource that will be enhanced with native vegetation. This is intended to protect the existing water resource and habitat in accordance with the City's Natural Resource Overlay District.

Please see the Preliminary Mitigation Plan on sheet L5.0 for additional information. This criterion has been satisfied.

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's Response: The proposed development will 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 Hilltop Center management will routinely monitor uses within the site for compliance with federal, state and local standards.

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 off-site 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's Response: There is adequate public water and sanitary sewer facilities sufficient to serve the proposed development. The Applicant has been coordinating with the City's Engineering Division to identify specific utility requirements.

Refer to Section 3 - Site Drawings, Sheet C8.0 – Preliminary Composite Utility Plan and for additional information. This criterion has been satisfied.

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.

Applicant's Response: In consultation with City staff, no public infrastructure improvements are required at this site to serve the proposed development. Therefore, this criterion has been satisfied.

16. If Tri-Met, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, bus landing pad or transit stop connection be constructed at the time of development, the review authority shall require such improvement, using designs supportive of transit use.

Applicant's Response: The Detailed Development Plan has been submitted to Tri-Met for review. Based on preliminary indications, improvements to the Tri-Met facilities are likely to include expanding the width of the paved area near the bus stop areas to eliminate the shelter encroachment on the existing sidewalk.

Refer to Section 3 - Site Drawings, Sheet C5.0 – Preliminary Detailed Development Plan and for additional information. Refer to Section 4 – Appendices, Exhibit K – TriMet Memorandum. This criterion has been satisfied.

17. All utility lines shall be placed underground.

Applicant's Response: All utility lines will be placed underground within the proposed development. Refer to Section 3 - Site Drawings, Sheet C8.0 – Preliminary Composite Utility Plan and for additional information. This criterion has been satisfied.

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.

Applicant's Response: The proposed plan provides a total of 32 ADA accessible parking spaces. Each of these spaces provides direct access to the primary building entries through a clearly defined accessible route. All site and building design will be consistent with applicable federal and state requirements.

Refer to Section 3 - Site Drawings, Sheet C5.0 – Preliminary Detailed Development Plan for additional information. Also refer to Section 3 - Site Drawings, Sheet A1.1 the grocery building perimeter and plaza plan for details and connections. The Applicant is aware of the ADA accessibility rules that require customers and employees access to the store and to allow access to all functions within the store. This criterion has been satisfied.

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

Applicant's Response: The proposed development does not include any residential dwellings. Therefore, this criterion is not applicable to this application.

20. Screening of Mechanical Equipment:

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

Applicant's Response: All mechanical units for the grocery and in-line retail shop buildings will be roof mounted and screened by either roof elements or building parapet walls. Units not screened by either the roof elements or the parapet wall will be screened with a sight obscuring enclosure in a permanent material compatible with the design of the building. Please see Sheet A2.2 and A2.3 which illustrate the site lines from the street and have dotted in the heights and

locations of the typical large mechanical equipment located on the roofs. The criterion has been satisfied.

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

Applicant's Response: There are no wall mounted mechanical units. Therefore, this criterion is not applicable to this application.

- c. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view. Such equipment and fixtures shall not be installed within one hundred feet of the intersection of two public streets to the maximum extent practicable as determined by the community development director. When this standard is deemed impracticable and placement is permitted within one hundred feet of an intersection by the community development director, such equipment and fixtures shall be fully screened with landscaping, fence or wall. Placement and type of screening shall be determined by the community development director. All mechanical equipment shall comply with the standards in this section. If mechanical equipment is installed outside of the site plan and design review process, planning staff shall review the plans to determine if additional screening is required. If the proposed screening meets this section, no additional planning review is required.

Applicant's Response: All ground- mounted utilities will be screened with landscaping to block at least eighty percent of the view.

Additionally, the proposed grocery loading area adjacent to the signalized Beaver Creek Road access driveway is similarly screened from views into the dock area from the public way. The criterion has been satisfied.

21. Building Materials.

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

[1.] Brick.

- [2.] Basalt stone or basalt veneer
- [3.] Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.
- [4.] Board and baton siding.
- [5.] Other materials subject to approval by the community development director.
- [6.] Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.
- [7.] Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

Applicant's Response: *In accordance with this section of the code, building exteriors will be constructed from high quality, durable materials listed above. Each of the buildings will utilize the materials as described below.*

In Line Retail: *The building design for the in-line retail shops proposes high quality durable materials that reflect a traditional building character. The ends of the east and south elevations will be constructed from brick wall masses to anchor the building against the grocery building mass. The selected materials are compatible with the grocery building and other existing surrounding buildings. The in-line retail will also use highly transparent glass storefronts in aluminum frames, steel canopies, metal cornices and stucco.*

Refer to Section 3 - Site Drawings, Sheet A2.3 – In Line Retail Architectural Elevations and Section 4 – Appendices, Exhibit R – In-Line Retail Materials Board for additional information.

Grocery: *Brick is used as a base wainscot material above the concrete curb base which protects the walls from cart damage. See block standards below for Block description. 'Ledgestone' is used as a pier and column wrap which highlights the entry canopies. A welded wire grill painted black and mounted approximately 4" inches from the wall is located in strategic and visually rhythmic locations. The grills are mounted above perimeter planters that allow climbing plants to grow up through them to create a valuable landscape and visual break in the massing; see wall lengths below.*

Refer to Section 3 - Site Drawings, Sheet A2.2 – Grocery Architectural Elevations and Section 4 – Appendices, Exhibit Q – Grocery Materials Board for additional information.

The criterion has been satisfied.

- b. Prohibited materials. The following materials shall be prohibited in visible locations unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.
 - 1. Vinyl or plywood siding (including T-111 or similar plywood).
 - 2. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building façade.
 - 3. Corrugated fiberglass.
 - 4. Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).
 - 5. Crushed colored rock/crushed tumbled glass.
 - 6. Non-corrugated and highly reflective sheet metal.

Applicant's Response: The design does not propose any of the above materials. This criterion has been satisfied.

- c. Special material standards: The following materials are allowed if they comply with the requirements found below:
 - 1. Concrete block. When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.

Applicant's Response: The proposed grocery structure utilizes two colors of split face block in association with a modular brick base, furred EIFS wall articulation and decorative wall grilles on the 'exposed' building elevations. The larger, non-articulated grocery building elevations are enveloped by the pedestrian-scaled, modular brick, stucco and glazed storefront massing of the in-line retail shops that abut the east and south elevations.. This criterion has been satisfied.

Refer to Section 3 - Site Drawings, Sheets A2.1 and A2.2 – Elevations and Section 4 – Appendices, Exhibit Q– Materials Board for additional information.

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

Applicant's Response: Metal siding is not proposed in the Detailed Development Plan.. Therefore, this criterion is not applicable to this application.

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

Applicant's Response: In accordance with this section of the City's code, EIFS and similar troweled finishes are to be trimmed and sheltered from extreme weather. Exterior finishes for each building are described below:

In Line Retail: Termination details for the proposed stucco wall finished into the brick wall masses will be treated with a clean water resistant sealant joint.

Refer to Section 3 - Site Drawings, Sheet A2.3 – In Line Retail Architectural Elevations and Section 4 – Appendices, Exhibit R – In-Line Retail Materials Board for additional information.

Grocery: EIFS is used as a complementary smoother building material to act as a third field color with the textured block. The EIFS is shown as "Bungalow Taupe" color which matches one of the block colors. Please see the cornice detail dimensioned on the Elevations illustrating the profile and overhangs which protect the top edge of the EIFS installation and shelters the finish from extreme weather.

Refer to Section 3 - Site Drawings, Sheets A2.1 and A2.2 – Elevations and Section 4 – Appendices, Exhibit Q – Materials Board for additional information.

The criterion has been satisfied.

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

Applicant's Response: In accordance with this section, the building surfaces will be maintained in a clean condition and painted surfaces will be maintained to prevent or repair peeling, blistered or cracking paint. This criterion has been satisfied.

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.[2]10, 17.50.[2]20 and 17.50.[2]30. 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.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The proposed development plan complies with all applicable standards.

17.62.055 - Institutional and commercial building standards.

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

Applicant's Response: In Line Retail: The retail space provides opportunities for a variety of tenants over the life of the building. The building is designed to serve a mix of different retail tenants. Generous sidewalk widths and plaza spaces provide flexible areas for pedestrian and retail activities adjacent to the building storefronts, which will encourage people to spend extended time on the site. The articulation of the drive pavement, sidewalks, transparent storefronts, canopies, tenant signage and urban landscaping in front of the grocery and in-line shop buildings promotes the notion of an urban street environment, complete with defined vehicle intersections and pedestrian crosswalks that provide safety for pedestrians.

Grocery: The grocery building is built to accommodate Safeway's current services and products. Many Safeway buildings have been occupied by Safeway for over 50 years. Although a single user may occupy the site for a long period of time, the building is designed to provide flexibility for the offering of goods and services over the life of the building. The enhanced plaza between the two large canopy and pier colonnades features seating areas, pergolas planters etc. This area of high customer traffic and windows and doors will provide a very "defensible space" with a lot of informal surveillance. The enhanced plaza will create a space of activity and interest at the intersection of public and private zones while defining and including vehicular movement for the centers customer.

The criterion has been satisfied.

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

Applicant's Response: The Applicant acknowledges that in addition to the requirements of Section 17.62.050, commercial buildings will comply with the standards of this section. This criterion has been satisfied.

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

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

Applicant's Response: Specific canopies, chamfers, screen walls and other pedestrian elements are specifically being designed for this site and local context. Additionally, this large site is broken up uniquely through the private street grid that provides a unique active pedestrian scale environment along the interior of the site as well as the perimeter. The colors, architectural elements and three pedestrian plazas will create a unique sense of place at Hilltop Mall that contributes to the uniqueness of the underlying zoning district.

Refer to Section 3 - Site Drawings, Sheets A2.1 –Grocery Elevations and Sheet A2.3 –In-Line Retail Architectural Elevations for additional information. This criterion has been satisfied.

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

Applicant's Response: The grocery building, while based on a corporate prototype, has been modified to fit the site context and to address specific Oregon City code requirements. This criterion has been satisfied.

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

Applicant's Response: The two buildings are visually stitched together through the use of brick, concrete block and metal materials on both buildings. The site is further coordinated to provide a cohesive look through the use of complimentary colors on both buildings. Although the massing of each building differs, it has similar elements that provide a cohesive look underscored by the use of color and materials. The pedestrian plazas and hardscape walks link the three active facades together. The end result of the design choices is two unique buildings that complement one another and provide a single cohesive look

that is visually and architecturally interesting. This criterion has been satisfied.

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

Applicant's Response: The Applicant understands that in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district will prevail.

5. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of 17.62.055D. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line unless a greater setback is accepted under the provisions of 17.62.055D.

Applicant's Response: In accordance with this section, sites with one hundred feet or more of frontage are required to have at least sixty percent of the frontage be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of 17.62.055D.

Due to the presence of an existing storm water maintenance easement and inventoried wetland, the only adjacent property boundary along Beavercreek Road is not suitable for development to occur within five feet of the property line.

However, the application endeavors to conform to the specified intent/purpose of Section 17.62.055 through a variety of functional and cohesive urban, pedestrian-oriented streetscapes and amenities designed to incorporate the building(s) into the surrounding urban environment. Most notably, the proposed private street grid provides a pedestrian urban environment throughout the site and provides multiple opportunities for urban design and amenities along a variety of frontages.

The existing site conditions (refer to Section 3 – Site Drawings, Sheet 2.0 – Existing Conditions Plan) reflect conditions approximating sixteen percent (16%) of the more than 2,500 linear feet of frontage occupied by buildings placed within twenty feet (20') of the property line – a generally accepted setback dimension modified by the provisions of 17.62.055D. With the existing storm water maintenance channel/easement paralleling Beavercreek Road, approximately one-half the overall frontage (1,250 linear feet) is precluded from achieving the five foot provision of this section, even after considering a reasonable setback modification per the provisions of 17.62.055D. Note: the average property line setback along Beavercreek Road is approximately forty feet (40') considering both the NROD buffer restrictions to the open-air

portions of the storm water conveyance channel and the maintenance easement for the same when the storm water is below grade in a culvert. As such, the provisions of this section would require that the remaining available frontage would require at least one-hundred twenty percent (120%) of the frontage occupied by buildings placed within five feet of the property line – (i) $60\% \times 2,500' = 1,500'$ and (ii) $1,500' / (2,500' - 1,250') = 120\%$.

To conform to the specified intent/purpose of Section 17.62.055, the Concept Development Plan (refer to Section 3 –Site Drawings, Sheet C3.0 – Concept Development Plan) introduces a private street running east-west through the property thereby connecting the occupied development frontage of the proposed grocery and restaurant buildings to the greater urban environment by way of a signalized intersection at Molalla Avenue to the east and two pedestrian plaza connections on Beaver Creek Road. The private street serves as a functional and cohesive urban element providing both principal vehicular access and pedestrian connectivity throughout the site.

The private street serves as an additional urban frontage from which primary building entrances and pedestrian-oriented streetscapes and amenities are developed. The entire grocery frontage except for the NW corner at the loading dock (width of 24' / 294' of overall length = 8% is not within the setback) is set back from the frontage along the private street.

With the exception of the proposed corner retail at the intersection of Molalla Avenue and Beaver Creek Road (refer to Section 3 –Site Drawings, Sheet C3.0 – Concept Development Plan) which abuts the public right-of-way, the grocery building, in-line retail shops and restaurant pad all represent occupied buildings within a reasonable setback from the urban frontage/private street-a setback generally modified in accordance with the provisions of 17.62.055D.

With the requested adjustment and expansion, this criterion is satisfied.

D. Relationship of Buildings to Streets and Parking.

1. Buildings shall be placed no farther than five feet from the front property line. A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:

Applicant's Response: *As discussed above, to conform to the specified intent/purpose of Section 17.62.055, the project introduces a private street grid running east-west and north/south through the property thereby connecting the occupied development frontage of the proposed grocery and restaurant buildings to the greater urban environment. The connection to the greater urban environment occurs in multiple locations by way of a signalized intersection at Molalla Avenue and two access points along both Beaver Creek Road and Warner Milne Road. Additionally, the east/west street grid ends at a pedestrian bridge*

crossing the open-air storm water conveyance channel to the west. The internal private street serves as a functional and cohesive urban element providing both principal vehicular access and pedestrian connectivity throughout the site.

The internal private street serves as an urban frontage from which building entrances and pedestrian-oriented streetscapes, parking and public amenities are developed in conjunction with similar development on Beavercreek Road. By activating three sides of the new building with urban pedestrian oriented streetscapes, the project is able to capitalize on the size and unique nature of the site and use the opportunity to create a significant sense of place throughout the interior and perimeter of the site. Rather than a single frontage along Beavercreek, that would ultimately leave the large interior of the site inactive, the private street grid activates a much larger portion of the site and allows active uses throughout the 20 acre area.

The grocery, in-line retail shops and restaurant pad are setback approximately twenty feet (20') from the developed private street frontage. According to this criterion, the twenty-foot setback is allowed so long as no fewer than three (3) of the elements outlined in Section 17.62.055D below are met. The proposed development plan easily satisfies this criterion by providing six (6) of the following amenities elements:

- a. Tables, benches or other approved seating area.

Applicant's Response: *The three pedestrian plazas each provide tables and/or benches. The eastern Beavercreek plaza provides raised concrete walls with seating as well as café tables. The western Beavercreek plaza provides a natural landscape area and decomposed granite path with two benches which will serve the transit stop and the development. Finally, the internal pedestrian plaza near Safeway provides seating along raised concrete landscape planters and provides space for café tables. Additionally, the pergola area in front of the Safeway building also provides café table seating. This element is satisfied.*

- b. Cobbled, patterned or paved stone or enhanced concrete.

Applicant's Response: *Textured concrete is provided throughout the pedestrian connections on the site. Textured walkways exist at both Beavercreek Road connections as well as at multiple crossings over the internal private street grid. Please see Sheet C3.0 for a full illustration of each pedestrian connection using enhanced concrete. This element is satisfied.*

- c. Pedestrian scale lighting.

Applicant's Response: *The lighting plan within the pedestrian connections surrounding the building provide pedestrian scale wall fixture locations as well as some general down-lighting at the seating areas. Additionally, the walkway adjoining the in-line retail buildings incorporates a pedestrian-scaled light standard in*

addition to wall-mounted sconce fixtures. The result of the pedestrian scale lighting is a friendly urban environment that is inviting to pedestrians both day and night. Please see Sheet LT1.0 for further illustrations of the pedestrian scale lighting. This element is provided.

- d. Sculpture/public art.
- e. Fountains/Water feature.
- f. At least twenty square feet of landscaping or planter boxes for each tenant façade fronting on the activity area.

Applicant's Response: *A series of planter boxes and side planter wells adjacent to the grocery store front provide approximately 48 square feet of planter wells and approximately 70 square feet of planter boxes for the grocery façade. Please see Sheet A1.1 – Grocery Building Plan and Plaza Plan for additional information. This element is provided. Additionally a series of sidewalk tree wells are placed throughout the frontage of the in-line retail shops. This amounts to approximately 293 square feet of landscaping on the in-line retail shops. There are maximum of 12 potential tenants in the in-line retail shops, which amounts to a total of 240 required square footage of planters. The Applicant satisfies the criterion by providing 293 square feet at the in-line retail shops and 118 square feet at the Safeway façade.*

- g. Outdoor café.

Applicant's Response: *Two outdoor café areas are proposed. One outdoor café is provided at the Safeway frontage and detailed schematics of the outdoor café can be found at Sheets A1.1, A1.2 and A1.3 – Enlarged Site Plan. Additionally, the eastern Beavercreek pedestrian plaza uses scored concrete to provide 3' round café tables for an outdoor café activated by the end user on the in-line retail space. This element is provided.*

- h. Enhanced landscaping additional landscaping.

Applicant's Response: *Enhanced landscaping is provided in the three pedestrian plazas. The pedestrian plaza detail can be found at Sheet A1.3. Two of the plazas have enhanced landscaping by way of planter boxes that provide landscaping as well as seating. Along the Beavercreek Road frontage enhanced landscaping engages the right-of-way and incorporates a sculpted land-form pattern across the previously noted storm water maintenance easement while encouraging pedestrian access to/from the transit street. Additionally the third pedestrian plaza at the Beavercreek transit stop uses enhanced landscaping through natural grasses and a decomposed granite pathway to provide an urban park setting with benches for pedestrian visitors.*

- i. Other elements, as approved by the community development director, that can meet the intent of this section.

Applicant's Response: *The Applicant requests that the community development director approve the use of the internal private street grid as an additional element to mitigate the impact of the increased setback from Beavercreek Road. Due to the site constraints discussed herein, the frontage on Beavercreek is not usable for development. By creating the street grid, the Applicant has created a smaller block system of the same scale as downtown Oregon City. By breaking up the site into an urban grid, the project activates the new building on all sides and on three sides provides urban pedestrian-oriented development. Through the use of the street grid and associated pedestrian walkways, the site creates multiple urban streetscapes that meet the intent of the five feet setback requirement. Furthermore, the use of the grid actually results in greater meeting the code by providing a sense of place that amounts to not just one urban pedestrian-oriented façade in front of inactive space, but instead activates the majority of the site in the manner contemplated by the five feet setback criteria.*

2. The front façade shall be oriented toward the street and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

Applicant's Response: *For this multi-tenant development a number of front faces are proposed. The Applicant proposes multiple front facades facing both the internal private street grid and the frontage along Beavercreek. In accordance with this section each of the front façades will face a street (either the internal private street or Beavercreek) and be accessible from the sidewalk. Detailed conformance to this requirement is addressed below:*

In Line Retail: *In-line retail storefronts face the Molalla Avenue and Beavercreek Road street frontages. Retail shop entries are accessed from multiple ADA accessible paths from the public way via generous concrete sidewalks and the three pedestrian plaza connections along Beavercreek Road and Molalla Avenue. Retail shop entries are highly visible, defined with large expanses of transparent glass display windows and steel canopy sheltering elements.*

Grocery: *The primary grocery façade faces the new private street and the main entrance to the grocery is accessed from the same 'private street'/pedestrian plaza. Pedestrian connections are made on both sides of the private street with sidewalk connections extending to Molalla Avenue on the west edge and to Beavercreek through a series of connecting sidewalks along the in-line retail and the pedestrian plazas along Beavercreek.*

This criterion has been satisfied. The Applicant notes in the alternative that although not necessary pursuant to the Applicant's analysis of the code, if City staff requires the main anchor tenant frontage face Beavercreek Road (rather than to satisfy this criterion in the manner explained above) that the Applicant

seeks an adjustment to this criterion below pursuant to Section 17.65.070 below. However, because the new development has multiple active sides and only one frontage, it is necessary for some of the multiple frontages to face the internal private street. The use of the internal private street grid meets the intent of the code, allowing the site to be more active on multiple frontages and satisfies this criterion.

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

Applicant's Response: *Multiple primary entrances are proposed for this multi-tenant project. All entrances face either Beavercreek Road or the private street. As discussed above, the private street acts to break-up the large site and provide multiple pedestrian-oriented active urban streetscapes. The building entrances detailed in the proposed Detail Development Plan are clearly defined, highly visible and recessed or framed by no fewer than ten (10) of the elements outlined in this section. Each building entrance contributes to the active nature of the site and when taken as a whole relate directly to the surrounding transit streets.*

In Line Retail: *In-line shop storefronts face the Molalla Avenue and Beavercreek Road Street frontages. Shop entries are accessed from multiple ADA accessible paths from the public way via generous concrete sidewalks. Shop entries are highly visible, defined with large expanses of transparent glass display windows and steel canopy sheltering elements. The plan provides for appropriately scaled plaza spaces adjacent to each of the in-line shop building brick masses. Each pedestrian plaza provides integral low sitting walls and the opportunity for tenants to use the spaces for outdoor seating/patios. The in-line retail building(s) incorporate seven (7) of the elements outlined in this section, which allow an active entranceway feature throughout the in-line retail buildings..*

Grocery: *The Safeway entranceways are set backed under a solid gable canopy pavilion acting as the shelter element. Two primary customer doors open out to the plaza, which become a public walkway. The grocery building incorporates nine (9) of the elements outlined below in this section, which are intended to create architectural significance along the entryway to the Safeway store.*

All elements addressed below are illustrated in greater detail on Sheets A1.1 through A2.3. This criterion has been satisfied. The Applicant notes in the alternative that if City staff requires each entrance to face Beavercreek rather than to satisfy this criterion through the use of the internal private street grid, then Applicant seeks an adjustment to this criterion pursuant to Section

17.65.070 below. However, because the new development cannot front three major streets due to existing development and various other site constraints discussed herein, the use of the internal private street grid meets the intent of the code and satisfies this criterion.

- a. Canopies or porticos;

Applicant's Response: *The entryway provided to each retail establishment at both the grocery site and the in-line retail shops incorporates either a projecting steel canopy or structured portico.*

- b. Overhangs;

Applicant's Response: *At the grocery entrance, the colonnades along the internal private east-west private street create 20' overhangs at the grocery building.*

- c. Recesses/projections;

Applicant's Response: *Both the grocery building and the in-line retail building incorporate a variety of wall recesses and projections.*

- d. Arcades;

Applicant's Response: *The two primary gabled entry pavilions at the grocery building have four large piers creating an arcade effect.*

- e. Raised corniced parapets over the door;

Applicant's Response: *The two primary gabled entry pavilions at the grocery building provide raised corniced parapets over the doors to create a strong landmark over the two entryways.*

- f. Peaked roof forms;

Applicant's Response: *The two primary gabled entry pavilions at the grocery building create peaked roof forms. The peaked roof forms create a strong landmark over the door.*

- g. Arches;

- h. Outdoor patios;

Applicant's Response: *Multiple outdoor patios are proposed at both the grocery building and at multiple locations along the in-line retail. Specifically, outdoor patios are provided in the pergola area in front of the Safeway building, at the eastern corner of the new building where the in-line retail shops and the Safeway building intersect, and at the far western edge of the in-line retail shops at the Beavercreek frontage.*

- i. Display windows;

Applicant's Response: Display windows are incorporated into both the Safeway building and the in-line retail building.

- j. Architectural details such as tile work and moldings which are integrated into the building structure and design;

Applicant's Response: On the grocery building, the modular brick and/or "ledgestone" base and repeating trellis elements over the seating and entries satisfy the stated criterion for this element. On the in-line retail buildings, the brick detail and steel canopy satisfy this element.

- k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

Applicant's Response: The two pedestrian plaza elements adjacent to the new building incorporate integral planters with seat walls into the pedestrian-scaled, urban streetscape. Additionally, a series of benches surrounded by urban grasses landscaping is provided at the pedestrian plaza adjacent to Beaver Creek Road and the transit stop.

- l. Planter boxes and street furniture placed in the right-of-way shall be approved for use according to materials, scale and type.

Applicant's Response. No planter boxes or street furniture will be placed in the right-of-way. This criterion is not applicable.

- 4. Where additional stores will be located in the large retail establishment, each such store shall have at least one exterior customer entrance, which shall conform to the same requirements.

Applicant's Response: As required under this section of the code, each store will have at least one exterior customer entrance. Below is a description of how each building complies with this requirement.

In Line Retail: Each tenant space will have a separate entry that is defined by canopies and tenant signage

Grocery: The grocery has two (2) primary entries located directly along the internal private street / plaza discussed above.

This criterion has been satisfied.

- 5. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk. Awnings shall be no longer than a single storefront.

Applicant's Response: *As cited in this section of the code, trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk . Refer to Section 3 – Site Drawings, Sheets A2.1 thru A2.3 – Architectural Elevations. The overhangs are over the private street sidewalks and plazas and thus are not actually over public rights of ways. The overhangs are over the private street sidewalks and plazas and thus are not actually over public rights of ways. This criterion is satisfied.*

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

Applicant's Response: *There are no corner lots in the detailed development plan. The only applicable 'corner lot' condition pertains to the two (2) 7,500 SF retail buildings proposed at the intersection of Molalla Avenue and Beavercreek Road, which is incorporated only into the concept development plan. Therefore, this criterion is not applicable to this application.*

1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.

Applicant's Response: *There are no corner lots in the detailed development plan. The only applicable 'corner lot' condition pertains to the two (2) 7,500 SF retail buildings proposed at the intersection of Molalla Avenue and Beavercreek Road, which is incorporated only into the concept development plan. Therefore, this criterion is not applicable to this application.*

2. Chamfer the corner of the building (i.e. cut the corner at a forty-five-degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.

Applicant's Response: *There are no corner lots in the detailed development plan. The only applicable 'corner lot' condition pertains to the two (2) 7,500 SF retail buildings proposed at the intersection of Molalla Avenue and Beavercreek Road, which is incorporated only into the concept development plan. Therefore, this criterion is not applicable to this application.*

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

Applicant's Response: *The subject property is not located in either the mixed-use or neighborhood commercial districts and therefore, this criterion is not applicable to this application.*

G. Variation in Massing.

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

Applicant's Response: *The proposed grocery and in-line retail building design incorporates a variety of massing, material and wall articulation/changes in response to both the vehicular and pedestrian scale of the new building(s). Refer to Section 3 – Site Drawings, Sheets A2.1 thru A2.3 – Architectural Elevations.*

This criterion has been satisfied.

2. Horizontal masses shall not exceed a height: width ratio of 1:3 without substantial variation in massing that includes a change in height and projecting or recessed elements.

Applicant's Response: *The height-to-width ratio of the horizontal massing for the proposed grocery and in-line retail building(s) does not exceed 1:2 without a variation in massing, including height, projection or recessed elements. Refer to Section 3 – Site Drawings, Sheets A2.1 thru A2.3 – Architectural Elevations for additional information.*

This criterion has been satisfied.

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

Applicant's Response: *Exterior massing on the proposed grocery and in-line retail building(s) relates to defined building entrances and the interior activities associated with the building function. Specific purposes for the massing in each building are as follows:*

In Line Retail: *Simple projecting metal cornices, stepped parapets and 14'-0" extended window head heights at the brick corners reduces the dominant building affect at the perimeter in-line shop buildings and provides a focal point for each tenant entrance.*

Grocery: *The Grocery building design goes to great effort to create "human scale" changes of elements around the entire building. The primary massing changes occur along the frontage emphasizing entries and customer areas. Massing changes along the side and rear are less associated with interior organization but create an appropriate rhythm on the exterior.*

This criterion has been satisfied.

H. Minimum Wall Articulation.

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

Applicant's Response: *The exterior elevations of the proposed grocery and in-line retail building(s) each provide for minimum wall articulation to create architectural interest to the building facades. As such, each exterior elevation incorporates no fewer than two (2) of the following design elements where the uninterrupted wall length exceeds thirty feet. Refer to Section 3 – Site Drawings, Sheets A2.1 thru A2.3 for additional building elevation information.*

In Line Retail: *Façade treatment at the in-line retail buildings expresses the structural bays of the building in the storefront, structural support points and at the engaged brick pilasters at the brick corners elements.*

Grocery: *The grocery building design goes to great effort to create “human scale” changes of elements around the entire building. The Front elevation is in compliance with no walls longer than +/- 4 feet and innumerable elemental changes.*

The west elevation along the loading dock incorporates a series of pavilions - definitions at the 30' length using vertical parapet movements and planted raised metal grids creating green wall columns breaking up the visual massing.

The remaining east and south wall elevations of the larger grocery building are enveloped by the surrounding in-line retail building(s) which form an integral aspect of satisfying the intent outlined in this section.

- i. Change in plane,
- ii. Change in texture or masonry pattern or color,

Applicant's Response: *The project includes changes in texture along the articulation going from a painted stucco wall plane to an offset area that transitions to a brick plane. The brick plane is divided by four engaged columns. This creates a recessed brick plane beyond the engaged brick pilasters.*

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

Applicant's Response: *Although most of the longer wall planes incorporate window/glazing elements, a trellis element of +/- 9 feet is utilized to break up the lineal wall lengths of no more than 25 feet along the grocery store.*

The south elevation immediately west of the in-line retail space a 45 foot wall element incorporates window/glazing and a planted trellis elements which define one edge of a pedestrian plaza/outdoor seating area.

Refer to Section 3 – Site Drawings, Sheets A1.1 and A2.2 for additional information.

- iv. An equivalent element that subdivides the wall into human scale proportions.
- 2. Façades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade and extending at least twenty percent of the length of the façade. No uninterrupted length of any façade shall exceed one hundred horizontal feet.

Applicant's Response:

In Line Retail: Façade treatment at the in-line shop buildings expresses the structural bays of the building in the storefront, structural support points and at the engaged brick pilasters at the brick corners. The uninterrupted length of either the east or south façade does not exceed one hundred horizontal feet. This criterion is not applicable.

Grocery: The proposed grocery massing is well articulated.

- ***The north (primary entrance façade) at 271' @ 3% = 8.13 feet. The entrance pavilions are offset 15' the north entry façade is in compliance.***
 - ***The west façade at 218' @ 3% = 6.5 feet. 20% = 42' The loading dock offsets 33' and is 48' long.***
 - ***The South façade at 294 feet in length @ 3% = 8.8' and 20% = 58.8' - the off set at the chamfered pavilion is 10 and its length is 69' - 6".***
- 3. Ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length.

Applicant's Response: Although only the in-line retail shops along Beavercreek directly face a public streets, the Applicant meets this standard along all frontages of the new building. Because the internal private street grid is provided to supplement the public street frontages, the Applicant believes it is appropriate to meet this standard along the internal private street grid as well.

In Line Retail: Similar to Section 17.62.055I, the in-line retail building(s) incorporate transparent glazing/display windows in approximately 86% of their horizontal length.

Grocery: *The proposed primary grocery façade facing the private "frontage" street has arcades , canopies, display windows, trellis along all but 6 piers of about 4' each = 24' of the 271' front length = 8.8% = 91.2% has required features.*

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

- a. Color change;

Applicant's Response: *A brick and ledgerstone base will vary the color with the EIFS wall colors. The walls will alternate between the background color and the colors of the pavilions as they are defined by the zones below the raised parapets.*

- b. Texture change;

Applicant's Response: *Both the ledgerstone and the wall mounted trellises are texture changes that occur around the entire building.*

- c. Material module change.

Applicant's Response: *The proposed grocery and in-line retail building(s) incorporate no less than one (1) of the building façade repeating pattern elements listed under this code section.*

In Line Retail: *Façade treatment at the in-line shop buildings provides a repeating pattern of color, texture and material change.*

Grocery: *There are continuous reveals scored into the EIFS wall plane to modulate the surface. The reveals create a rich texture and pattern that relates to lintels at windows, piers at colonnades and varying cornice/parapet heights.*

This criterion has been satisfied.

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

Applicant's Response: *The proposed grocery and in-line retail building(s) incorporate both architectural and structural façade expressions to delineate and modulate the exterior wall planes. Refer to Section 3 – Site Drawings, Sheets A2.1 thru A2.3 – Architectural Elevations and the following details for information regarding the expression of architectural and/or structural bays.*

In Line Retail: *Façade treatment at the in-line shop buildings expresses the structural bays of the building in the storefront, structural support points and*

at the engaged brick pilasters at the brick corners. The expressed structural bay piers are no less than 30 inches in width.

Grocery: *An example that is used is the minor repeating structural pier is expressed as a 1'-4" pilaster pier.*

This criterion has been satisfied.

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

Applicant's Response: *The proposed grocery and in-line retail building(s) incorporate no less than one (1) of the building façade elements noted in subsections H.4 and/or H.5 of this code section. Refer to Section 3 – Site Drawings, Sheets A2.1 thru A2.3 – Architectural Elevations and the following details regarding façade elements.*

In Line Retail: *Façade treatment at the in-line shop buildings expresses the structural bays of the building in the storefront structural support points and at the engaged brick pilasters at the brick corners.*

Grocery: *With the reveal patterns and the variation between the Base and the cornices there is typically 20' in variation (vertically) continuously around the building. Horizontal distances typically are 6'-12' the largest single plane is 16'.*

This criterion has been satisfied.

I. Façade Transparency.

1. Transparent windows or doors facing the street are required. The main front elevation shall provide at least sixty percent windows or transparency at the pedestrian level. Façades on corner lots shall provide at least sixty percent windows or transparency on all corner-side façades. All other side elevations shall provide at least thirty percent transparency. The transparency is measured in lineal fashion. For example, a one-hundred-foot long building elevation shall have at least sixty feet (sixty percent of one hundred feet) of transparency in length. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing façade. Highly reflective or glare-producing glass with a reflective factor of one quarter or greater is prohibited on all building façades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.

Applicant's Response: *The proposed building facades illustrated in the Detailed Development Plan (refer to Section 3 – Site Drawings, Sheets A2.1 thru A2.3 – Elevations) provide at least 60% transparency on no fewer than three of the four elevations. Considering the urban, retail character of the proposed project, the design intent establishes a strong, pedestrian-scaled, transparent 'street*

edge' along three (3) contiguous building elevations. Each building element addresses the 'street' as follows.

In Line Retail: The in-line shop buildings have 86% or 246 lineal feet of transparent glazing on the south façade facing Beaver Creek Road and 86% or 202 lineal feet of transparent glazing on the east façade facing Molalla Avenue.

Grocery: The primary grocery façade (The North entrances along the private internal street) has 60% windows or transparency at the pedestrian level with no more than 10% being translucent glazed panels within the window system. All other facades have at least 30% windows/transparency in accordance with this section.

This criterion has been satisfied.

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

Applicant's Response: As designed, the proposed buildings in the Detailed Development Plan do not have blank or non-activated side or rear walls facing walkways as described in this section.

This criterion does not apply.

J. Roof Treatments.

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

Applicant's Response: The roof treatment for both the grocery and in-line retail buildings proposed as part of the Detailed Development Plan include detailed cornice treatments, sloping roofs/overhangs and stepped parapets. Each building(s) contains recognizable 'top' elements to distinguish massing, entry and roof plane articulation as follows.

In-Line Retail: *The proposed in-line retail building design provides a simple projecting metal cornice and stepped parapets at the brick corner elements. The metal cornice at the lower parapet stucco wall is articulated with a double step fascia. Selected cornice colors provide a horizontal line that creates a visual break between the building wall plane and the sky. Refer to Section 3 – Site Drawings, Sheet A2.3 In-Line Retail Architectural Elevations.*

Grocery: *The cornice details for the grocery building are dimensioned and detailed with a highly profiled cap with flashing and EIFS. At the major end pavilions the cornice profile distinguishes the pavilion elements from the building entries. On the primary grocery façade (entrance) both the two large gabled roof/portico elements which define the building entrance and the parallel gabled element at the center of the façade include craftsman –style knee bracing on the exposed rafters. Refer to Section 3 – Site Drawings, Sheets A2.1 and A2.2 – Elevations.*

This criterion has been satisfied.

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

Applicant's Response: As proposed, the grocery and in-line retail building(s) are both considered commercial retail uses. As such, this criterion is not applicable.

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

Applicant's Response: The definition for "other roof forms" does not apply to the proposed buildings. Therefore, this criterion is not applicable.

K. Drive-through facilities shall:

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

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: No new drive-through facilities are proposed as part of Concept Development and Detailed Development Plan.

17.62.056 - Additional standards for large retail establishments.

- A. This section is intended to ensure that large retail building development is compatible with its surrounding area.

Applicant's Response: The Applicant understands the intent of ensuring compatibility of large retail building development with the surrounding uses.

- B. Large retail establishment shall mean a retail building occupying more than ten thousand gross square feet of floor area.

Applicant's Response:

In Line Retail: The applicant understands the stated definition of the retail buildings exceeding 10,000 square feet are large retail establishments. The in-line retail building(s) will contain several individual commercial/retail establishments; however, no single establishment/use is anticipated to exceed 10,000 square feet.

Grocery: The Grocery is proposed to be 55,465 square feet which is a large retail facility.

- C. In addition to Sections 17.62.050 and 17.62.055 requirements, large retail buildings shall comply with design standards contained in this section.

Applicant's Response: The Applicant acknowledges the requirements of each code section.

- D. Development Standards.

1. Roofs. Roofs shall include at least two of the following features:
 - a. Parapets concealing flat roofs and rooftop equipment from public view. The average height of such parapets shall not exceed fifteen percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment;

Applicant's Response: Pursuant to the criteria of this section, refer to Section 3 – Site Drawings, Sheet A2.2 - Grocery Elevations for additional graphic information pertaining to the 17.62.056. The cornice details are dimensioned and detailed to show that the typical cornice is a highly profiled cap with flashing and EIFS. At the major end pavilions the cornice profile becomes very distinct and acts as a here dimensional roof cap that distinguishes the pavilion elements from the rest of the building.

The parapet criteria in this section conflicts with 17.62.050.20 mechanical equipment screening which says parapets should be as high as the largest Mechanical equipment. Per the above criteria on a 26' high wall only a 3.9' parapet is allowed. This conflicts with the need to be at the height of future mechanical units on the roof. Refer to the building elevations for parapet heights.

- b. Overhanging eaves, extending no less than three feet past the supporting walls;

Applicant's Response: The gabled roof elements will project no less than 3 feet past the supporting walls. Refer to Section 3 - Site Drawings, A2.1 Grocery Architectural Elevations for additional information.

- c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run;

Applicant's Response: The main gabled entry elements contain sloping roof forms with a 4:12 pitch.

- d. Three or more roof slope planes.

Applicant's Response: The proposed grocery building contains no fewer than five (5) sloped planes plus canopies on the primary façade (entrance elevation).

- 2. Site Design and Relationship to Surrounding Community. Retail buildings occupying more than twenty-five thousand gross square feet of floor area shall contribute to the establishment or enhancement of community and public spaces by providing at least **two** of the following:

Applicant's Response: The proposed grocery and in-line retail building(s) incorporate no fewer than four (4) of the public amenity enhancements defined by this section in response the retail buildings occupying more than twenty-five thousand gross square feet of floor area. This criterion has been satisfied.

- a. Patio/seating area;

Applicant's Response: Refer to Section 3 – Site Drawings, Sheets A1.1 – Grocery Building Plan and Plaza Plan.

- b. Pedestrian plaza with benches;

Applicant's Response: Refer to Section 3 – Site Drawings, Sheets A1.1 – Grocery Building Plan and Plaza Plan.

- c. Transportation center;

- d. Window shopping walkway;

Applicant's Response: Refer to Section 3 – Site Drawings, Sheets A1.0 thru A1.3 – Plans and Sheets A2.1 thru A2.2 – Elevations for additional information pertaining to pedestrian orientated window shopping walkways..

- e. Outdoor playground area;

- f. Kiosk area, water feature;

Applicant's Response: Refer to Section 3 – Site Drawings, Sheets A1.1 – Grocery Building Plan and Plaza Plan.

- g. Clock tower;
- h. Or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

17.62.057 - Multi-family standards.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The proposed Concept Development Plan and Detailed Development Plan does not include any multiple-family buildings. Based on this, Sections 17.62.057, Items A through N do not apply. Therefore, this criterion is not applicable to this application.

17.62.059 - Cottage housing.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The proposed Concept Development and Detailed Development Plans do not include any multiple-family buildings. As a result, Sections 17.62.059, Items A through K do not apply. Therefore, this criterion is not applicable to this application.

17.62.065 - Outdoor lighting.

- A. Purpose. The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:
 - 1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;
 - 2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;
 - 3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;

4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and
5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.

Applicant's Response: The lighting plan conforms to the design criteria for this section. Exterior wall fixtures on the buildings will be downcast lights to control excessive glare and light pollution. Given the fact that there are no adjacent residential uses, no impacts associated with trespass lighting are anticipated. Parking area lighting provides for adequate safety and customer convenience while controlling light pollution which might impact the surrounding area. Refer to Section 3 – Drawings, Sheets LT1.0 thru LT1.2 for additional information.

B. Applicability.

1. General.
 - a. All exterior lighting for any type of commercial, mixed-use, industrial or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.
 - b. The city engineer/public works director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.
2. Lighting Plan Requirement. All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan must be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.

Applicant's Response: In accordance with this code section, the exterior lighting will comply with the standards/requirement noted in Section 17.62.065B.

Refer to Section 3 – Drawings, Sheets LT1.0 thru LT1.2 – Site Lighting Plans and Section 4 – Appendices, Exhibit S – Grocery Lighting and Exhibit T - In-Line Retail Lighting and for additional information. This criterion has been satisfied.

3. Excepted Lighting. The following types of lighting are excepted from the requirements of this Section.
 - a. Residential lighting for single-family attached and detached homes, and duplexes.

- b. Public street and right-of-way lighting.
- c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.
- d. Temporary lighting for emergency or nighttime work and construction.
- e. Temporary lighting for theatrical, television, and performance areas, or for special public events.
- f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
- g. Lighting required and regulated by the Federal Aviation Administration.

Applicant's Response: *In accordance with this section of the code, all exterior lighting for any type of commercial will comply with the standards of this code. As part of the submittal, a site lighting plan will be provided include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications are to include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.*

Refer to Section 3 - Site Drawings, Sheet C3.0 Preliminary Site Plan and LT1.0 Site Lighting Plan for additional information. This criterion has been satisfied.

- C. General Review Standard. If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. For purposes of this section, properties that comply with the design standards of subsection D. below shall be deemed to not adversely affect adjacent properties or the community.

Applicant's Response: *The Applicant acknowledges that all exterior lighting will meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community.*

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

2. Any light source or lamp that emits more than nine hundred lumens (thirteen watt compact fluorescent or sixty watt incandescent) shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property. All fixtures shall utilize one of the following bulb types: metal halide, induction lamp, compact fluorescent, incandescent (including tungsten-halogen), or high pressure sodium with a color rendering index above seventy.
3. The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.
4. Lighting levels:

**Table 1-17.62.065.
Foot-candle Levels**

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

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

Applicant's Response: Lighting on the Entry colonnade Piers and at the seating area pergolas will be designed as down lighted pedestrian scale lighting.

6. Any on-site pedestrian circulation system shall be lighted to enhance pedestrian safety and allow employees, residents, customers or the public to use the walkways at night. Pedestrian walkway lighting through parking lots shall be lighted to light the walkway and enhance pedestrian safety pursuant to Table 1.
7. Pedestrian Accessways. To enhance pedestrian and bicycle safety, pedestrian accessways required pursuant to Oregon City Municipal Code 12.28 shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half footcandles, a one and one-half footcandle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances. Lamps shall include a high-pressure sodium bulb with an unbreakable lens.

8. Floodlights shall not be utilized to light all or any portion of a building façade between ten p.m. and six a.m.
9. Lighting on automobile service station, convenience store, and other outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.
10. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.
11. In no case shall exterior lighting add more than one footcandle to illumination levels at any point off-site.
12. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
13. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
14. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
15. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
16. Wireless Sites. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited. Strobe lighting of wireless communication facilities is prohibited unless required by the Federal Aviation Administration. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment on wireless communication facilities shall be initiated by motion detecting lighting.
17. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:
 - a. Maximum permitted light post height: Eighty feet.
 - b. Maximum permitted illumination at the property line: 0.5 footcandles.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *In accordance with this section of the code, the exterior lighting standards for the proposed development will meet the required design and illumination standards.*

Refer to Section 3 - Site Drawings, Sheet LT1.0 - Site Lighting Plan for additional information. This criterion has been satisfied.

17.62.080 - Special development standards along transit streets.

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

Applicant's Response: The Applicant understands the intent of this section is to provide direct and convenient pedestrian access to retail buildings from public sidewalks and transit facilities and to promote pedestrian and transit travel to commercial and institutional facilities.

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

Applicant's Response: In accordance with this section, all requirements of the sections will apply to new retail construction which front transit streets.

- C. Development Standards.

1. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.
 - a. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.

Applicant's Response: The Detailed Development Plan property does not have frontage on more than one transit street or a transit street intersecting a transit street. Therefore, this criterion is not applicable.

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

Applicant's Response: Although the Detailed Development Plan includes two contiguous buildings, the result functions as a single new building housing a variety of tenants. This new structure will house both the new Safeway grocery store as well as a multi-tenant series of in-line retail shops. There are main building entrances on three of the four sides of the new building. The eastern edge of the building is oriented toward Beaver Creek Road (a transit street) and directly linked to Beaver Creek Road by two pedestrian connections.

The first transit street connection is at the southeastern corner of the building. At this location, a pedestrian plaza connects directly to the sidewalk along Beavercreek Road and travels toward the building through a scored concrete outdoor pavilion with seating, which then connects to a main building entrance located at the eastern edge of the in-line retail shops.

The second transit street connection is at the transit stop close to Molalla Avenue on Beavercreek Road. The second connection also provides a pedestrian plaza and benches with a decomposed granite pathway that connects directly to the sidewalk that leads to the main entrance at the NE corner of the building.

From either of these pedestrian connections the pedestrian visiting the site via transit can move directly to a building entrance without crossing off-street parking or maneuvering areas.

A third additional pedestrian connection exists to Molalla Avenue (also a transit street) at the northwest corner of the new building. In this location, due to existing development, the pedestrian connects to a wide dedicated sidewalk off of Molalla and passes the existing development (McDonalds and Key Bank) and continues to take the sidewalk to a third pedestrian plaza at the intersection of the in-line retail shops and the northwest corner of the Safeway building. At the northwest corner of the building, both Safeway's front façade begins and the in-line retail shops begin. At this location the pedestrian can access the multiple main building entrances.

The criterion only requires that the new building have at least one main building entrance oriented towards the transit street. This can be satisfied by either being directly on the transit street or linked to the transit street by an on-site pedestrian walk way that does not cross off-street parking or maneuvering areas. This is most directly satisfied by the southeastern pedestrian connection on Beavercreek, which links directly to main building entrance on the southeastern edge of the building through sidewalks and a pedestrian plaza that are completely protected from vehicle traffic.

Although not necessary to satisfy the criterion, city staff has indicated that the main building entrance connection should be to the Safeway entrance rather than a main building entrance on the in-line retail shops. The Applicant would like to illustrate that a series of protected pedestrian pathways to the main entrance to Safeway do exist. Although at first glance they may appear to be circuitous and lengthy routes, the distances are similar to many urban areas, including downtown Oregon City, and reasonably walkable.

The western connection on Beavercreek is approximately 225 feet from the transit stop to the in-line retail shops, or roughly one city block in downtown Oregon City. The eastern connection on Beavercreek Road does not cross any drive aisles or streets and is completely protected from vehicular traffic. From this connection it is 110 feet to reach the in-line retail shops and 823 feet to

reach the Safeway entrance by traveling around the in-line retail shops. Although certainly longer, the site design allows this pedestrian to travel to multiple retails with opportunities to pause in pedestrian plazas while traveling. It is foreseeable to have a visitor access the site from this connection and make two stops prior to arriving at the Safeway entrance. This would allow the visitor to walk just under one city block per stop, which is a reasonable pedestrian walk. Alternatively, a pedestrian can access Safeway directly from the southern Beavercreek connection along north/south internal private street again on a dedicated generous sidewalk and that connection is 330 feet – just over one city block.

Finally, the Applicant has gone a step further by also providing a connection through the east/west private street grid to Molalla Avenue. As discussed earlier, site constraints don't allow development to be placed directly on a transit street but the Applicant proposes a series of mitigating solutions that provide a pedestrian oriented private street grid through the middle of the site. The distance from Molalla Avenue to the Safeway pedestrian plaza is 264 feet. This is just less than one city block in Oregon City.

These distances are roughly anywhere from one city block to just under three city blocks depending on how the pedestrian chooses to access the shop and the visitors shopping needs. The in-line retail shop is scattered with places of interest and places of pause for the pedestrian. A pedestrian that has multiple shopping destination may travel along the longer footage making a variety of stops at different retailers along the way.

All of these connections is in compliance with the purpose and criteria of the code and provides a pedestrian-oriented urban streetscape that provides multiple retail services accessible in an easily walkable fashion to the pedestrian visitor.

The Applicant satisfies this criterion by providing multiple building entrances oriented towards both Beavercreek Avenue and Molalla Avenue with direct pedestrian connections.

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

Applicant's Response: *As reflected in Section 17.62.055.D, all buildings proposed in the Detailed Development Plan (i.e. grocery, in-line retail and restaurant) have at least one main building entrance oriented toward either the transit street or the proposed internal private street. In addition, direct pedestrian access from the nearest transit street – Beavercreek Road – and the associated TriMet transit stop is provided by a continuous urban, pedestrian-scaled walkway to each of the proposed buildings (grocery, in-line retail and restaurant) without having to cross off-street parking or maneuvering areas. Each of these structures will be well lit and visible from the transit street or internal private street.*

Refer to Section 3 – Site Drawings, Sheets C4.0, A1.2 and LT1.0 for additional information. Tri-Met has be contacted to identify what improvements if any are desired at each of the stops along the transit streets. Refer to Section 4 – Appendices, Exhibit K – TriMet Memorandum.

3. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.
- D. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection C. of this section:
 1. Heavy equipment sales;
 2. Motor vehicle service stations, including convenience stores associated therewith;
 3. Solid waste transfer stations; and
 4. Truck stops, including convenience stores, eating or drinking establishments, overnight accommodations or other similar services associated therewith. A use found by the community development director to be similar to the exempt uses above.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: *The proposed development does not include any heavy equipment sales, motor vehicle service stations, solid waste transfer stations or truck stops. However, the Concept Development Plan has identified an area for a potential fuel center pad as part of a Phase 2 identified in the Concept Development Plan.*

Refer to Section 3 – Site Drawings, Sheet C3.0 – Concept Development Plan labeled Phase 2 for location and additional information. Although this specific use is not included as part of the Detailed Development Plan, the applicability related to a future gas/fuel center criterion may be pertinent.

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

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

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

Applicant's Response: *The proposed grocery and in-line retail building(s) provide enclosed/screened facilities for refuse and recycling.*

Refer to Section 3 – Site Drawings, Sheets A1.1 and A1.3 – Building and Site Plans and the following details for information regarding the size and quantity of enclosed/screened facilities for refuse and recycling.

In Line Retail: Two (2) 12 foot by 16 foot trash enclosures are provided for approximately 23,400 square feet of in-line retail space.

Grocery: Corporate policies involve recycling raw materials primarily the wrapping and unwrapping of food distribution materials. Most of these activities occur inside the loading dock area. of the building.

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

***Applicant's Response:* The proposed grocery and in-line retail building(s) provide enclosed/screened facilities for refuse and recycling constructed of materials which are compatible to primary building structure. Refer to Section 3 – Site Drawings, Sheets A1.1 and A1.3 – Building and Site Plans and the following details for information regarding the locations of the enclosed/screened facilities for refuse and recycling.**

In Line Retail: The trash enclosures for the in-line retail buildings will be constructed of split face concrete masonry units that are compatible with the building structures.

Grocery: Both of these two locations are within the grocery building envelope.

- C. Fully enclosed and visually screened;

***Applicant's Response:* The proposed grocery and in-line retail building(s) provide enclosed/screened facilities for refuse and recycling.**

Refer to Section 3 – Site Drawings, Sheets A1.1 and A1.2 – Building and Site Plans and the following details for information regarding the locations of the enclosed/screened facilities for refuse and recycling.

In Line Retail: The trash enclosures for the in-line retail buildings will be fully enclosed/screened from the public view. Access gates to the trash enclosures will be constructed of steel/metal materials for durability and efficient access by the local collection provider.

Grocery: Both of these two locations are within the grocery building envelope.

- D. Located in a manner easily and safely accessible by collection vehicles;

***Applicant's Response:* The proposed grocery and in-line retail building(s) provide enclosed/screened facilities with convenience, safe access by collection vehicles.**

Refer to Section 3 – Site Drawings, Sheets A1.1 and A1.3 – Building and Site Plans and the following details for information regarding the locations of the enclosed/screened facilities for refuse and recycling.

In Line Retail: Each of the provided trash enclosures are placed along secondary parking area drive aisles for easy and safe access.

Grocery: The trash enclosure locations are placed for easy and safe access by collection vehicles.

- E. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;

Applicant's Response: The proposed grocery and in-line retail building(s) provide enclosed/screened facilities located so as not to hinder travel lanes, walkways, streets or adjacent properties.

Refer to Section 3 – Site Drawings, Sheets A1.1 and A1.3 – Building and Site Plans for additional information regarding the locations of the enclosed/screened facilities for refuse and recycling.

- F. On a level, hard surface designed to discharge surface water runoff and avoid ponding;

Applicant's Response: The proposed grocery and in-line retail building(s) provide enclosed/screened facilities placed on a level, hard surface designed to discharge surface water runoff and avoid ponding.

Refer to Section 3 – Site Drawings, Sheets A1.1 and A1.3 – Building and Site Plans for additional information regarding the locations of the enclosed/screened facilities for refuse and recycling.

- G. Maintained by the property owner;

Applicant's Response: The trash enclosures for the in-line retail buildings will be maintained by the property owner. The grocery anchor will provide complete refuse and recycling facility maintenance pursuant to its operation.

- H. Used only for purposes of storing solid waste and recyclable materials;

Applicant's Response: The proposed grocery and in-line retail building(s) provide enclosed/screened trash facilities will only be used for the purpose of storing solid waste and recycling materials.

- I. Designed in accordance with applicable sections of the Oregon City Municipal Code (including Chapter 8.20-Solid Waste Collection and Disposal) and city adopted policies.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The solid waste and recycling facilities proposed in the Detailed Development Plan will be designed in accordance with Oregon City Municipal Code.

17.62.090 - Enforcement.

- A. Applications for site plan and design review shall be reviewed in the manner provided in Chapter 17.50. The city building official may issue a certificate of occupancy only after the improvements required by site plan and design review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the city.

Applicant's Response: Applications for site plan and design review will be reviewed through a Type III procedure. City building official may issue a certificate of occupancy only after the improvements required by site plan and design review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the City. Therefore, this criterion is not applicable.

- B. In performing site plan and design review, the review authority shall consider the effect of additional financial burdens imposed by such review on the cost and availability of needed housing types. Consideration of such factors shall not prevent the imposition of conditions of approval found necessary to meet the requirements of this section. The cost of such conditions of approval shall not unduly increase the cost of housing beyond the minimum necessary to achieve the provisions of this title, nor shall such cost prevent the construction of needed housing types. The use of the site plan and design review provisions of this section shall have no effect on dwelling unit densities.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: There are no dwelling units proposed as part of the development. Therefore, this criterion is not applicable.

17.62.095 - Performance guarantees.

- A. Purpose. This section states the requirements for performance guarantees when they are required of an applicant by this Section or as a condition of a site plan and design review approval.

Applicant's Response: In accordance with this section of the City's Code, performance guarantees will be provided when they are required or as a condition.

- B. Types of Guarantees. Guarantees by the applicant may be in the form of a performance bond payable to the city in cash, by certified check, time certificate of deposit, irrevocable letter of credit, or other form acceptable to the city. Indemnity agreements may be used by other governmental agencies. Guarantees must be accompanied by a contract. The form of the guarantee and contract must be approved by the city attorney. The community development director is authorized to accept and sign the contract for the city, and to accept the guarantee. The guarantee must be filed with the city recorder.

Applicant's Response: The Applicant understands that performance guarantees may be in the form of a performance bond payable to the city in cash, by certified check, time certificate of deposit, irrevocable letter of credit, or other form acceptable to the City.

- C. Amount of Guarantee. The amount of the performance guarantee must be equal to at least one hundred ten percent of the estimated cost of performance. The applicant must provide written estimates by three contractors, with their names and addresses. The estimates must include as separate items all materials, labor, and other costs of the required action.

Applicant's Response: The Applicant acknowledges that the guarantee will be equal to at least one hundred ten percent of the estimated cost of performance. In addition, the Applicant must provide written estimates from three contractors and include all materials, labor and other relevant costs.

- D. Completion. An inspection and approval of the action or improvement covered by the performance guarantee is required before the performance guarantee is returned. The inspection is done by the planning division or by other appropriate city departments. If the action or improvement is not completed satisfactorily within the stated time limits, the city may have the necessary action or improvement completed and seek reimbursement for the work from the performance guarantee. Any remaining funds will be returned to the applicant.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: In accordance with this section, an inspection and approval of the action or improvement covered by the performance guarantee is required before the performance guarantee is returned.

17.62.100 - Fees.

Pursuant to Section 17.50.[0]80, a nonrefundable application fee shall accompany the application for site plan and review.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: In accordance with this section, a non-refundable fee in the amount of \$27,067 will accompany the application for site plan and review. This criterion has been satisfied.

17.65. Master Plans

17.65.030 - Applicability of the Master Plan Regulations.

- A. Submission. A master plan shall be submitted for any institutional development on a site over ten acres in size. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No permit under this title shall be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter.

The provisions of this chapter do not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.

- B. When Required as Part of Previous Land Use Review. The master plan regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.
- C. When Identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the Land Use section of the Oregon City Comprehensive Plan.
- D. Voluntarily. An applicant may voluntarily submit a master plan as part of a land use review.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: In accordance with subsection D above, the Applicant is voluntarily submitting for a master plan.

17.65.040 - Procedure.

- A. Pre-Application Review. Prior to filing for either concept development plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to Section 17.50.030.

Applicant's Response: The Applicant attended a pre-application conference with Oregon City staff on February 23, 2010. This criterion has been satisfied.

See Section 4 (Appendices, Exhibit F) for the Pre-Application Conference Summary.

- B. General Development Plan. An application for a general development plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant must have an approved general development plan before any detailed development plan may be approved, unless both are approved or amended concurrently. Amendments to an approved general development plan shall be reviewed under a Type III procedure pursuant to Section 17.65.080.

- C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to Section 17.65.080. Once a development has an approved detailed development plan, Chapter 17.62—Site Plan and Design Review is not required.
- D. Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan, or any phase of a detailed development plan. Such a concurrent application is reviewed through a Type III procedure.

Applicant's Response: *In accordance with this section of the code, the Applicant has applied for a concurrent Type III review for the proposed general development plan and Detailed Development Plan. The Applicant understands that a detailed development plan would normally be processed as a Type II procedure. However, because both the Concept Development Plan and the Detailed Development Plan are being submitted concurrently, they are both being reviewed through the Type III procedure.*

17.65.050 - Concept Development Plan.

- A. Approval Criteria for a General Development Plan. The planning commission shall approve an application for general development plan approval only upon finding that the following approval criteria are met.
 - 1. The proposed general development plan is consistent with the purposes of Chapter 17.65.

Applicant's Response: *The purposes of Chapter 17.65 are found at 17.65.010 and states, "It is the intent of this Chapter to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impact of such growth on surrounding properties and public infrastructure. The City recognizes the valuable services and employment opportunities that these developments bring to Oregon City residents. The master plan process is intended to facilitate an efficient and flexible review process for major developments[].".*

The purpose of the Hilltop Master Plan is to develop the valuable Hilltop site to provide significant family-oriented retail services to the Oregon City community. Immediate development will include a new Safeway grocery store and adjacent retail space. This catalyst project will foster growth and redevelopment of the remainder of the valuable Hilltop site, much of which is already built-out. The proposed project will provide significant economic opportunities to Oregon City residents through both construction jobs and long-term employment jobs with a large-scale nationally established retailer. Safeway provides outstanding employment opportunities for the Oregon City community, including living wage jobs. Additionally, the project provides the valuable grocery store service to Oregon City residents. Access to affordable

and convenient grocery services is a mainstay of any thriving community. The Danielson family has operated a grocery store on this site since 1971 and the grocery function of this site has been a staple in the Oregon City community for almost forty years. This redevelopment ensures that Oregon City will be served by grocery in this area for decades to come with the entrance of Safeway, a nationally recognized leader in the grocery business, to the Oregon City community. This is Safeway's first store in the Oregon City area since 1971.

2. The transportation system has sufficient capacity based on the city's level of service standards and is capable of safely supporting the development proposed in addition to the existing and planned uses in the area, or will be made adequate by the time each phase of the development is completed.

Applicant's Response: A complete Traffic Impact Analysis (TIA) has been prepared for the site by Kittelson and Associates. The TIA addresses the impacts on the development of the site consistent with all phases of the General Development Plan. Specifically, the TIA looks at the existing transportation systems capacity and the project impacts on the current levels of service. The TIA finds that the transportation system has sufficient capacity in accordance with the city's level of service standards to support the Hilltop Master Plan, including complete build-out of the future phases of development over the next ten years.

The TIA states that the master plan, "is anticipated to generate 700 net new daily vehicular trips, with 85 occurring in the a.m. peak hour and 55 occurring in the p.m. peak hour by year 2020." The TIA goes on to find that the "adjacent street system, with the current set of planned and/or previously conditioned transportation improvements, is adequate to accommodate travel demands from existing, in-process, and non-specific growth throughout the 10-year timeframe of this proposed master plan. Therefore, only on-site transportation improvements are recommended in conjunction with site development." To summarize, all levels of service adjacent to the site and/or impacted by the project will remain within the acceptable levels according to Oregon City standards upon redevelopment of the site.

On-site improvements are planned that allow east/west connectivity from Molalla Avenue and north/south connectivity between Warner Milne Road and Beaver Creek Road.

3. Public services for water supply, police, fire, sanitary waste disposal, and storm water disposal are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.

Applicant's Response: The site is currently served by public services. Specifically, water supply, sewer service, storm water service and police and fire protection are already present on site serving 179,932 square feet. The square footage at the end of the Concept Development Plan will actual amount to a slight decrease in square

footage of 1,127 square feet. In the first phase Detailed Development Plan a reduction of 19,183 square feet will occur. City staff has preliminarily provided that the existing public services will serve the Master Plan area. The applicant has been working with each of the City agencies to finalize those determinations and to the extent that any future demands require improvements to public services the applicant will provide those improvements as requested and detailed by city staff.

4. The proposed general development plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.

Applicant's Response: There is only one Goal 5 resource within the boundary of the site. The waterway existing on the east side of the project boundary is an inventoried wetland. This resource will be protected through the applicant's development plan. In Section 17.49 herein, there is a detailed explanation of how the resource is protected. Therefore, the concept development plan protects existing Goal 5 resources (the waterway) within the boundaries of the site. In fact, the protection proposed by the applicant enhances and expands the resource area through mitigation associated with permanent disturbance of the NROD boundary and tree removal. Therefore, this criterion is met.

5. The proposed general development plan, including development standards and impact mitigation thresholds and improvements adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303 (1), the development standards and mitigation thresholds shall contain clear and objective standards.

Applicant's Response: The general development plan proposes two phases of development. The first phase is being concurrently reviewed through a Detailed Development Plan. The Detailed Development Plan conforms to the development standards with adjustments. The impact mitigation thresholds identified in the first phase Detailed Development Plan are limited to mitigation related to the waterway, which is a protected natural resource under the City's code. As explained above, the waterway (Goal 5 resource) is protected and enhanced through this application and therefore, the impact of the development is thoroughly mitigated through the enhancements proposed (including a 2:1 vegetative mitigation). The adjustments sought related to the development standards are also mitigated through the use of enhanced pedestrian connections and an urban private street grid intersecting the site – the adjustments are related to pedestrian scale and urban amenities. Through the use of the private street grid, the Applicant can service the 20 acre site with smaller segments throughout the Detailed Development Plan boundary that are roughly the same size as the blocks in downtown Oregon City. Using this block grid in conjunction with three enhanced pedestrian plazas flanking the sides of this site and making direct connections to the bordering transit streets, the impacts of the development are adequately mitigated. Please see Section 17.65.070 below for a more detailed explanation of the adjustments being sought.

6. The proposed general development plan is consistent with the Oregon City Comprehensive Plan and its ancillary documents.

Applicant's Response: The proposed Concept Development Plan is consistent with the applicable goals of the Oregon City Comprehensive Plan as follows:

Section 1 Citizen Involvement

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

Applicant's Response: The project has sought significant community input through meetings with the Hillendale neighborhood association. Specifically, the Hillendale neighborhood association has been consulted multiple times regarding the project and provided input thereto. The Applicant will continue to communicate with the neighborhood association as the process evolves. This type of community involvement is exactly the type of engagement encouraged by Goal 1.1 of the Comprehensive Plan. Additionally, further public input will be provided through one or more public hearings regarding the application. The proposed Concept Development Plan is consistent with Goal 1.1 of the Comprehensive Plan.

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

Applicant's Response: Community involvement has been provided for in this Concept Development Plan through the dissemination of information on the project through neighborhood meetings. Additionally, public notice will be provided to the general public and affected citizens and this notice shall provide information related to the application and related public processes to citizens. All citizens of Oregon City will be informed of the project and have opportunity to participate in the implementation of City policies through the review of this application. The proposed Concept Development Plan is consistent with Goal 1.4 of the Comprehensive Plan.

Goal 1.5 – Government/Community Relations. Provide a framework for facilitating open, two-way communication between City representatives and individuals, groups, and communities.

Applicant's Response: Through the Concept Development Plan process the Applicant has utilized the City's framework of both informal and formal meetings with City representatives to communicate regarding the proposed project. The

proposed Concept Development Plan is consistent with Goal 1.5 of the Comprehensive Plan.

Section 2. Land Use.

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

Applicant's Response: The subject property is planned for commercial uses according to the Oregon City planning documents. The proposed Concept Development Plan ensures that the property will be used for commercial uses. Furthermore, the layout of the buildings on the subject property provides that the maximum amount of land is utilized to provide commercial uses in an efficient and sustainable manner. Specifically, through the use of a series of pedestrian plazas and an interconnected street grid the entire 20 acre site can be utilized for efficient commercial development. Furthermore, the project includes buildings built for long-term use and utilizes sustainable landscape practices. The Concept Development Plan is consistent with Goal 2.1 of the Comprehensive Plan.

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

Applicant's Response: Molalla Avenue is a selected transit corridor pursuant to this Comprehensive Plan Goal. The entirety of the Molalla Avenue transit corridor is currently built-out with existing development. The Concept Development Plan allows for the future redevelopment of these existing uses to include transit-oriented uses at a high intensity level in compliance with this Goal. No other transit corridors exist adjacent to the subject property. The Concept Development Plan is consistent with Goal 2.3.

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

Applicant's Response: The redevelopment of Hilltop Shopping Center will create a sense of place and identity in the Hilltop area by creating an urban scale pedestrian-oriented commercial center. The project will provide multiple pedestrian plazas that create a sense of place and area of citizens to gather. The Hilltop area has long been served by commercial services on this site, including a grocery store, and this redevelopment ensure a long future for the continued availability of those services. The proposed Concept Development Plan will provide a gathering place for local residents and visitors for decades to come. The Concept Development Plan is consistent with Goal 2.4 of the Comprehensive Plan.

Goal 2.5 – Retail and Neighborhood Commercial. Encourage the provision of appropriately scaled services to neighborhoods.

Applicant's Response: ***This proposed project provides neighborhood and pedestrian scaled services through the use of an internal private street grid that breaks up the large 20 acre site. By creating an internal private street grid, the site is accessible and pedestrian-oriented throughout. Additionally, the Detailed Development Plan calls for urban streetscape and pedestrian-oriented retail development. Additionally, this project encourages the expansion of existing business through infill development. The new development dramatically improves the aesthetic character of this commercial area and takes an existing commercial development and modernizes it both in look and use. The project is consistent with Goal 2.5 of the Comprehensive Plan.***

Section 6 – Quality of Air, Water and Land Resources.

Goal 6.1 – Air Quality. 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's Response: ***This proposed project uses a land-use pattern that creates dense urban development in an existing urban area that serves a close-in population. The development pattern also makes strong connections to local transit and provides pedestrian and bicycle oriented amenities. The project provides grocery and other shopping and employment opportunities to nearby residents. Taken as a whole, this development reduces the need for longer vehicle travel and therefore promotes better air quality. The project is consistent with Goal 6.1 of the Comprehensive Plan.***

Goal 6.2 – Water Quality. Control erosion and sedimentation associated with construction and development activities to protect water quality.

Applicant's Response: ***The project enhances water quality through the use of landscaping measures that are designed to improve water quality. Additionally, the project complies with all erosion control measures required by the OCMC. The project is consistent with Goal 6.2 of the Comprehensive Plan.***

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

Applicant's Response: ***The Concept Development Plan includes a lighting scheme that is in full compliance with the requirements of the OCMC. The OCMC incorporates this Goal 6.3 of the Comprehensive Plan and therefore, the lighting plan is in***

furtherance of these goals. Specifically, the lighting is pedestrian in scale and provides safety for both visitors and employees at the site while simultaneously preserving energy and limiting light pollution. The project is consistent with Goal 6.3 of the Comprehensive Plan.

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

Applicant's Response: The subject property is situated along three transit streets and one transit corridor. There are no residential uses in proximity to the proposed project. Noise is abated through landscaping, setbacks and the adjacent traffic noise. There will be no excessive noise generated at the site that will jeopardize the health, welfare, and safety of the Oregon City citizens. The Concept Development Plan is consistent with Goal 6.4 of the Comprehensive Plan.

Section 12 Transportation.

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

Applicant's Response: The proposed project incorporates the applicable policies of this Goal (policies 12.1.1, 12.1.2, and 12.1.3) into the project. Specifically, the project proposes multi-modal connections to the site allowing for vehicular, transit, pedestrian and bicycle access to the redevelopment. The proposed and existing intense commercial uses support the Mollala transit corridor and the surrounding major arterials, optimizing the land use-transportation connections surrounding the site. Finally, this commercial development is well situated within Oregon City to serve a variety of residential neighborhoods, including higher density residential neighborhoods. As a whole, the proposed Concept Development Plan makes strong land use-transportation connections. The project is consistent with Goal 12.1 of the Comprehensive Plan.

Goal 12.2 – Local and Regional Transit. Promote regional mass transit (South Corridor bus, Bus Rapid Transit, and light rail) that will serve Oregon City.

Applicant's Response: The Concept Development Plan provides strong connections to transit through pedestrian connections to Beavercreek Road at a designated transit stop and to Molalla Avenue, a transit corridor. The site is well served by transit connections both regionally and locally focused. The Concept Development Plan is consistent with Goal 12.2 of the Comprehensive Plan.

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

Applicant's Response: *The proposed project emphasizes multi-modal travel options, including pedestrian, mass transit, bicycle and vehicular traffic. The site provides a well planned series of pedestrian connections that provide pedestrian activity both on the perimeter of the site along the transit streets but also internally through the internal private street grid. In addition to these pedestrian connections are bicycle parking areas and connections throughout the site that encourage bicycle traffic. Transit is served with multiple transit stops surrounding the site and direct connections from transit stops to the interior of the site through the pedestrian plazas and integrated sidewalk connections. Finally, vehicular traffic can access the site in multiple locations that all connect to an internal private street grid that allows for fully connected vehicular drive aisles to each of the transit streets surrounding the site. In all, the site has significant capacity for multi-modal travel options. Therefore, the Concept Development Plan is consistent with Goal 12.3 of the Comprehensive Plan.*

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

Applicant's Response: *The Concept Development Plan includes traffic improvements that promote increased efficiencies and safety at intersections on and adjacent to the site. All vehicular, bicycle and pedestrian crossings are marked through the use of texture changes and/or grade changes to alert the users of pedestrian crossings. These improvements promote enhanced safety to the Oregon City transportation system. The Concept Development Plan is consistent with Goal 12.5 of the Comprehensive Plan.*

Goal 12.6 – Capacity. Develop and maintain a transportation system that has enough capacity to meet users' needs.

Applicant's Response: *The Applicant has provided a Transportation Impact Analysis that finds the transportation system has sufficient capacity to meet users' needs taking into account the impacts of the Concept Development Plan. Minimal improvements are needed and all improvements identified in the TIA are being incorporated into the project. The system will continue to serve existing and projected travel needs. The project is consistent with Goal 12.6 of the Comprehensive Plan.*

Goal 12.7 – Sustainable Approach. Promote a transportation system that supports sustainable practices.

Applicant's Response: *The project supports sustainable practices through the use of street trees, high quality construction materials providing a long life cycle and through the support and encouragement of multi-modal transportation links that limit vehicular traffic to and from the site. The Concept Development Plan is consistent with Goal 12.7 of the Comprehensive Plan.*

Goal 12.8 – Implementation and Funding. Identify and implement needed transportation system improvements using available funding.

Applicant's Response: The TIA identifies a small number of transportation improvements that will be funded by the Applicant and built in the initial phase of development through the Detailed Development Plan. The project is consistent with Goal 12.8 of the Comprehensive Plan.

- B. Duration of General Development Plan. A general development plan shall involve a planning period of at least five years and up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

Applicant's Response: The proposed Concept Development Plan is anticipated to be fully completed within a 10-year period or by the year 2020.

17.65.060 – Detailed Development Plan

- B. Approval Criteria

Approval Criteria. The community development director shall approve an application for detailed development plan approval only upon findings that:

- All development standards and impact mitigation meet the requirements of the approved concept plan, including conditions of approval.
2. Any other applicable zoning regulations that are not addressed in the concept development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan are contained in Section 17.65.070.
3. The detailed development plan conforms with the standards contained in Chapter 17.62, unless adjusted as provided in Section 17.65.070.

Applicant's Response: In accordance with this section of the code, the Applicant is pursuing concurrently with this Detailed Development Plan review a Concept Development Plan review. All development standards and impact mitigation concurrently processed through the Concept Development Plan review are also included in this Detailed Development Plan review. All zoning regulations applicable to the Detailed Development Plan have been thoroughly addressed herein, and the application conforms with all standards contained in Chapter 17.62 except as proposed to be adjusted, as addressed directly below.

17.65.070 - Adjustments to development standards.

- A. Purpose. In order to implement the purpose of the City's master plan process, which is to foster the growth of major institutions and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning process. These include, but are not limited to, items such as: dimensional standards of the underlying zone, site plan and design review criteria, residential design standards, and standards for land division approval.

Applicant's Response: *In accordance with this section of the code, the Applicant may request one or more adjustments to the applicable development regulations as part of the master planning process. Due to the constrained nature of the site and the needs of the anchor tenant, the Applicant is requesting a series of adjustments related mainly to the use of an internal private urban street grid that will create smaller urban scale blocks within the Detailed Development Plan boundary. The adjustments are noted above throughout the application in each section of the development standards where an adjustment applies. However, the criteria related to the adjustments is discussed in Section 17.65.070.D below. Prior to discussion of the criteria, the Applicant provides a brief history and project overview below, followed by a comprehensive list of the adjustments sought.*

History

The Applicant began preliminary design of the site to bring Safeway to Oregon City and re-develop the existing retail center over five years ago. The initial phase of design considerations included a thorough analysis of the existing conditions of the site and maximum usage of the remainder. The site is a large site of just over 20 acres and it is uniquely configured. The site has a border of various geometric angles that provide unique site considerations for development. Unlike a city block, the site does not have four uniform sides or equal street frontages. Combined with the existing development, the shape of the site allows for street frontage only along Beavercreek Road. However, Beavercreek Road has its own unique constraints. Specifically, three main factors influence how the Beavercreek frontage has been incorporated into the project design as follows.

Beavercreek Road was built in 1991. It was made possible through a land donation by the Applicant to the City. The Danielson Family played an integral role in the creation of Beavercreek Road. In cooperation with the City, the Applicant purchased property in 1989 from the adjacent landowner and then donated that property to the City in 1991 so that Beavercreek Road could be built. The Danielsons took on this role with a spirit of civic-mindedness and cooperation that has been the foundation for its relationship with Oregon City since 1942. At the time Beavercreek Road was built, a man-made ditch that carried surface water runoff was moved to the Danielson side of Beavercreek Road. Shortly after the man-made ditch was relocated to the Applicant's property, the City parks manager instituted a city wide cleanup. As part of that cleanup project the ditch was planted with trees and shrubs by City staff

and volunteers. The man-made ditch has naturalized over the years and is now an inventoried wetland protected as a natural resource under Oregon City's natural resource overlay district. Above in Section 17.49 the preservation and protection of the ditch is discussed at length. One of the site constraints along Beavercreek Road is the length of the protected natural resource, which runs along the entire southern edge of Beavercreek Road from the theatre to the current edge of the existing building. The first major constraint along Beavercreek is that no development can occur within the natural resource area.

A second development limitation exists along Beavercreek by way of a city sewer easement. The majority of frontage not occupied by the protected natural resource has a city sewer easement that runs across it. This sewer easement prohibits any development from being placed in the easement area.

Finally, a third factor exists in the general site configuration and how that site configuration interacts with the three transit streets which border the subject property. Along the northern edge of the property runs Warner Milne Road, along the eastern edge of the property runs Molalla Avenue and along the southern edge of the property runs Beavercreek Road. All three roads are considered transit streets by the City. However, Molalla Avenue is also a transit corridor with significantly more travel and intensity. Although the site is developed along the edge of Molalla with existing development, the Molalla orientation and visibility still remain vital for any successful tenant on the site. As the anchor tenant, Safeway must have a site design that is first visible and then accessible to its clientele in an effective manner from all three locations. To do so, there must be direct access and visibility along Molalla Avenue. Additionally, the configuration of the site and existing development make it highly impractical for a grocer to orient the frontage along Beavercreek Road. The sewer easement and the shape of the site behind the frontage make it difficult to provide needed parking access for a grocery client if the anchor tenant faces Beavercreek Road. If the building were turned and the anchor tenant was facing directly to Beavercreek Road parking stalls would be over 200 feet away, making it highly unlikely for a grocery user. Furthermore, significant parking would be lost for the entire site because the efficient street grid pattern, which allows efficient use of the space for parking, would no longer be viable. Therefore, the only practical option was to orient the entrance to the grocery store toward the interior of the site and mitigate those effects through other planning mechanisms.

To that end, the Applicant has designed a site that provides creative solutions to the site constraints that also meet the intent and purpose of the relevant code criteria. This is all done while balancing the needs of the tenant mix to ensure a long-term viable platform on which the tenants can be successful and vibrant members of the Oregon City community.

Project Overview

The Concept Development Plan approaches the setback and orientation issues along Beavercreek Road with a series of planning solutions that turn the Detailed Development Plan area into a smaller series of urban scale blocks. By creating an internal private street grid, the site becomes divided at roughly its mid point by an east/west internal private drive that connects to the main access on Molalla Avenue and a north/south internal private drive that connects to both Warner Milne Road and Beavercreek Road. The north/south internal private drive also connects with the east/west internal private drive at the Northwest corner of the Safeway building. The east/west internal private street becomes the vital element of the interior of the site – activating the interior of the site in an urban form that orients a portion of the development towards the Molalla transit corridor. Rather than leaving the urban interior street grid to alone satisfy the intent of the code, the Applicant has gone a step further by wrapping the Safeway building with in-line retail shops. The shop buildings and Safeway building combine to activate three of the four sides of the new development and connect the Safeway entrance with Beavercreek Road.

By activating all three sides of the building and providing internal connectivity through the private street grid, the site instantly creates a sense of place where visitors can comfortably access the site by transit, foot, bike or car and quickly find places to pause. Multiple shopping destinations and public spaces for gathering throughout the site provide an urban setting that invites visitors to linger and adds to the fabric of the Oregon City community.

The Applicant enhances these opportunities by providing three pedestrian plazas wrapping around the new development. With two plazas along Beavercreek and one at the edge of Safeway connecting to Molalla the visitor to the site is greeted with multiple opportunities to sit and gather as well as ways to access and move around the site by foot.

In order to create this heightened sense of place and enhanced urban form, the Applicant is seeking a series of adjustments from the Code as follows:

List of Adjustments Requested

- 1. 17.32.050 – Maximum Allowed Setbacks. Due to site constraints (as discussed previously and including the city sewer easement and inventoried wetland) the development cannot be placed within the required setback. An adjustment to the setback is requested through both this Chapter as well as Chapter 17.62.055.D.1, which allows an expanded setback when certain amenities are provided at the site to mitigate for the impact of the expanded setback. In the proposed development a number of mitigating amenities are proposed, including outdoor pavilions in the form of pedestrian plazas, enhanced landscaping with planter boxes and grasses within the plazas and enhanced architectural features such as pergolas and arcades. These items mitigate the impact of the proposed expanded setback.*

2. 17.52.090.B.3. – Parking Lot Landscaping. *A number of adjustments to the parking lot landscaping criteria are requested. The adjustments incorporate low impact design into the parking lot landscaping to provide the affect of a soft pedestrian friendly parking lot with minor adjustments to the criteria. The adjustments to the criteria are as follows:*

- *Landscape area within the parking field: Code requires 10% of the parking area to be landscaping. The proposed landscape plan illustrates 6.7% which is an increase from the 4.5% that currently exists. Given the fact that this is a redevelopment of an existing use, the proposed landscape plan brings the site in to closer conformance with the required development standards.*
- *Landscape trees in the interior parking field: Code requires 1 tree for every 6 parking spaces. Given the nature of the use (i.e. parking for grocery/retail), the landscape planter islands have been rotated to facilitate the incorporation of low impact design (“LID”) infiltration swales. The proposed layout also promotes efficient maintenance of the grocery parking fields. Due to the rotation of the landscape planter islands, the tree spacing has been modified. This has resulted in a slight reduction in the number of trees required to achieve the intent of the standard. The Applicant is proposing 1 tree for every 6.9 parking spaces, rather than 1 tree for every 6 parking spaces as the Code calls for. The placement of the trees still fulfills the intent of the tree requirement by providing shade trees at intervals that are distributed throughout the interior parking field. This adjustment meets the intent of the guideline and provides the additional benefit of incorporating storm water infiltration in to the interior parking lot design.*
- *Planter strips within the parking field: Code requires a planter to be placed at intervals of no more than 8 contiguous spaces. Again, the proposed layout facilitates the incorporation of LID infiltration swales, promotes efficient maintenance of the grocery parking field, and exceeds the required interior parking area landscape requirements by at least 13% within the development area. Additionally, the LID infiltration swales improve water quality. This adjustment meets the intent of the guideline.*
- *Mix of Deciduous and Evergreen Trees: Due to the nature of the use (i.e. parking for grocery/retail), the proposed landscape materials consist mostly of deciduous trees that are dispersed throughout the parking field. Because of the low branching structure of evergreen trees, deciduous trees are better suited for parking areas and provide broader canopies for shade. This adjustment better meets the intent of the guidelines.*

- **Standard parking dimensions:** Standard spaces for 90 degree parking stall are required to be 9' wide by 19' long and 60 degree parking stalls are required to be 9' wide by 21' long. Compact spaces for 90 degree parking stalls are required to be 8' wide by 16' long and 60 degree parking stalls are required to be 8' wide by 17.9' long. The Applicant is seeking an adjustment to allow some variations on the length of stalls as illustrated on the Detailed Development Plan. The Applicant is requesting an adjustment to allow for low impact landscaping, that provides sustainable plantings in a manner that improves water quality and meets the intent of the landscaping requirements.

3. 17.62.050.A.2.a – Vehicular Access and Connectivity. The Applicant seeks an adjustment to this standard, which requires parking to be located behind buildings, below buildings or on one or both sides of buildings. The proposed project does provide parking behind and on the sides of the new building, however, the proposed project also proposes a small parking field in the Beavercreek Road front of the building. This parking area is proposed as a way to utilize an area of the site that is constrained from development due to a city sewer easement. The only practical use of this property is for landscaping, parking and a pedestrian plaza. The Applicant proposes all three uses within the area and as such, a small amount of parking will occur in front of the building along Beavercreek. This is mitigated by the additional public amenities in the area as well as the internal private street grid, which provides for an urban pedestrian-oriented streetscape throughout the site as discussed thoroughly herein.

4. 17.62.055.D.2 – The front façade shall be oriented toward the street and shall be accessed from a public sidewalk. There are three main facades to the two new buildings. Although there are two new buildings, because they are contiguous for purposes of the code requirements they function as a single building. Of the three building faces, one side faces the interior street grid, one side faces Molalla and one side faces Beavercreek. Because the anchor tenant building's primary façade faces the interior street grid, the applicant seeks an adjustment to this criteria. The impact of the adjustment is mitigated by the other two front facades and enhancements to their orientation through contiguous sidewalk pedestrian connections and two pedestrian plazas activating the Beavercreek façade. The Applicant suggests that this configuration providing the in-line retail shops oriented toward Beavercreek Road satisfies the relevant criterion and this concept is explored in great detail above in Section 17.62.080.C.1.b and 17.62.055.D.2. However, if the City staff feels the criterion relates to the Safeway entrance alone, then the Applicant also seeks an adjustment to the criterion in the alternative. The orientation of the Safeway entrance is mitigated by the internal private street grid and the enhancements and building facades along Beavercreek Road.

5. **17.62.055.D.3 – The entrways to all building entrances are framed by the elements required in this section of the code and face either Beavercreek or the internal private street grid. As explained in great detail above throughout the application and in particular in Sections 17.62.080.C.1.b and 17.62.055.D.3, the use of the street grid provides the same result as required by this standard by creating multiple accessible and visually capturing active entranceways to the project that connect directly to transit (through either direct Beavercreek Road access or the internal private street grid). The Applicant suggests that through the use of one of the main entryways along Beavercreek Road, the Applicant has satisfied this criterion and then gone a step further to provide the same active connection through the internal private street grid. However, if the City staff finds the criterion relates solely to the Safeway entrance, then the Applicant also seeks an adjustment to the criterion in the alternative. The orientation of the entryway of Safeway is mitigated by the internal private street and the active interior of the site which connects directly to all the major streets adjacent to the site.**

6. **17.62.055.C.5 – Sixty percent of buildings with 100 feet or more of Frontage are required to be within five feet of the property line. Existing development along Warner Milne Road and Molalla Avenue as well as a City easement and natural resource protection area along Beavercreek Road preclude buildings being within 5 feet of frontage. Through the use of connections to Beavercreek and Molalla Avenue, the Applicant has mitigated the impacts of the setback adjustment as discussed above in paragraph 1 of this section.**

7. **17.62.080 – Special Development standards along transit streets. Because of the site constraints (existing development and sewer easement) the Applicant has three non traditional connections to two adjacent transit streets. The Applicant believes that the non-traditional connections meet the applicable criteria by providing a direct connection from the transit street to one of the main building entrances, as required in Section 17.62.080. Please see a more detailed description above in Section 17.62.080.C.1.b above. However, in the alternative, the Applicant seeks an adjustment to this standard due to the site constraints discussed above and as mitigated by the enhanced pedestrian connections, also discussed herein.**

- B. Procedure. Requests for adjustments shall be processed concurrently with a general development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.

Applicant's Response: The Applicant understands that request for adjustments will be processed concurrently with the Concept Development Plan.

- C. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:
1. To allow a primary or accessory use that is not allowed by the regulations;

2. To any regulation that contains the word "prohibited";
3. As an exception to a threshold review, such as a Type III review process; and
4. Any exception to allow a use not identified as a permitted or conditional use in the underlying zone.

Applicant's Response: *The Applicant is not requesting an adjustment for any of the prohibited items mentioned above.*

D. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met.

1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;

Applicant's Response: *The adjustments sought herein are all provided with significant mitigation measures. Each adjustment relates to the unique configuration of the site and the site constraints that do not allow siting of the new building directly along Beavercreek Road and the entrance of the anchor tenant oriented toward Beavercreek Road. This is discussed in detail in the history and project overview above. All of the standards being adjusted are intended to provide an urban pedestrian-oriented streetscape on the site. To ensure that an urban pedestrian-oriented streetscape is created on the site despite the adjustments being sought, the Applicant is providing significant mitigation to offset the effects of the adjustments. Specifically, the Applicant has provided an urban scale internal private street grid that breaks the large site into smaller blocks and provides an urban frontage in the interior of the site. The result is a reasonably walkable area with pedestrian connections from the transit street that mimic the size and walkability of a downtown block in Oregon City. Furthermore, the Applicant has also enhanced the Beavercreek frontage to create the effect of an urban environment within a larger setback by providing multiple pedestrian connections and two pedestrian plazas in the area to provide an active urban environment. The affect of the adjustments is to create multiple frontages on the new building that create multiple active pedestrian urban areas. The outcome is a site design that better meets the intent of the code by providing not just a single urban frontage but multiple site frontages well connected to both an internal private street and the adjacent transit streets.*

Finally, the parking lot landscaping adjustments are sought to provide the required parking, which is necessary to serve the active site as well as to provide low impact design landscaping furthering the code criteria related to sustainability. The purpose of the parking lot landscape is to provide a pleasant and softened parking lot experience that is inviting to the pedestrian. Because the adjustments to the landscape requirements are minimal, the landscaping will still meet the intent of the code.

The adjustments equally or better meet the purpose of the regulations being modified by providing a successful active urban environment and therefore, the criterion is met.

2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;

Applicant's Response: As discussed above, the series of adjustments sought are mainly related to the street frontage along Beavercreek Road. Taken as a whole, the cumulative effect of the adjustments is minimal because they are thoroughly mitigated with the urban pedestrian-scale enhancements along Beavercreek and the internal private street grid. Through these mitigation measures the project is consistent with the purpose of the General Commercial zone, which provides an urban streetscape project that is pedestrian-oriented and provides a heightened sense of place and urban activity throughout the large site.

The landscape adjustment is unrelated to the Beavercreek Road frontage and is a minor variation from the code criteria. No additional cumulative effect is caused by the landscape adjustment.

This criterion is satisfied.

3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;

Applicant's Response: The Goal 5 resource designated on the site along Beavercreek Road is protected by these adjustments by allowing an increased buffer to the vegetative area, increased vegetative area and satisfying the requirements for mitigation in Chapter 17.49.180. No other adjustments effect any protected natural resources. Therefore, this criterion is satisfied.

4. Any impacts resulting from the adjustment are mitigated; and

Applicant's Response: As discussed above, the impacts of the adjustments are mitigated through the enhanced features along Beavercreek Road and the internal private street grid. The landscape adjustments are mitigated through the use of low impact design, which enhances sustainability. Additional mitigation is found in the minimal adjustment to the landscape code criteria, which allows the cumulative nature of the landscaping to appear for all intents and purposes to be in line with the code criteria. This criterion is satisfied.

5. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

Applicant's Response: The project is not within an environmental zone, therefore this criterion is not applicable.

6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and ancillary documents.

Applicant's Response: The proposed adjustments are consistent with the applicable goals of the Oregon City Comprehensive Plan as follows:

Section 1 Citizen Involvement

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

Applicant's Response: The project has sought significant community input through meetings with the Hillendale neighborhood association. In particular, the Applicant has discussed the adjustments sought with the Hillendale neighborhood association and received input from the neighborhood association regarding the adjustments sought. The neighborhood has formally stated its support for the project, including the requested adjustments. This type of community involvement is exactly the type of engagement encouraged by Goal 1.1 of the Comprehensive Plan. Additionally, further public input will be provided through one or more public hearings regarding the application. The proposed adjustments are consistent with Goal 1.1 of the Comprehensive Plan.

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

Applicant's Response: Community involvement has been provided for in the Concept Development Plan including a review of the adjustments as discussed above. Additionally, public notice will be provided to the general public and affected citizens and this notice shall provide information related to the application and related adjustments. All citizens of Oregon City will be informed of the project and have opportunity to provide input related to the adjustments sought. The proposed adjustments are consistent with Goal 1.4 of the Comprehensive Plan.

Goal 1.5 – Government/Community Relations. Provide a framework for facilitating open, two-way communication between City representatives and individuals, groups, and communities.

Applicant's Response: Through the application process the Applicant has utilized the City's framework of both informal and formal meetings with City representatives to communicate regarding the adjustments sought. The proposed adjustments are consistent with Goal 1.5 of the Comprehensive Plan.

Section 2. Land Use.

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

Applicant's Response: *The subject property is planned for commercial uses according to the Oregon City planning documents. The proposed adjustments are vital to ensuring that the property is redeveloped at this time and will be used for commercial purposes. Furthermore, the layout of the buildings on the subject property provides that the maximum amount of land is utilized to provide commercial uses in an efficient and sustainable manner. Not only are the adjustments consistent with this Goal, but they are integral to the ability to use the property efficiently. Without the adjustments, the property would be left unused in a large portion of the interior with no activation. The adjustments are absolutely necessary to allow the use of a series of pedestrian plazas and an interconnected street grid that allow the entire 20 acre site to be utilized for efficient commercial development. Furthermore, the project includes buildings built for long-term use that are served by ample parking and utilizing sustainable landscape practices. All of which is made possible by the landscaping adjustments. The Concept Development Plan is consistent with Goal 2.1 of the Comprehensive Plan.*

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

Applicant's Response: *Molalla Avenue is a selected transit corridor pursuant to this Comprehensive Plan Goal. The entirety of the Molalla Avenue transit corridor is currently built-out with existing development. The adjustments allow for the redevelopment to connect to Molalla Avenue through a pedestrian plaza and building orientation on the site. No other transit corridors exist adjacent to the subject property. The adjustments are consistent with Goal 2.3.*

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

Applicant's Response: *The redevelopment of Hilltop Shopping Center will create a sense of place and identity in the Hilltop area by creating an urban scale pedestrian-oriented commercial center. The project will provide multiple pedestrian plazas that create a sense of place and provide areas where citizens can gather. The Hilltop area has long been served by commercial services on this site, including a grocery store, and this redevelopment ensures a long future for the continued availability of a valuable neighborhood services. The proposed adjustments allow for the redevelopment to provide a gathering place for local residents and visitors through the use of the internal private street grid.*

The Concept Development Plan is consistent with Goal 2.4 of the Comprehensive Plan.

Goal 2.5 – Retail and Neighborhood Commercial. Encourage the provision of appropriately scaled services to neighborhoods.

Applicant's Response: This proposed project provides neighborhood and pedestrian scaled services through the use of an internal private street grid that provides urban scaled access to the large 20 acre site. By creating an internal private street grid, the site is accessible and pedestrian-oriented throughout. Additionally, the Detailed Development Plan calls for urban streetscape and pedestrian-oriented retail development. Additionally, this project encourages the expansion of existing business through infill development. The new development dramatically improves the aesthetic character of this commercial area and takes an existing commercial development and modernizes it both in look, use and landscaping techniques. The project is consistent with Goal 2.5 of the Comprehensive Plan.

Section 6 – Quality of Air, Water and Land Resources.

Goal 6.1 – Air Quality. 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's Response: This proposed project uses a land-use pattern that creates dense urban development in an existing urban area that serves a close-in population. The development pattern also makes strong connections to local transit and provides pedestrian and bicycle oriented amenities. The project provides valuable Grocery services and other retail services and employment to nearby residents. Taken as a whole, this development reduces the need for longer vehicle travel and therefore promotes better air quality. The adjustments are necessary to allow the development in a manner that utilizes the urban form and supports the tenant mix. The project as adjusted is consistent with Goal 6.1 of the Comprehensive Plan.

Goal 6.2 – Water Quality. Control erosion and sedimentation associated with construction and development activities to protect water quality.

Applicant's Response: The landscape adjustments enhance water quality through the use of low impact landscaping measures that are designed to improve water quality. The adjustments are necessary to allow the low impact design landscaping mechanisms which provide improved water quality. The other adjustments related to the internal private street grid do not impact this portion of the Comprehensive Plan. The project as adjusted is consistent with Goal 6.2 of the Comprehensive Plan.

Section 12 Transportation.

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

Applicant's Response: *The proposed adjustments help to create a project that incorporates the applicable policies of this Goal (policies 12.1.1, 12.1.2, and 12.1.3) into the project. Specifically, the project proposes multi-modal connections to the site allowing for vehicular, transit, pedestrian and bicycle access to the redevelopment through both perimeter connections and the interior street grid. The proposed and existing intense commercial uses support the Molalla Avenue transit corridor and the surrounding major arterials, optimizing the land use-transportation connections surrounding the site. Finally, this commercial development is well situated within Oregon City to serve a variety of residential neighborhoods, including higher density residential neighborhoods. The proposed adjustments allow the internal private street grid, which makes strong land use-transportation connections. The landscaping adjustments do not impact this goal. The adjustments are consistent with Goal 12.1 of the Comprehensive Plan.*

Goal 12.2 – Local and Regional Transit. Promote regional mass transit (South Corridor bus, Bus Rapid Transit, and light rail) that will serve Oregon City.

Applicant's Response: *The adjustments are consistent with strong connections to transit through pedestrian connections to Beaver Creek Road at a designated transit stop and to Molalla Avenue, a transit corridor. The site is well served by transit connections both regionally and locally focused and connected to the site through the three pedestrian plazas. The landscaping adjustments do not impact this goal. The adjustments consistent with Goal 12.2 of the Comprehensive Plan.*

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

Applicant's Response: *The adjustments allow enhanced multi-modal travel options, including pedestrian, mass transit, bicycle and vehicular traffic. The site provides a well planned series of pedestrian connections that provide pedestrian activity both on the perimeter of the site along the transit streets but also internally through the internal private street grid. The adjustments allow the enhanced connections created through the internal private street grid. Vehicular traffic can access the site in multiple locations that all connect to an internal private street grid that allows for fully connected vehicular drive aisles to each of the transit streets surrounding the site. In all, the site has significant capacity for multi-modal travel options that are consistent with the adjustments requested. The landscaping adjustments do not impact this goal. Therefore, the adjustments are consistent with Goal 12. 3 of the Comprehensive Plan.*

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

Applicant's Response: *The adjustments are necessary to create the internal traffic improvements that promote increased efficiencies and safety at intersections both within and adjacent to the site. All vehicular, bicycle and pedestrian crossings are marked through the use of texture changes and/or grade changes to alert the users of pedestrian crossings. These improvements promote enhanced safety to the Oregon City transportation system. The landscaping adjustments do not impact this goal. The adjustments are consistent with Goal 12.5 of the Comprehensive Plan.*

Goal 12.6 – Capacity. Develop and maintain a transportation system that has enough capacity to meet users' needs.

Applicant's Response: *The Applicant has provided a Transportation Impact Analysis that finds the transportation system has sufficient capacity to meet users' needs taking into account the impacts of the Concept Development Plan. Minimal improvements are needed and all improvements are identified in the TIA and are being incorporated into the project. The adjustments are consistent with the TIA improvements requested and allow the internal connections through the private street grid relied upon in the findings of the TIA. The system will continue to serve existing and projected travel needs through the use of the adjustments. The landscaping adjustments do not impact this goal. The adjustments are consistent with Goal 12.6 of the Comprehensive Plan.*

Goal 12.7 – Sustainable Approach. Promote a transportation system that supports sustainable practices.

Applicant's Response: *The project supports sustainable practices by providing Grocery and other service retail opportunities to the neighborhood. Without this reinvestment in this site the neighborhoods residents would have to travel further and many would be forced into vehicles to reach these services. The site design as proposed includes sustainable elements through the use of street trees, high quality construction materials providing a long life cycle and through the support and encouragement of multi-modal transportation links that limit vehicular traffic to and from the site. The requested adjustments to the parking lot landscaping criteria is consistent with this goal and allows low impact landscaping to improve water quality at the site and implement sustainable practices. The other adjustments are consistent with sustainability for the reasons stated above. The adjustments are consistent with Goal 12.7 of the Comprehensive Plan.*

Goal 12.8 – Implementation and Funding. Identify and implement needed transportation system improvements using available funding.

Applicant's Response: *The TIA identifies a small number of transportation improvements that will be funded by the Applicant and built in the initial phase of development through*

the Detailed Development Plan. The adjustments are consistent with the transportation improvements as they are related to the street grid. The landscaping adjustments do not impact this goal. The adjustments are consistent with Goal 12.8 of the Comprehensive Plan.

(Ord. No. 08-1014, §§ 1—3 (Exhibits 1—3), 7-1-2009)

HILLTOP CENTER

MASTER PLAN & DETAILED DEVELOPMENT PLAN

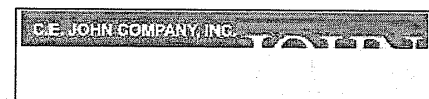
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OCTOBER 2010

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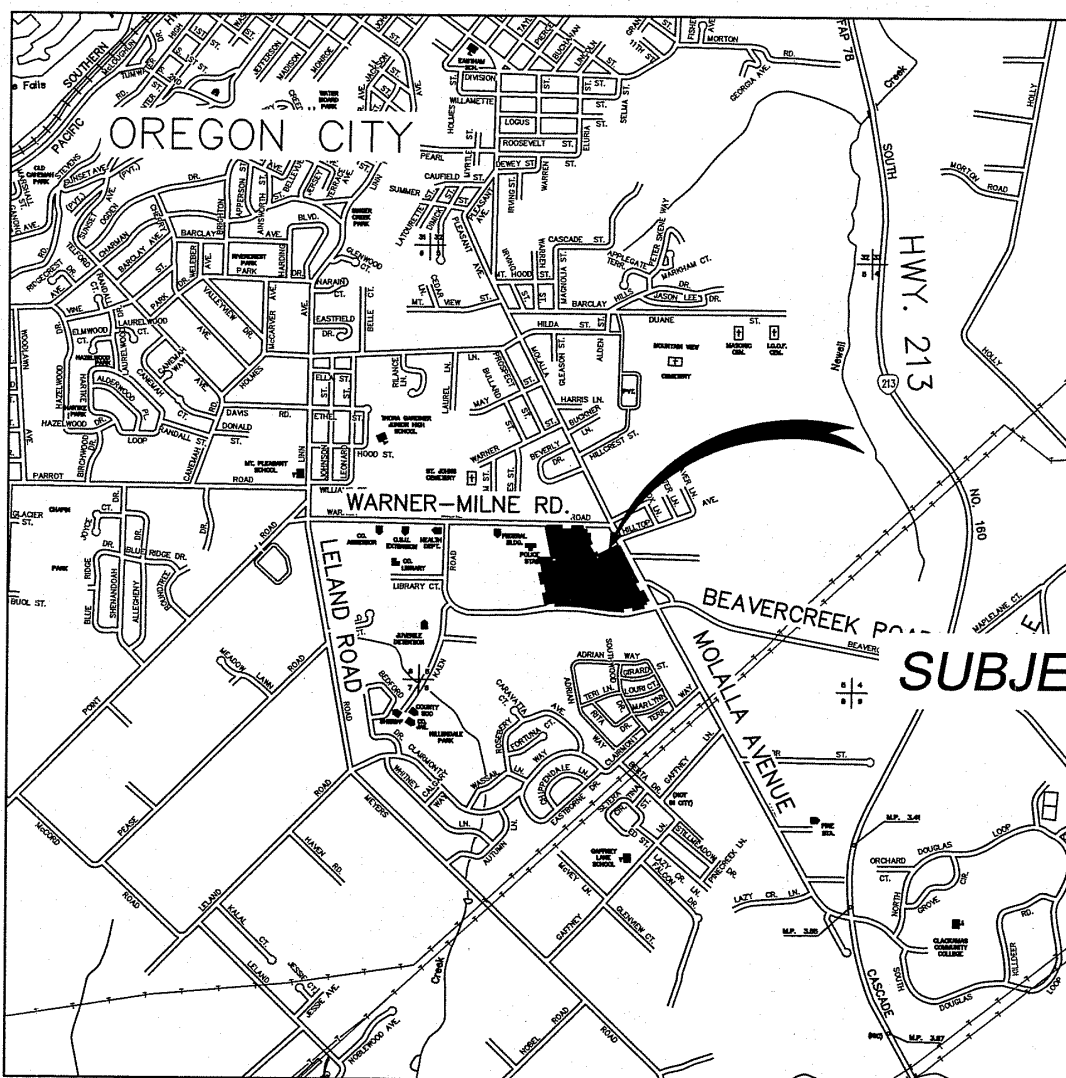
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A2.1	GROCERY ARCHITECTURAL ELEVATIONS - COLORED
A2.2	GROCERY ARCHITECTURAL ELEVATIONS
A2.3	IN LINE RETAIL ARCHITECTURAL ELEVATIONS
LT1.0	SITE LIGHTING PLAN
LT1.1	SITE LIGHTING PLAN - NORTH
LT1.2	SITE LIGHTING PLAN - SOUTH



VICINITY MAP

N.T.S.

LEGEND

EXISTING	DESCRIPTION	PROPOSED
STORM / SANITARY SEWER		
	CATCH BASIN	
	CLEAN OUT	
	CULVERT	
	DRY WELL	
	SANITARY SEWER MANHOLE	
	STORM DRAIN MANHOLE	
	STORM DRAIN LINE	
	SANITARY SEWER LINE	
WATER		
	BUTTERFLY VALVE	
	FDC	
	FIRE HYDRANT	
	GATE VALVE	
	WATER METER	
	REDUCER	
	THRUST BLOCK	
	VAULT	
	SPRINKLER VALVE	
	WATER LINE	
	WATER METER VAULT	
MISCELLANEOUS		
	SPOT ELEVATION	
	CONIFER TREE	
	DECIDUOUS TREE	
	VEGETATION	
	SIGN	
	CURB	
	PROPERTY LINE	
	BOUNDARY LINE	
	CENTERLINE	
	EASEMENT	
	SAWCUT LINE	
	CONTOUR	
	TRAFFIC / LIGHTING JUNG. BOXES	
	PEDESTRIAN POLE	
	STREET LIGHT	
	PEDESTRIAN LIGHTING	

ABBREVIATIONS

AC	ASPHALT CONCRETE	SD	STORM DRAIN
BO	BLOW OFF	SDMH	STORM DRAIN MANHOLE
CB	CATCH BASIN	SS	SANITARY SEWER
CO	CLEAN OUT	SSMH	SANITARY SEWER MANHOLE
FL	FLOW LINE	TC	TOP OF CURB
FG	FINISH GRADE	TG	TOP OF GRATE
FFE	FINISH FLOOR ELEVATION	TYP	TYPICAL
IE	INVERT ELEVATION	W	WATER
MxFL	MECHANICAL JOINT BY FLANGE CONNECTION		
RIM	MANHOLE OR CLEANOUT RIM ELEVATION		

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COVER SHEET

HILLTOP CENTER

PROJECT NUMBER
035577

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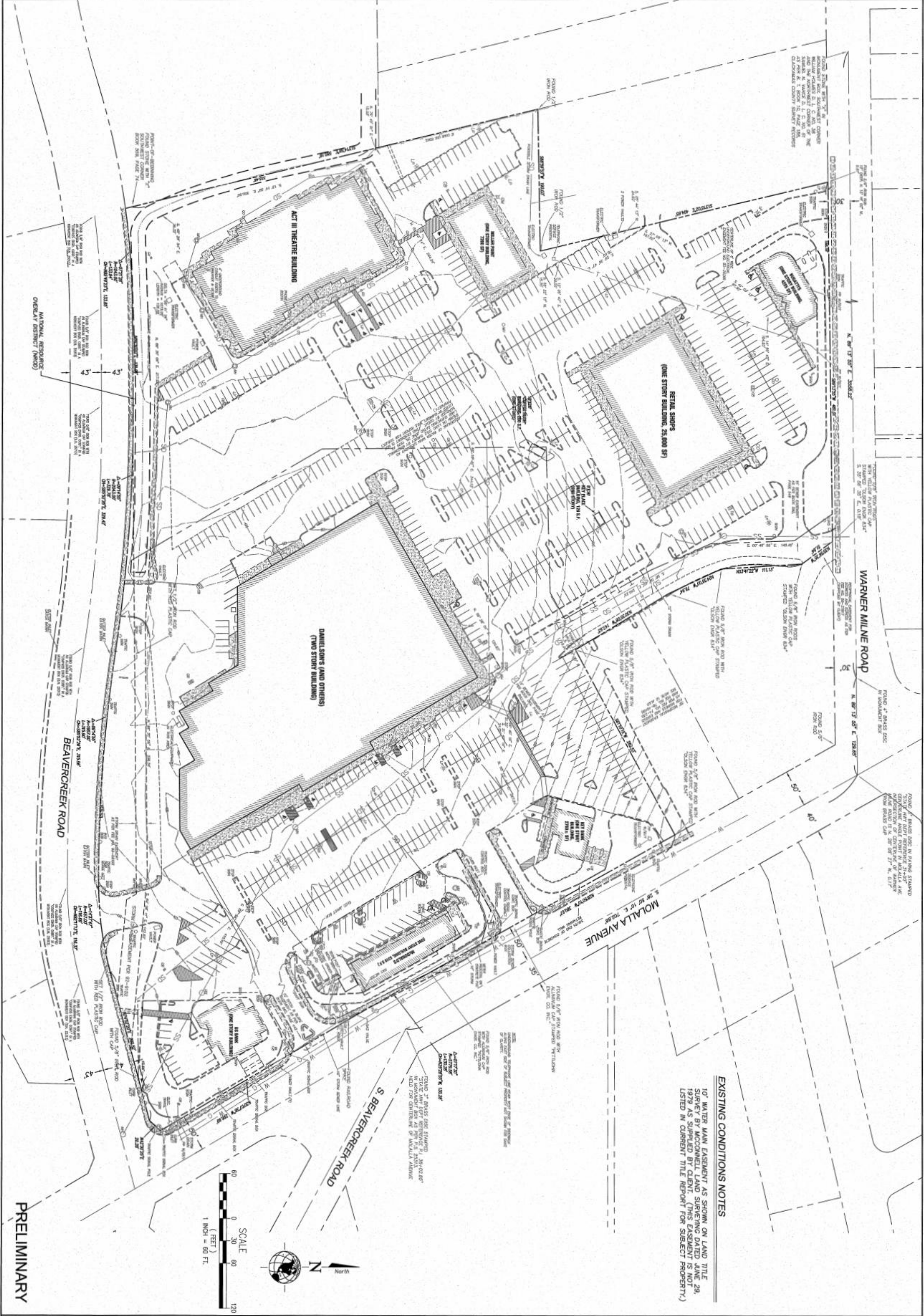
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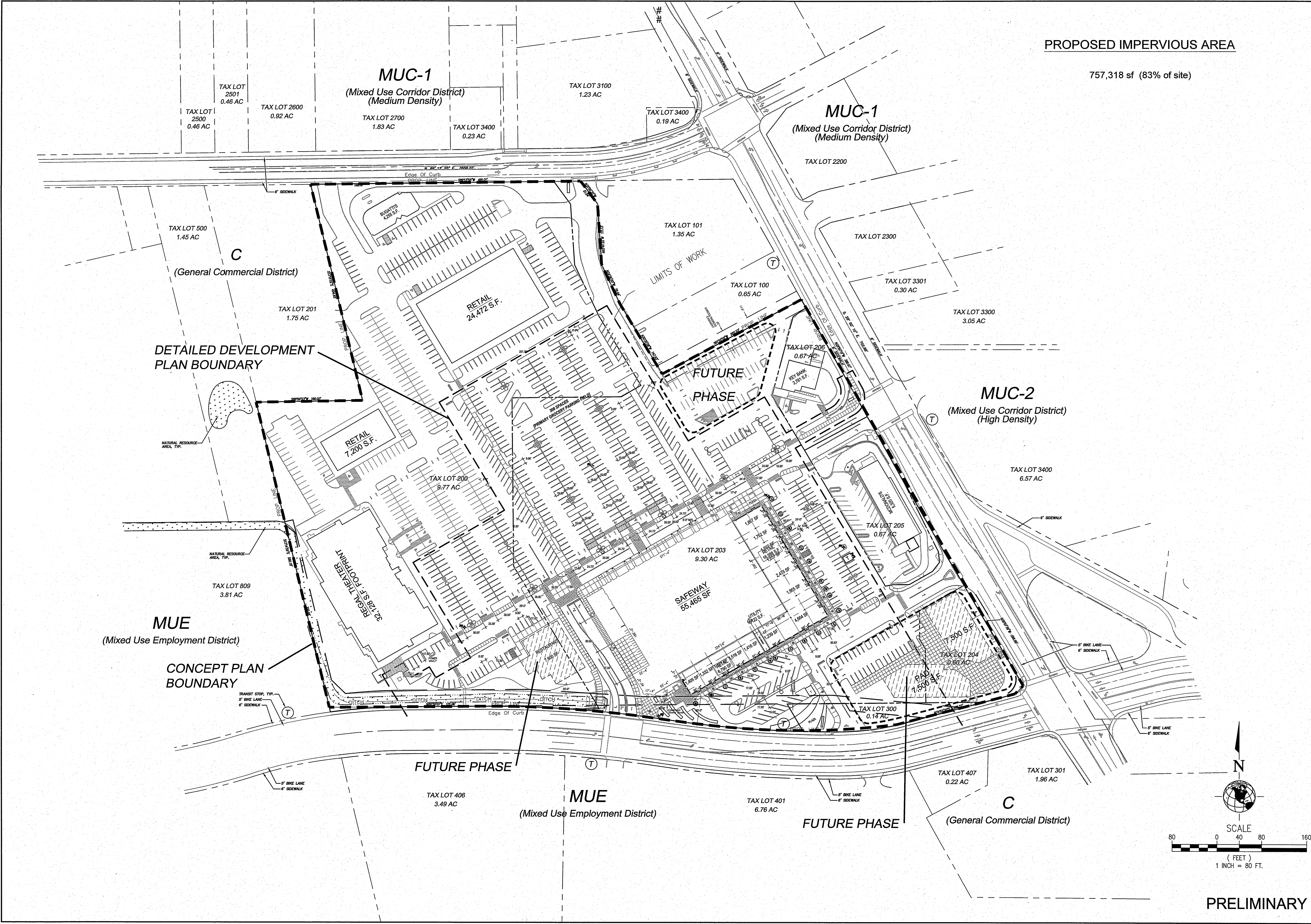
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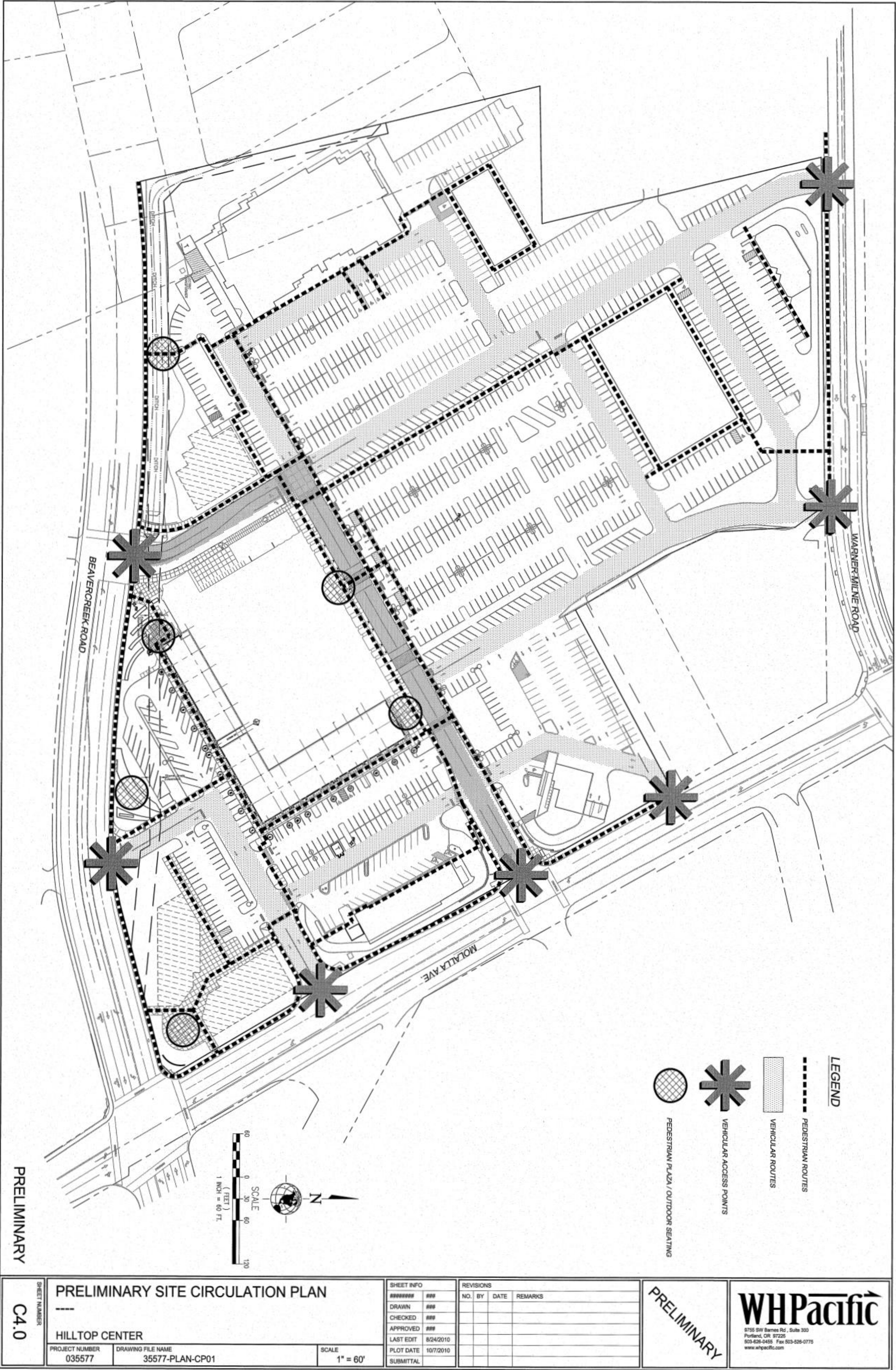
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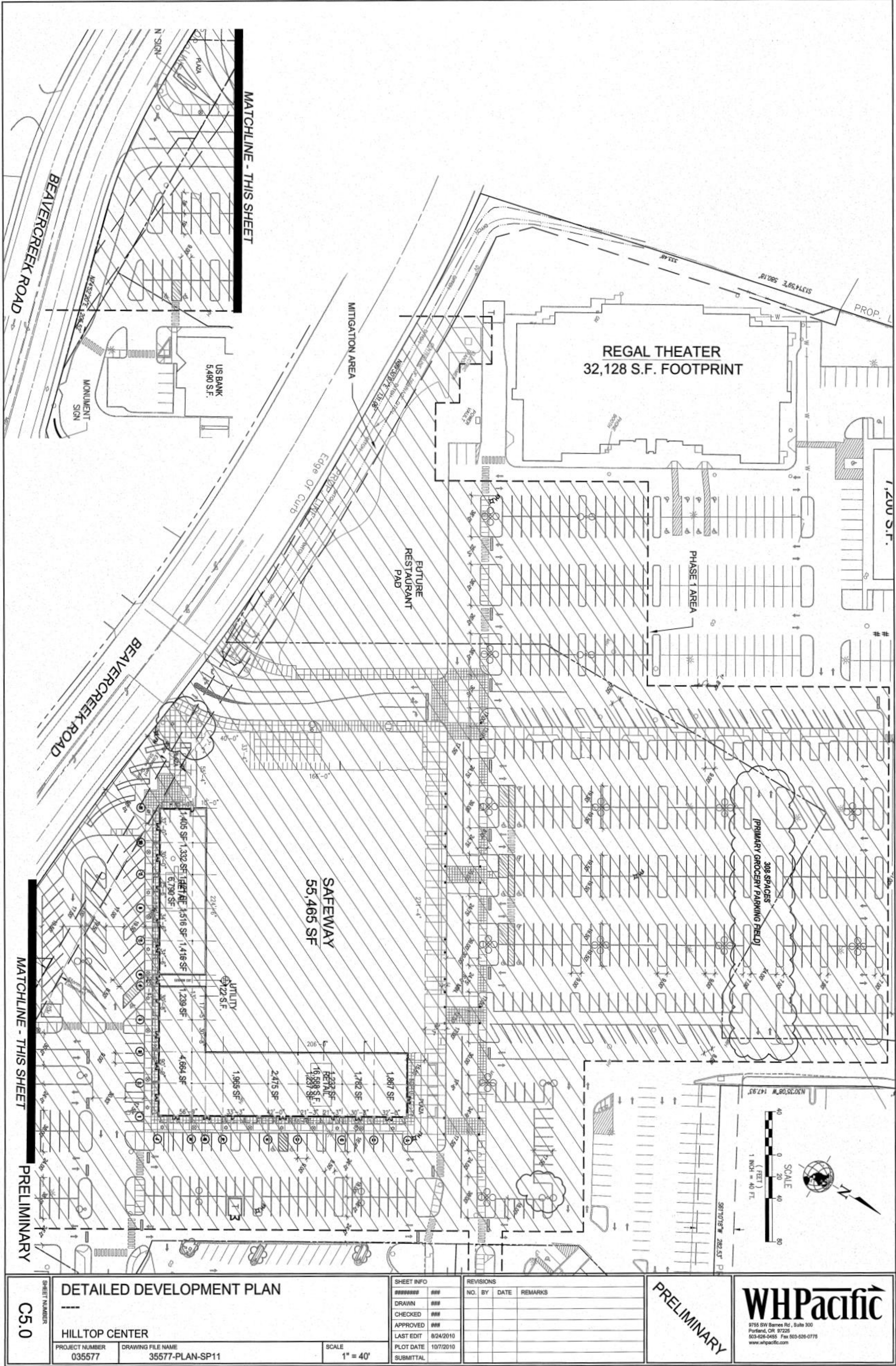
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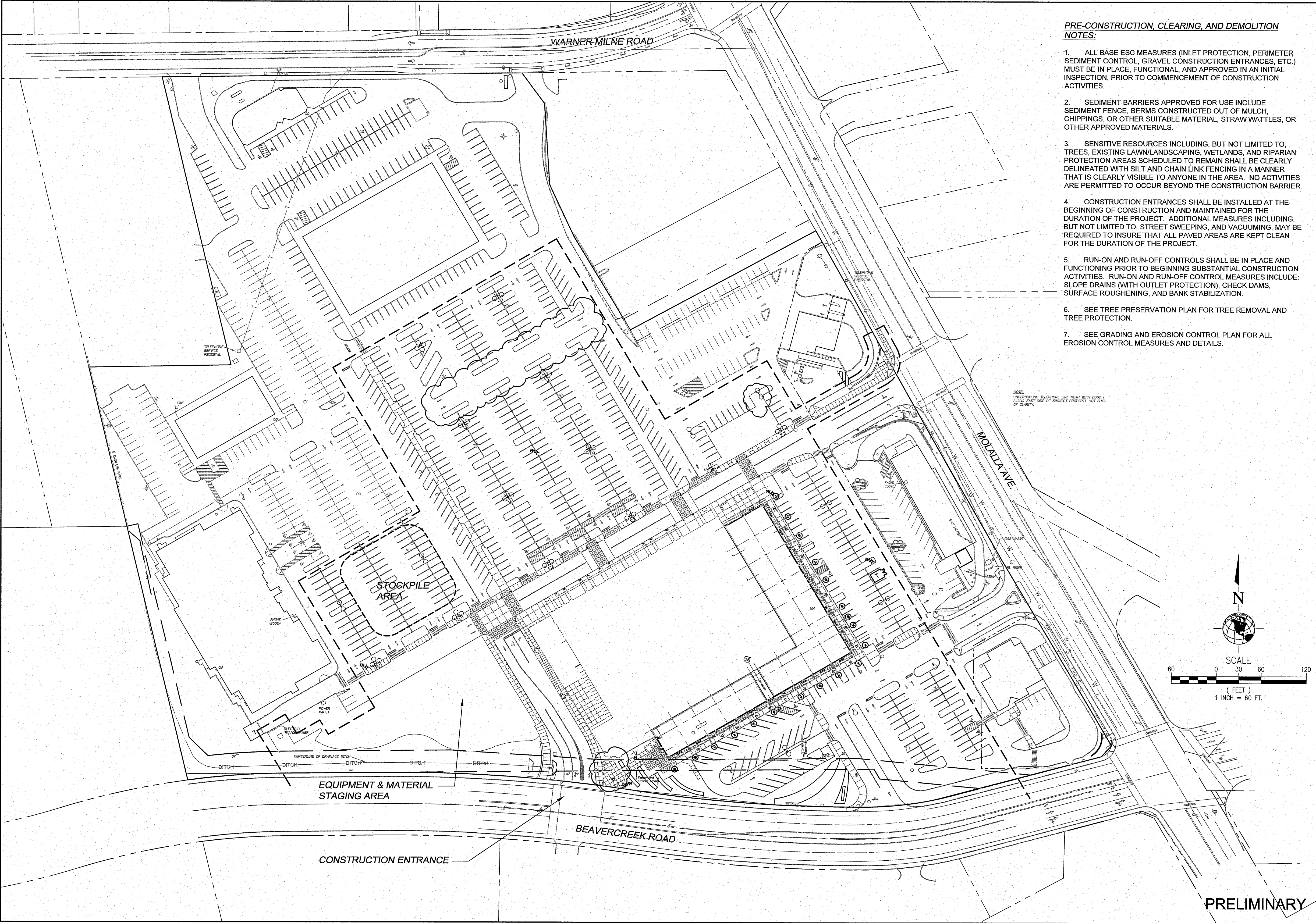
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- PRE-CONSTRUCTION, CLEARING, AND DEMOLITION NOTES:**
1. ALL BASE ESC MEASURES (INLET PROTECTION, PERIMETER SEDIMENT CONTROL, GRAVEL CONSTRUCTION ENTRANCES, ETC.) MUST BE IN PLACE, FUNCTIONAL, AND APPROVED IN AN INITIAL INSPECTION, PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES.
 2. SEDIMENT BARRIERS APPROVED FOR USE INCLUDE SEDIMENT FENCE, BERMS CONSTRUCTED OUT OF MULCH, CHIPPINGS, OR OTHER SUITABLE MATERIAL, STRAW WATTLES, OR OTHER APPROVED MATERIALS.
 3. SENSITIVE RESOURCES INCLUDING, BUT NOT LIMITED TO, TREES, EXISTING LAWN/LANDSCAPING, WETLANDS, AND RIPARIAN PROTECTION AREAS SCHEDULED TO REMAIN SHALL BE CLEARLY DELINEATED WITH SILT AND CHAIN LINK FENCING IN A MANNER THAT IS CLEARLY VISIBLE TO ANYONE IN THE AREA. NO ACTIVITIES ARE PERMITTED TO OCCUR BEYOND THE CONSTRUCTION BARRIER.
 4. CONSTRUCTION ENTRANCES SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES INCLUDING, BUT NOT LIMITED TO, STREET SWEEPING, AND VACUUMING, MAY BE REQUIRED TO INSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.
 5. RUN-ON AND RUN-OFF CONTROLS SHALL BE IN PLACE AND FUNCTIONING PRIOR TO BEGINNING SUBSTANTIAL CONSTRUCTION ACTIVITIES. RUN-ON AND RUN-OFF CONTROL MEASURES INCLUDE: SLOPE DRAINS (WITH OUTLET PROTECTION), CHECK DAMS, SURFACE ROUGHENING, AND BANK STABILIZATION.
 6. SEE TREE PRESERVATION PLAN FOR TREE REMOVAL AND TREE PROTECTION.
 7. SEE GRADING AND EROSION CONTROL PLAN FOR ALL EROSION CONTROL MEASURES AND DETAILS.

NOTE:
UNDERSTANDING TELEPHONE LINE NEAR WEST CORNER
ALONG EAST SIDE OF SUBJECT PROPERTY NOT SIDE
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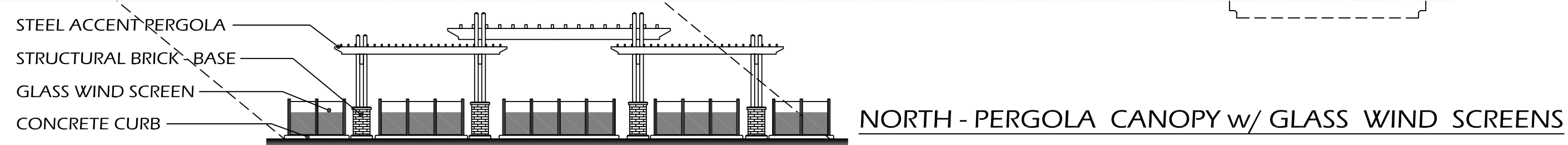
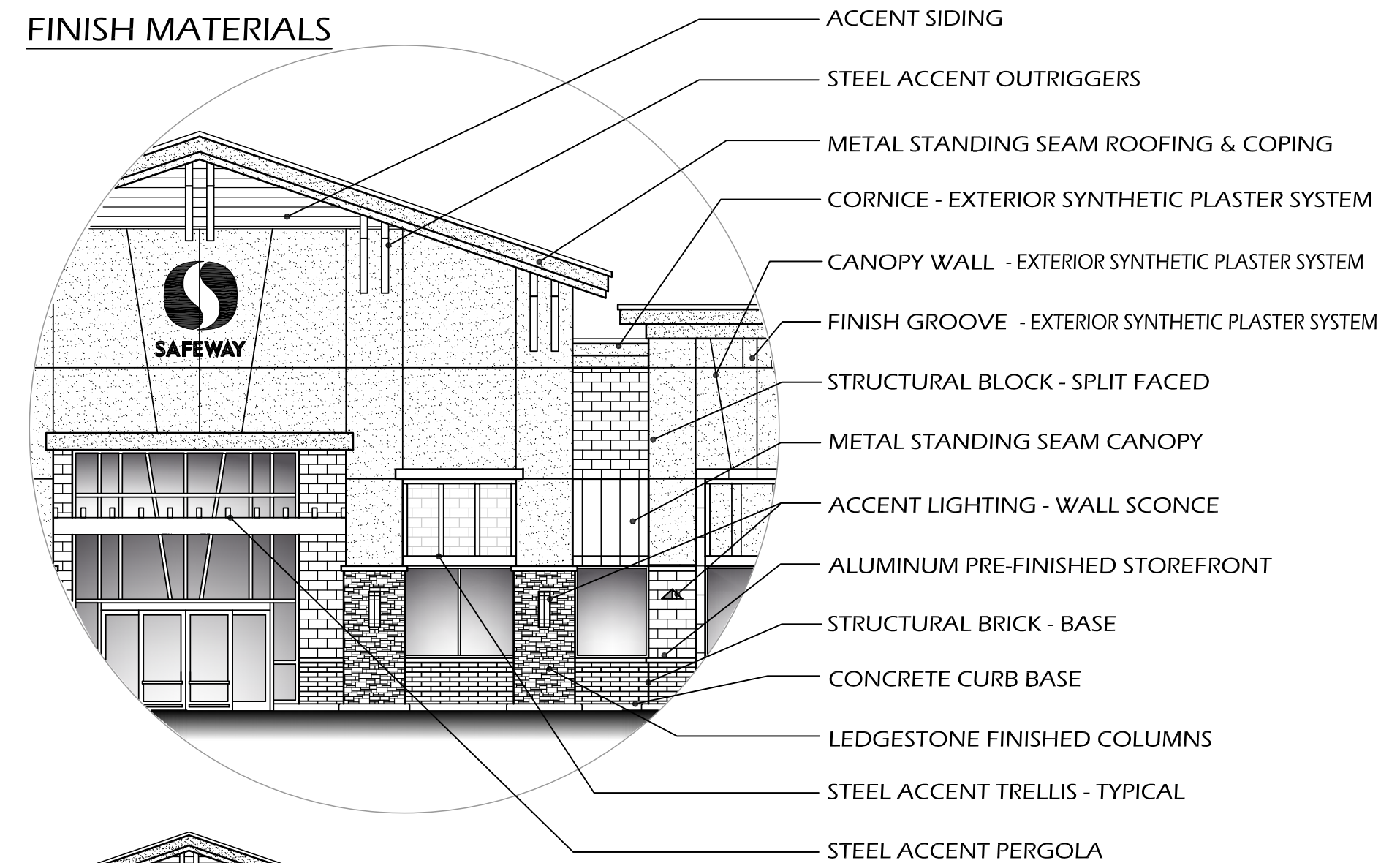
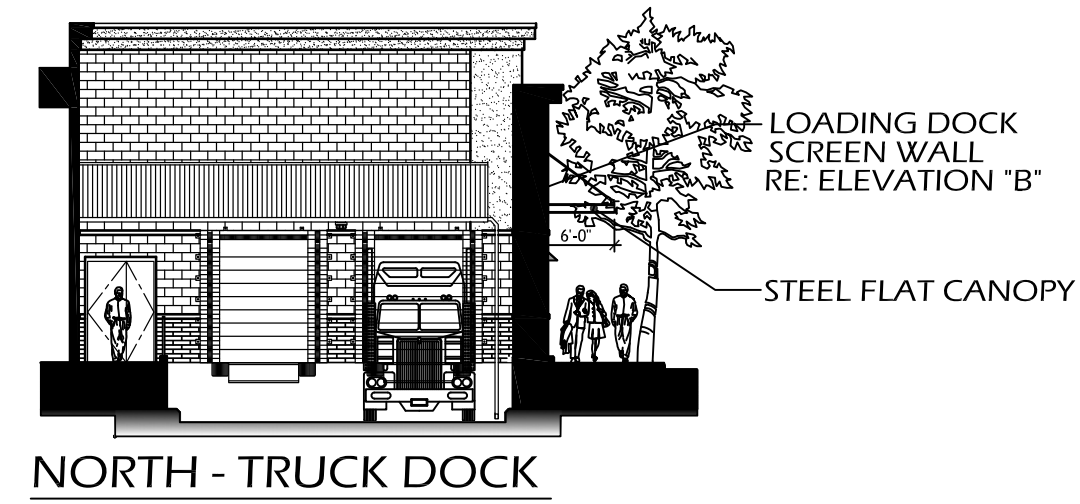
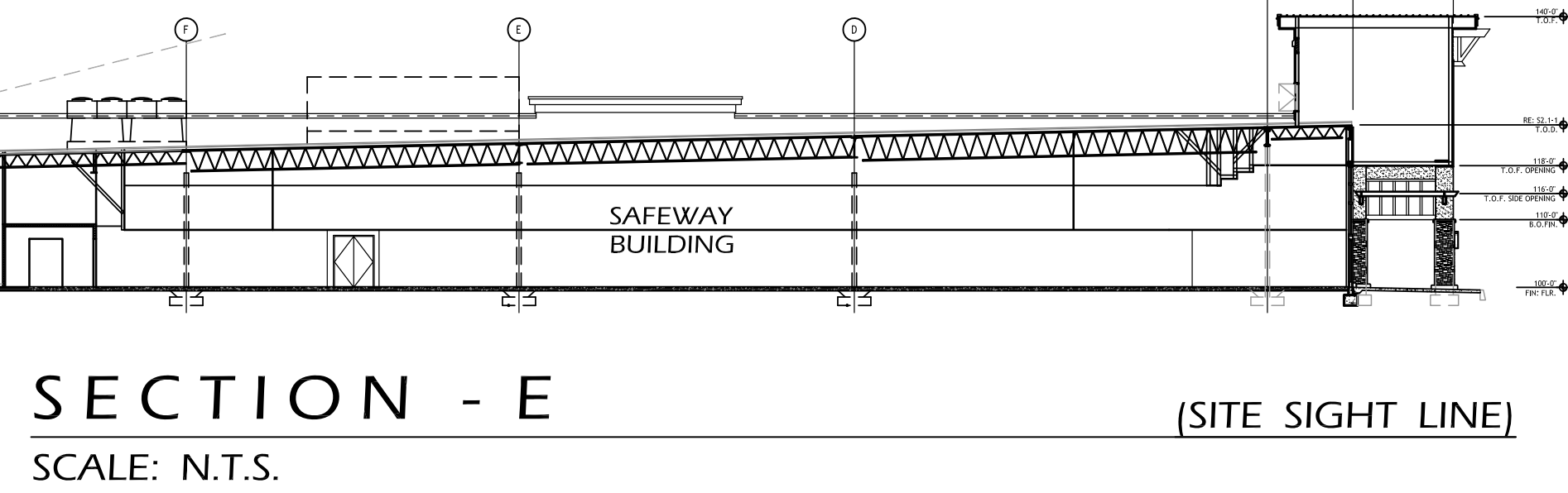
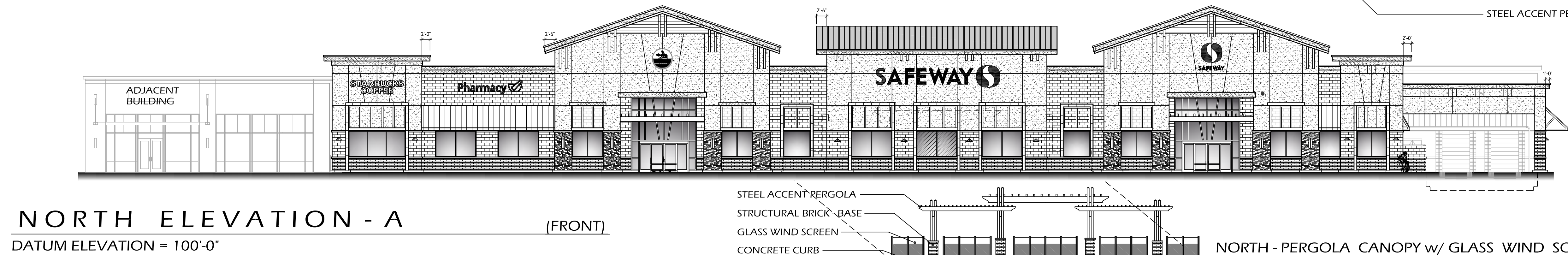
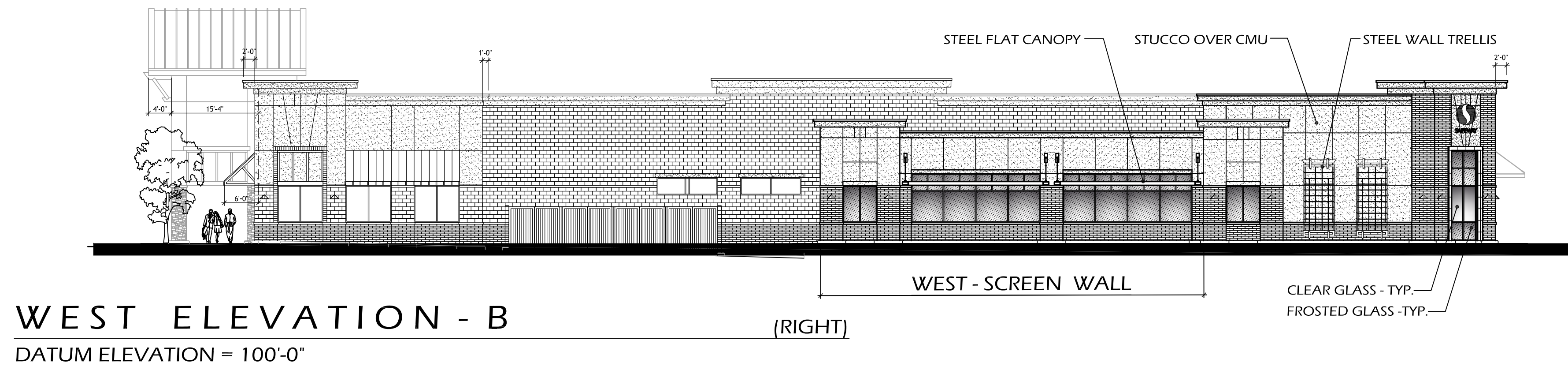
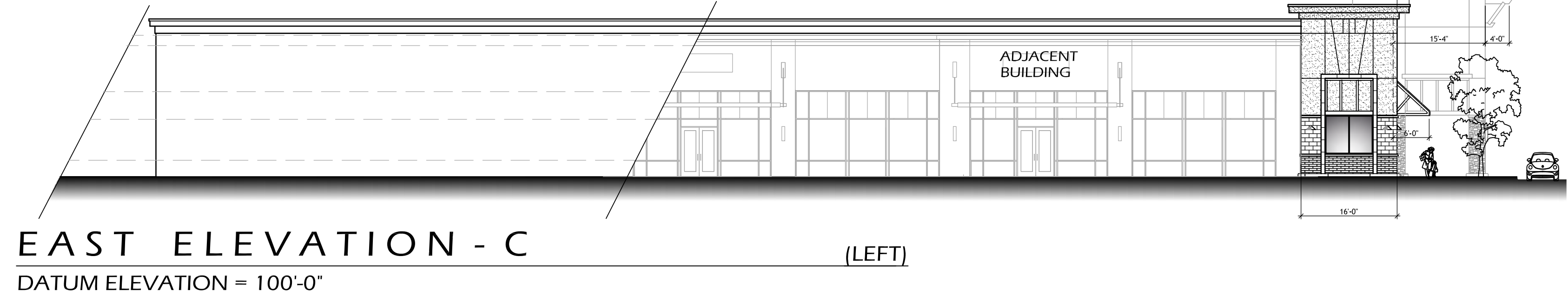
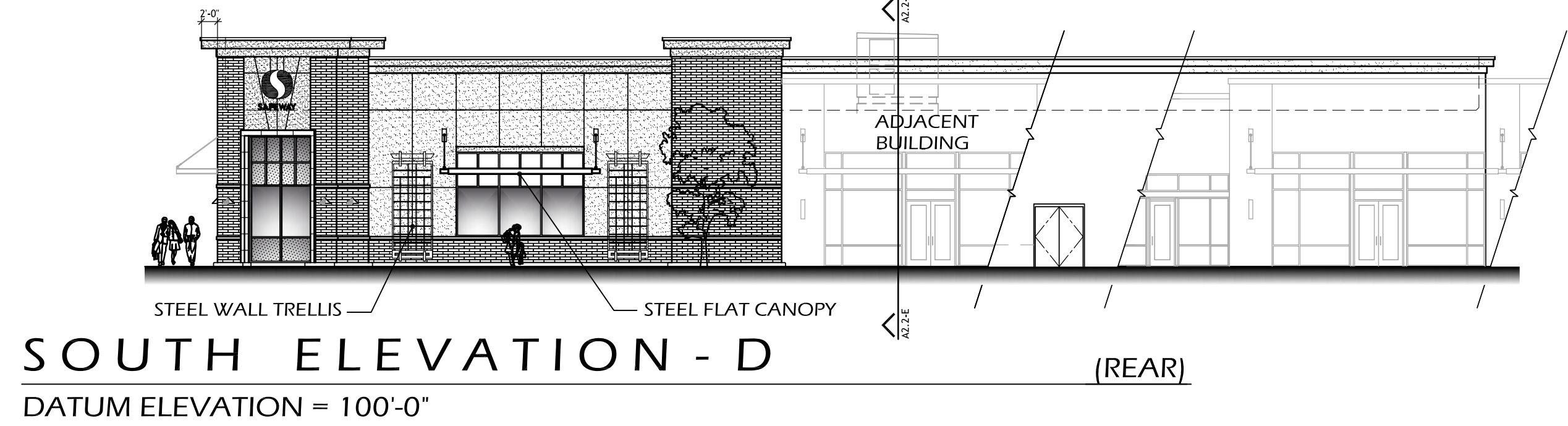
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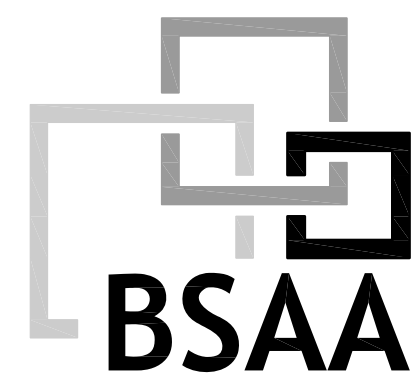
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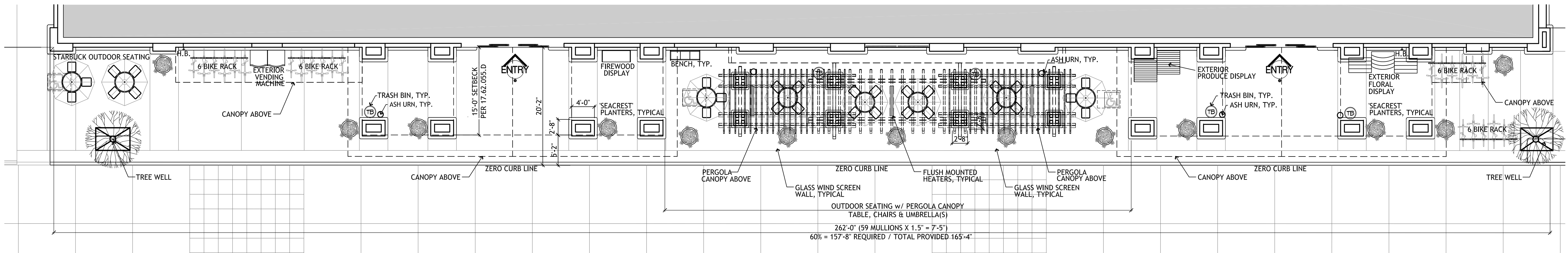
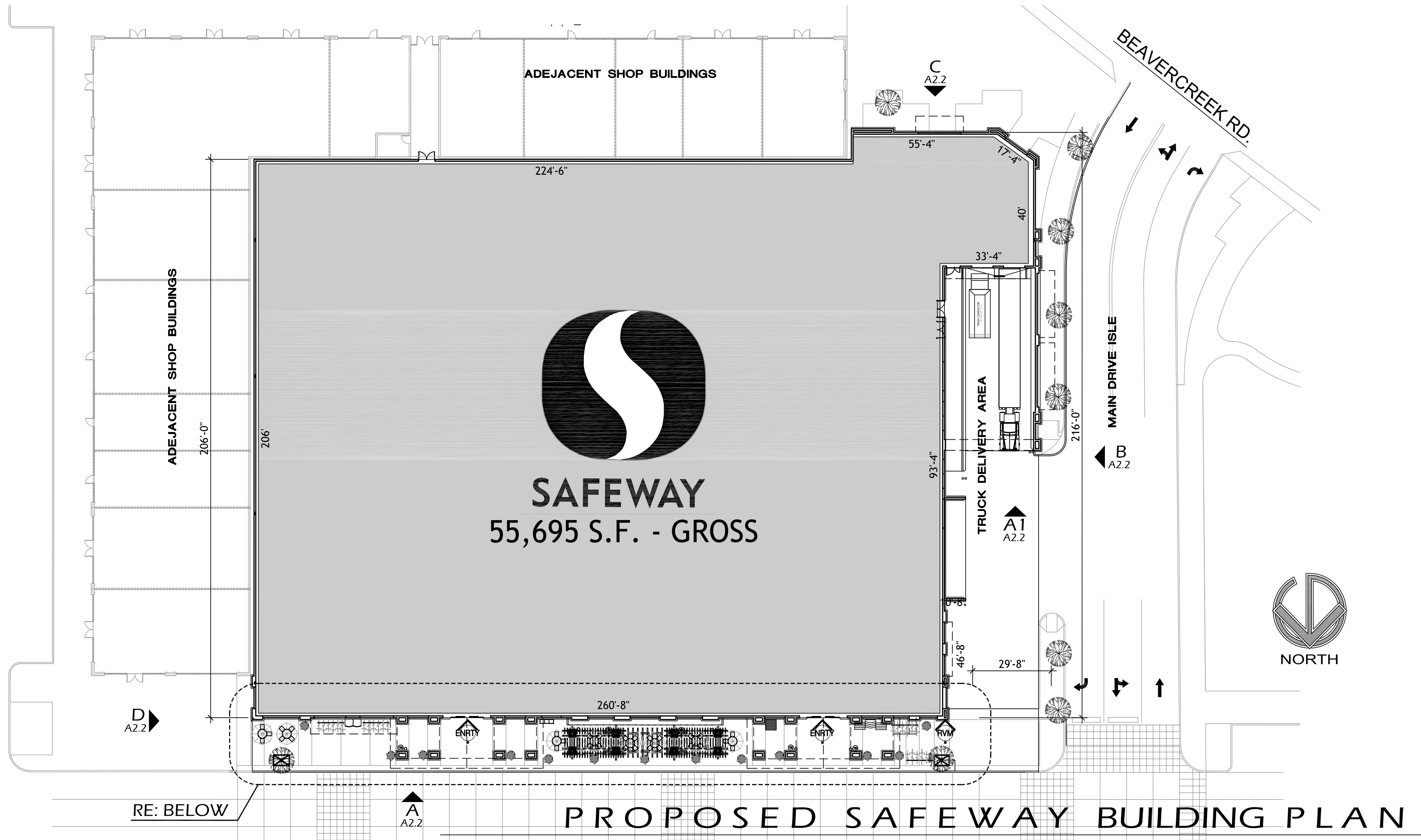
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OREGON CITY, OREGON



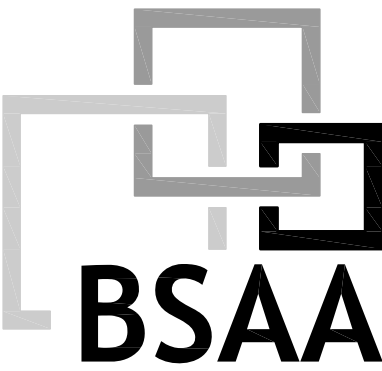
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A
2.2



PROPOSED PLAZA PLAN

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FAX (503) 670-0235
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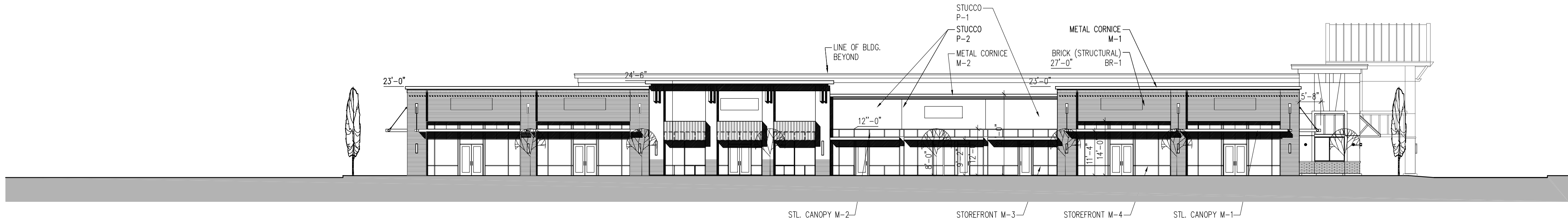


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Oct 15, 2010
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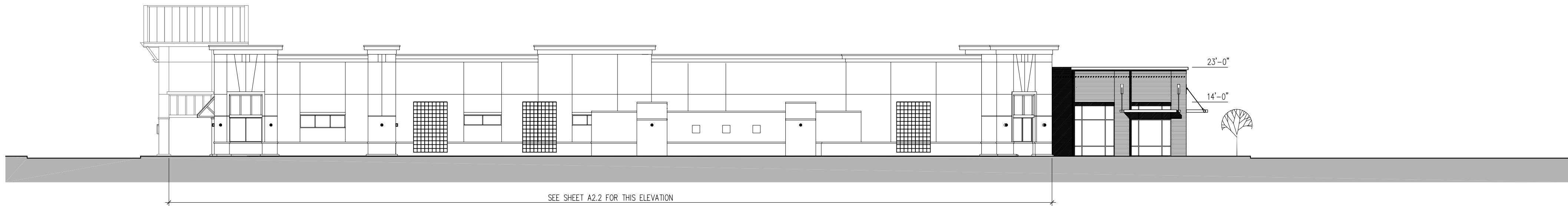
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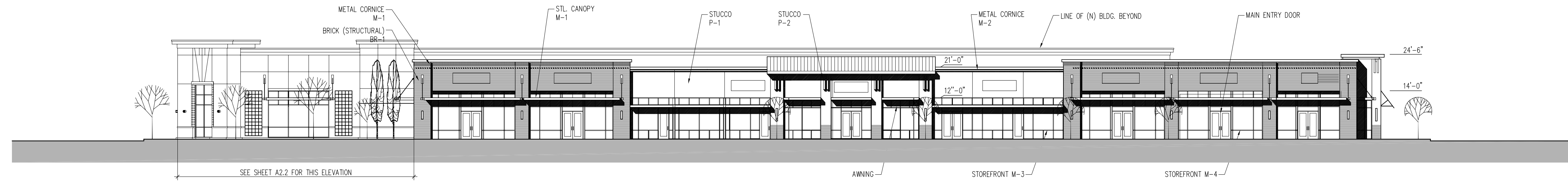
North Elevation

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West Elevation

1/16"=1'-0"



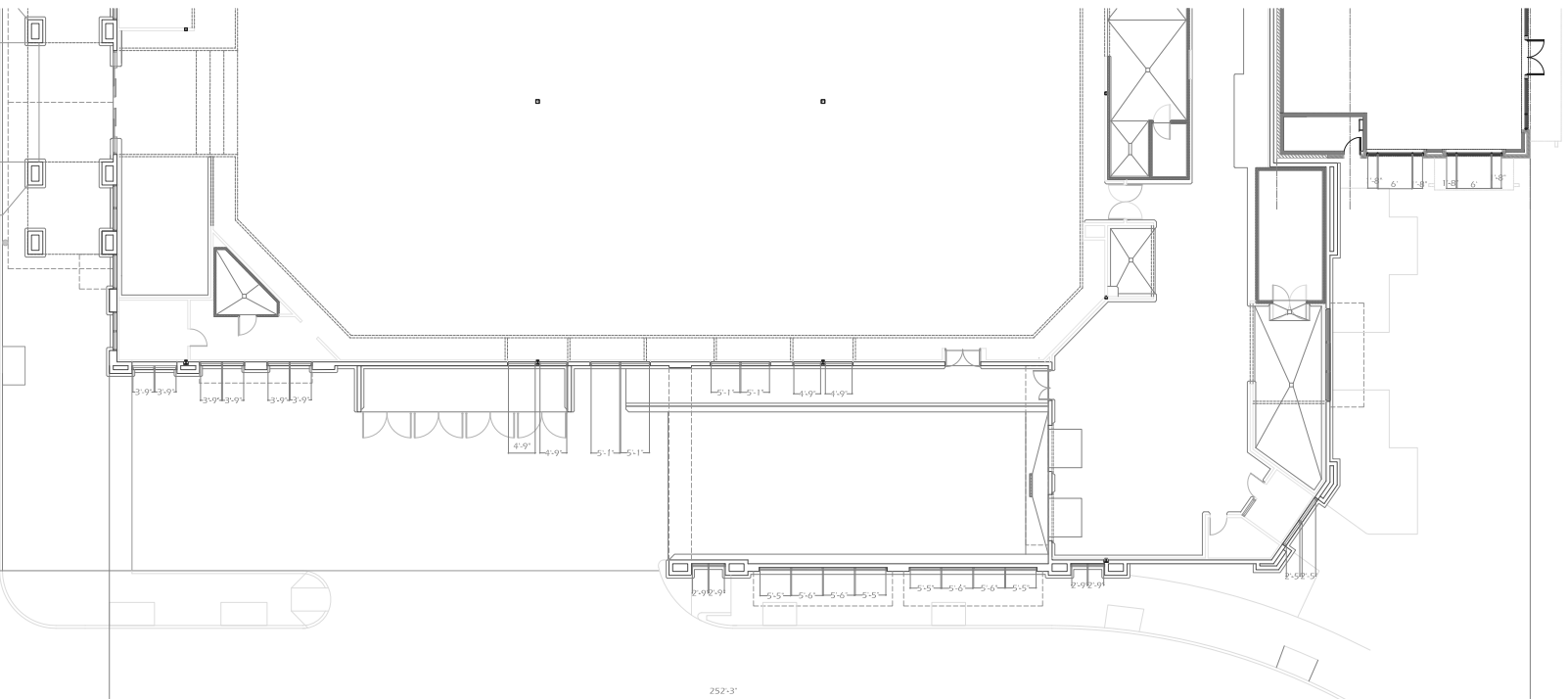
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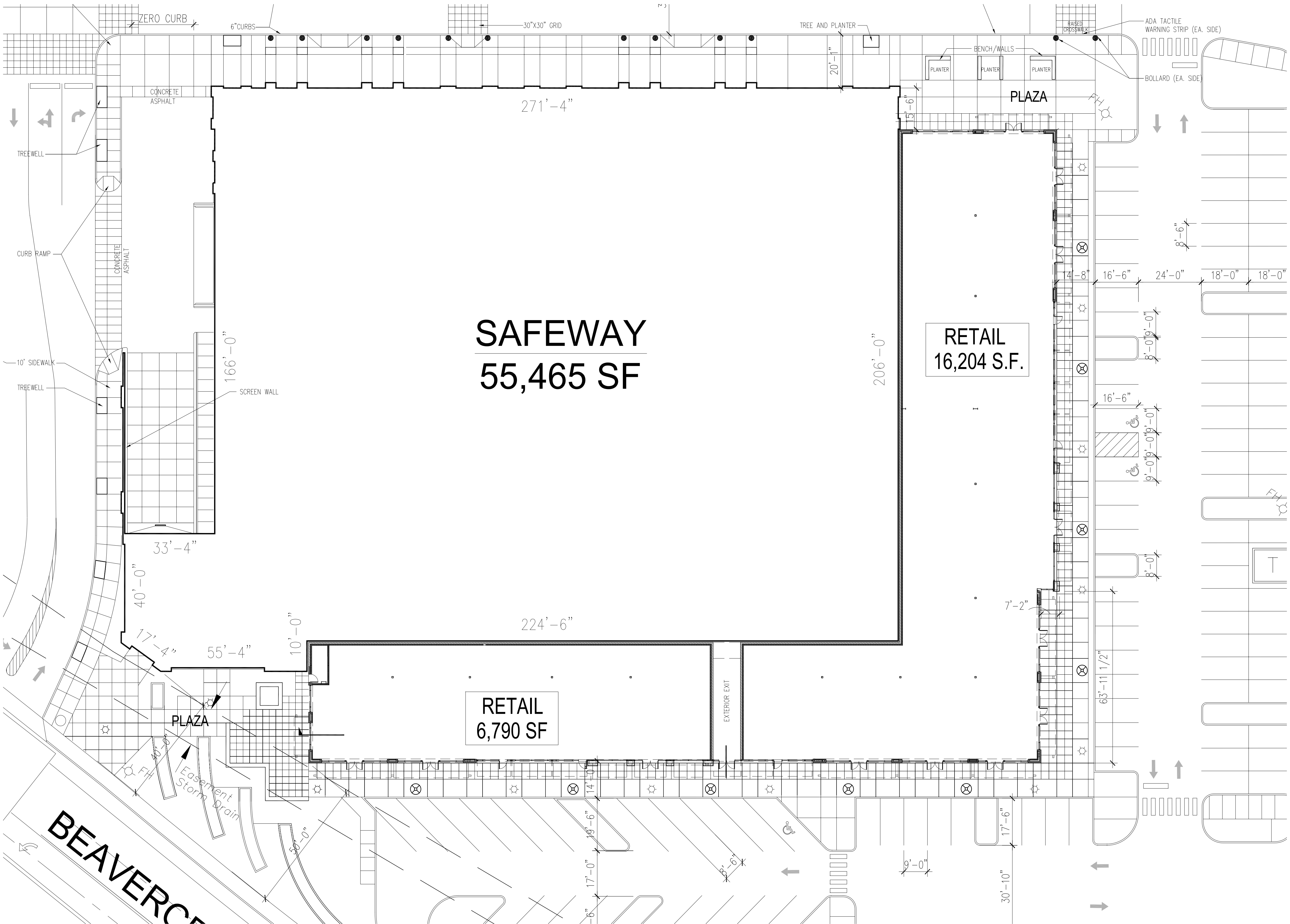
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HILLTOP CENTER COLOR SCHEDULE			
PAINT	SUPPLIER	COLOR	FINISH
P-1	BENJAMIN MOORE	GRANT BEIGE	
P-2	DUNN-EDWARDS	DESERT GRAY	
METAL			
M-1	BENJAMIN MOORE	GARGOYLE 1546	
M-2	TO MATCH M-3	DARK BRONZE	
M-3		DARK BRONZE ANODIZED	
M-4		CLEAR ANODIZED	
BRICK			
BR-1	MUTUAL MATERIALS CO.	CHESTNUT	MISSION
GLASS			
G-1	PGP	SOLARBAN 60 LOW-E	

Hilltop Center - Elevations

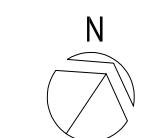
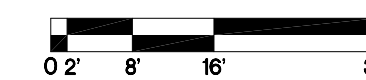
THE ROMMEL ARCHITECTURAL PARTNERSHIP
C.E. JOHN COMPANY, INC.
October 14, 2010



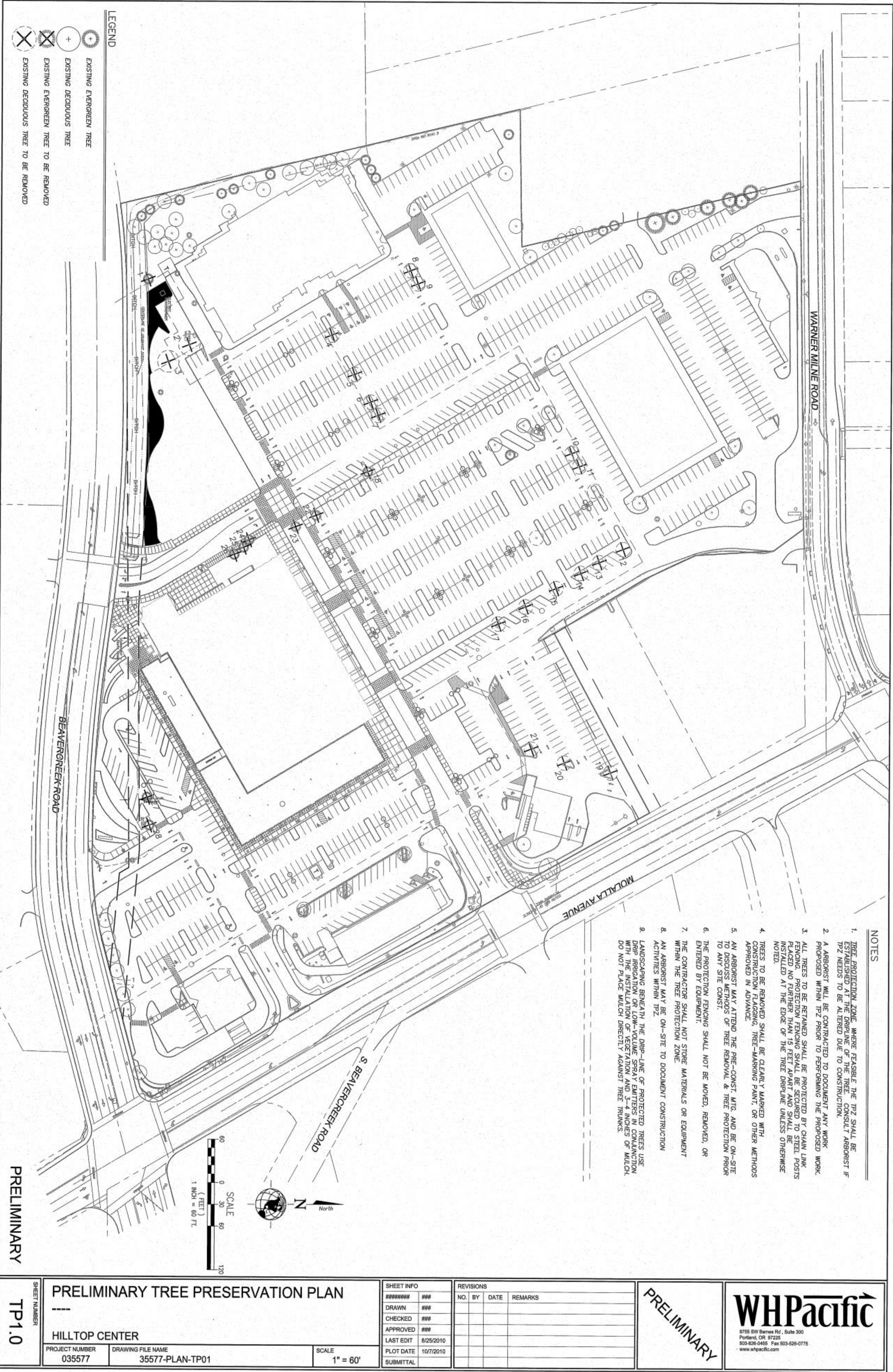


Hilltop Center Building Plan

THE ROMMEL ARCHITECTURAL PARTNERSHIP
C.E. JOHN COMPANY, INC.
OCTOBER 14, 2010
1/16"=1'-0"



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THE
ROMMEL
ARCHITECTURAL
PARTNERSHIP

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Age Group	Number of People
0	10
15	20
30	30
60	40
90	50

PARKING LOT TREE

PERIMETER PARKING LOT TREE/ENTRANCE TREE

Existing Decisions Free To Be Removed

Existing Center Time To Be Removed

Existing Decisions Free To Be Removed

[illegible]




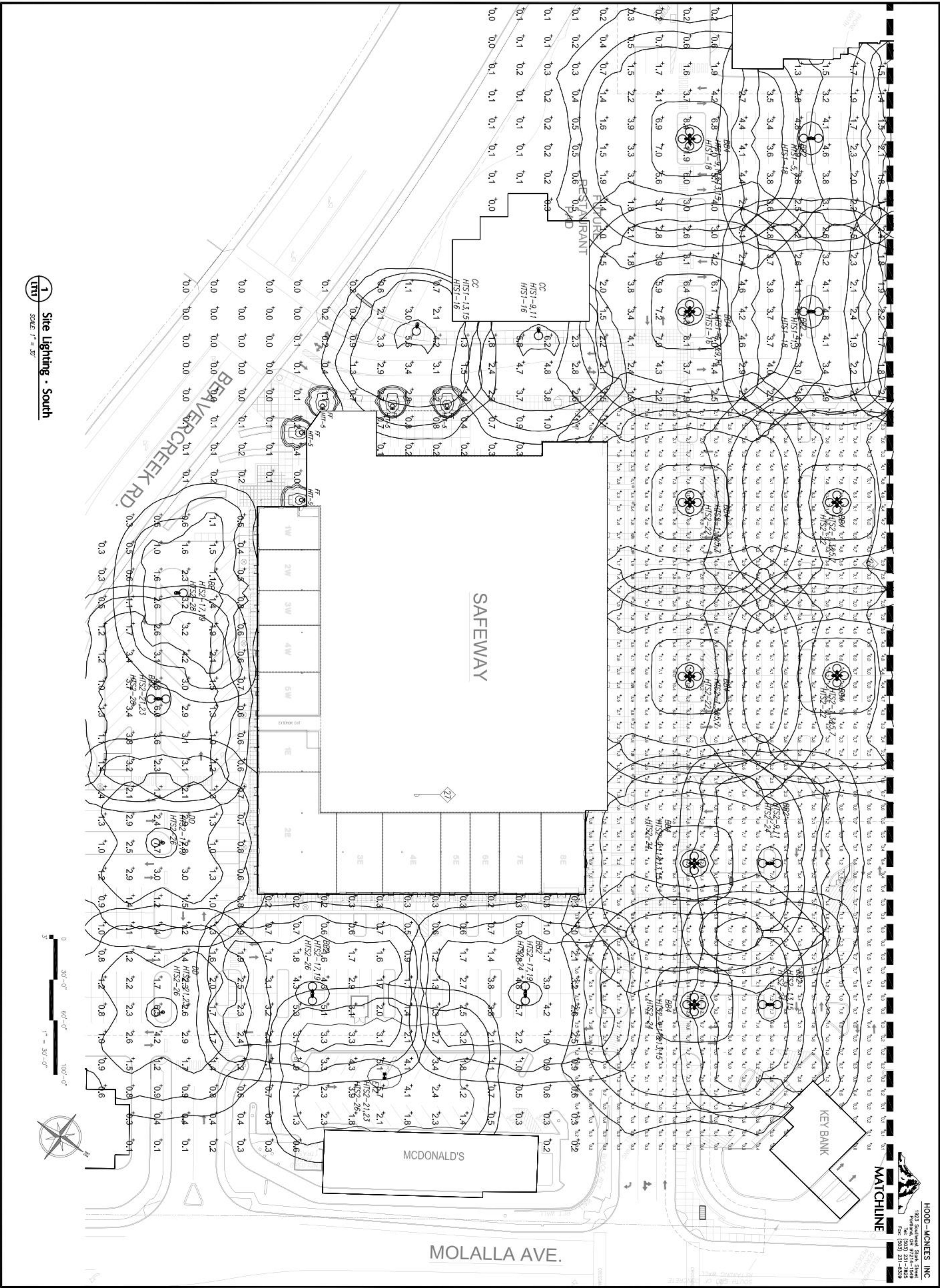
**THE
ROMMEL
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FAX: 503-227-8490

OVERALL LANDSCAPE PLAN

HILLTOP CENTER
1500 MOLLALA AVE.
OREGON CITY, OREGON





HOOD-MCONEES INC.
1823 Southwest 59th Street
Portland, Oregon 97224
Tel: (503) 231-7825
Fax: (503) 231-4509

MATCHLINE

KEY BANK

MOLALLA AVE.

MCDONALD'S

SAFEWAY

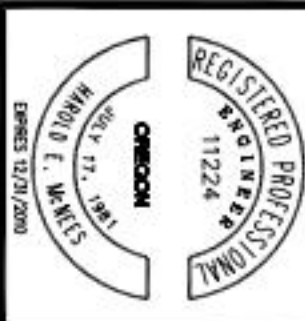
RESTAURANT

1 Site Lighting - South
UTM
SCALE: 1" = 30'

0 30'-0" 60'-0" 100'-0"
1" = 30'-0"



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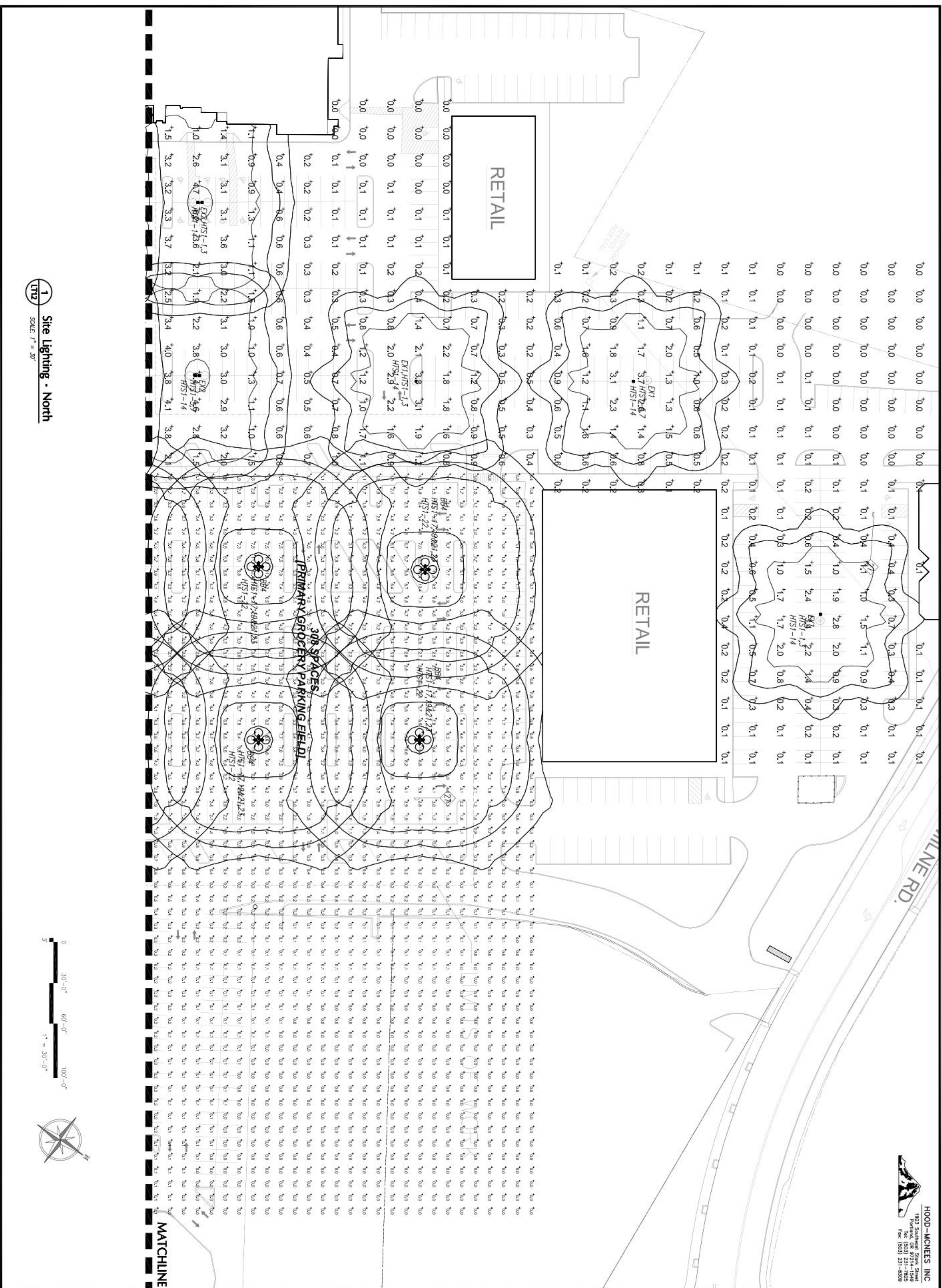
Site Lighting - South
HILLTOP CENTER
1500 MOLALLA AVE.
OREGON CITY, OREGON 97045

UPDATED
10-07-10

1200 NW NAITO PARKWAY
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97209
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THE ROMMEL ARCHITECTURAL PARTNERSHIP

SHEET NUMBER
LT1.1



THE ROMMEL ARCHITECTURAL PARTNERSHIP SHEET NUMBER LT1.2	1200 NW NAITO PARKWAY SUITE #550 PORTLAND, OREGON 97209	UPDATED 10-07-10	Site Lighting - North HILLTOP CENTER 1500 MOLALLA AVE. OREGON CITY, OREGON 97045 ---	DRAWN: ERL CHECKED: HEM DATE: 09/20/10 FILE NAME: PLOT SCALE: JOB# HM.1760	REVISIONS:	
	TEL: 503-227-5844 FAX: 503-227-8490					

Transportation Impact Analysis

Hilltop Center Master Plan

Oregon City, Oregon

June 2010

Transportation Impact Analysis

Hilltop Center Master Plan

Oregon City, Oregon

Prepared For:

Hilltop Mall, LLC

c/o C.E. John Company, Inc.
1701 SE Columbia River Drive
Vancouver, WA 98661

Prepared By:

Kittelson & Associates, Inc.

610 SW Alder, Suite 700
Portland, OR 97205
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Project Principal: Phillip S. D. Worth
Project Manager: Chris Brehmer, P.E.

Project No. 10729.00

June 2010



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- Appendix B** Traffic Count Data
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- Appendix F** Year 2012 Buildout Traffic Level-of-Service Worksheets
- Appendix G** Year 2020 Background Traffic Level-of-Service Worksheets
- Appendix H** Year 2020 Buildout Traffic Level-of-Service Worksheets



Section 1
Executive Summary

Executive Summary

Hilltop Mall, LLC is proposing to master plan their property located west of Molalla Avenue between Warner Milne Road and Beaver Creek Road in Oregon City, Oregon. The project will be completed in multiple phases under the existing property zoning.

This study presents the transportation impacts associated with both the conceptual and detailed development plan elements for the master plan site. Three project phases are presented. Phase 1 of the project is the detailed development phase of the master plan and involves demolition of the existing building that formerly housed Danielsons Fresh Marketplace and other retail tenants. The 99,500 square feet of existing retail space will be replaced with a smaller building offering approximately 80,000 square feet of retail space. A Safeway store will anchor the new building, adjoined by other retail tenants. In addition to the main building, a new 7,600 square-foot pad building, expected to house a sit-down restaurant, will also be constructed during Phase 1.

The conceptual portion of the master plan is represented by Phases 2 and 3. Although the later phases are not yet fully defined, this study assumes Phase 2 would involve construction of a Safeway Fuel Center with 10 fueling positions to ensure a reasonably conservative trip generation estimate for traffic study purposes. A Safeway Fuel Center is not formally proposed at this time and another use with equal or lower trip generation may ultimately be developed. Phase 3 assumes the replacement of the existing US Bank building located on the corner of Beaver Creek Road and Molalla Avenue with two new retail pad buildings. Phases 1 and 2 of site development are anticipated in the near-term (by 2012) while Phase 3 will likely occur within 10 years due to existing lease arrangements for the bank.

Phase 1 is expected to result in a net reduction of daily vehicular trips to the site (approximately 100), due to the reduction in building square-footage. Phase 2 is anticipated to increase daily vehicular trips by approximately 430 trips and Phase 3 will produce an additional 370 net new daily vehicular trips. Thus, based on the buildout development assumptions, the master plan is anticipated to generate 700 net new daily vehicular trips, with 85 occurring in the a.m. peak hour and 55 occurring in the p.m. peak hour by year 2020.

Several new internal pedestrian and vehicular access routes are proposed to enhance on-site circulation and connectivity. Driveway access locations between the site and the adjacent roadway network are proposed to remain unchanged.

The transportation impact analysis described in this report is prepared in accordance with City of Oregon City transportation impact analysis requirements. Recommended mitigation measures needed to satisfy the City of Oregon City's "Guidelines for Transportation Impact Analyses" and Oregon City Municipal Code Section 17.65 – Master Plans are summarized below.

SUMMARY OF TRANSPORTATION IMPROVEMENT RECOMMENDATIONS FOR SITE DEVELOPMENT

The adjacent street system, with the current set of planned and/or previously conditioned transportation improvements, is adequate to accommodate travel demands from existing, in-process, and non-specific growth throughout the 10-year timeframe of this proposed master plan. Therefore, only on-site transportation improvements are recommended in conjunction with site development.

Phase 1 Detailed Development

- Upgrade the proposed on-site roadways and pedestrian facilities including:
 - Reconstruct the westerly signalized site driveway connection to Beaver Creek Road.
 - The reconstructed driveway will feature a 3-lane cross section between Beaver Creek Road and an improved east-west roadway along the front of the Safeway store, connecting to Molalla Avenue.
 - The reconstructed driveway approach to Beaver Creek Road will be modified and restriped to enhance vehicle turning maneuvers and provide additional pedestrian amenities.
 - Reconstruct the main internal east-west site roadway connection between Molalla Avenue and the Beaver Creek Road driveway across the front of the new Safeway store.
 - The reconstructed roadway section will include sidewalks on the north and south sides as well as enhanced pedestrian crossings along the front of the new Safeway store.
 - The reconstructed roadway will feature a 3-lane section between Molalla Avenue and the first drive aisle to the west; transiting to a 2-lane roadway further to the west.
 - Reconstruct the east access driveway connection to Beaver Creek Road, including a new two-lane cross section with a sidewalk along the west side of the roadway.
 - Construct/stripe a pedestrian connection between the Warner Milne Road and the new Safeway parking field (resulting in a complete pedestrian connection between Warner Milne Road and Beaver Creek Road through the master plan site).
 - Construct other on-site sidewalks and pedestrian plazas.

Phase 2 Conceptual Development

- At the time of site plan application, localized design vehicle turning movement patterns and pedestrian connectivity should be further evaluated.
 - Site driveway placement, parking aisle layout, and circulation should be evaluated paying particular attention to the nearby bank building access points.

- The trip generation of the proposed land use should be quantified to ensure that the trip assumptions in this master plan report remain valid.

Phase 3 Conceptual Development

- At the time of site plan application, localized design vehicle turning movement patterns and pedestrian connectivity should be further evaluated.
- The trip generation of the proposed land use should be quantified to ensure that the trip assumptions in this master plan report remain valid.

Other Improvements

- On-site landscaping and any above-ground utilities should be provided appropriately to ensure that adequate sight distance is provided and maintained with each phase of site development.

Additional details of the study methodology, findings, and recommendations are provided within this report.



REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

October 14, 2010

Mr. Pete Walter
City of Oregon City
PO Box 3040
Oregon City, OR 97045

**SUBJECT: REVIEW OF TRANSPORTATION IMPACT ANALYSIS – MASTER PLAN
HILLTOP CENTER – CP10-01 & DP10-02**

Dear Mr. Walter:

In response to your request, I have reviewed the materials submitted in support of the proposed master plan for the Hilltop Center. The relevant materials included the project narrative, site plan and the Transportation Impact Analysis (TIA) prepared for the Hilltop Center Master Plan. The TIA was prepared in June 2010 under the direction of Chris Brehmer, PE of Kittelson & Associates, Inc.

The TIA addresses a three-phase development of the site, which is located west of Molalla Avenue between Warner Milne Road and Beavercreek Road. The development proposal consists of three phases. Phase 1, to be completed by 2012, consists of the removal of the former Danielson's Fresh Marketplace and other retail tenants and the construction of a new facility anchored by a Safeway store. In addition to the main building, a 7,600 square-foot pad, anticipated to house a sit-down restaurant, will be constructed. Phase 2 is assumed to involve construction of a Safeway fueling station. According to the TIA, this use was proposed as a surrogate for the Phase 2 development and might be replaced by a different use with a lower trip generation. This was done to assure a conservative estimate for the purposes of estimating impact of the master plan. Phase 2 is also anticipated to occur by 2012. Phase 3 is assumed to replace the existing bank with two pads intended for retail development and another bank. Phase 3 is assumed to occur by 2020.

Key features associated with the redevelopment of the site include reconstruction of the westerly, signalized driveway with Beavercreek Road; reconstruction of the main internal east-west site roadway between Molalla Avenue and Beavercreek Road; reconstruction of the east driveway access to Beavercreek Road; establishment of a pedestrian connection between Warner Milne Road and the Safeway parking lot; and other on-site sidewalks and pedestrian plazas.

The TIA provides a basis upon which the development proposal can be evaluated for conformance with master plan criteria and transportation impacts.

Comments

1. **Study Area.** The study addresses the appropriate intersections. As required in Oregon City's Guidelines for Traffic Impact Analyses, the analysis includes all intersections where

the change from the previous uses exceeds 25 peak hour trips. The engineer evaluated traffic patterns and traffic volumes and evaluated 11 locations. The key intersections were:

- Warner Milne Road/Leland Road/Linn Avenue
- Warner Milne Road/Beavercreek Road
- Warner Milne Road/Molalla Avenue
- Molalla Avenue/Beavercreek Road

The analysis also include seven access points along Beavercreek Road, Molalla Avenue and Warner Milne Road, including two that are signalized. The study area is appropriate.

2. Traffic Counts. The traffic counts used in the analysis were conducted in May 2010. Traffic counts on Warner Milne Road were adjusted to account for the effects of construction. The counts appear reasonable.

3. Trip Generation. Since the Danielson's Market had ceased operation before counts were conducted, the TIA uses appropriate rates for the specified uses from ITE *Trip Generation* to account for both the former use and the planned uses. ITE *Trip Generation* is the standard source for estimating traffic with scores of land use categories, many of which are based on hundreds of studies conducted by engineers from across the country. The methodology accounts for the change relative to the prior use. The method was appropriate and adequately explained and justified. The AM peak, PM peak, and daily rates were provided. Reasonable reductions for internal trips were made to account for traffic that would have multiple origins or destinations within this development.

The Phase 1 development is expected to produce a decrease of 100 daily trips, an increase of 40 AM peak hour trips, and a decrease of 20 PM peak hour trips relative to the prior use. The Phase 2 development is expected to produce increases of 430 net new trips on a daily basis with 30 net new trips during the AM peak hour and 35 net new trips in the PM peak hour. The Phase 3 development is expected to produce increases of 370 net new trips on a daily basis with 15 net new trips during the AM peak hour and 35 net new trips in the PM peak hour. The Phase 3 estimates account for the removal of the existing bank. The trip generation methodology was adequately explained and accurately executed.

The Phase 1 and Phase 2 traffic were used to assess the impact in year 2012; the Phase 3 traffic was used to assess the impact in year 2020.

4. Trip Distribution. The trip distribution seems reasonable. The trip distribution shows traffic being disbursed in all directions.

5. Traffic Growth. The traffic counts were adjusted to account for the Danielson's store and for in-process developments. Further increases were applied ranging from 1.5 to 2.0 percent annually to account for other growth depending on street classification. The analysis also specifically accounts for the traffic from the county's Red Soils development

as specified in their approved master plan. The traffic growth assumptions and methodology appear reasonable.

- 6. Analysis.** Traffic volumes were calculated for the intersections described in #1, above. At each location, the level of service (LOS) and delay calculations were provided to assess operations relative to the City's intersection LOS standard. In addition, the TIA provided an analysis of queuing. The analysis was undertaken for the PM peak hour and included year 2012 background conditions, 2012 with Phases 1 and 2 of the master plan; year 2020 background conditions; and year 2020 with Phase 3 of the master plan.

Because Phase 1 and Phase 2 are expected to result in relatively little additional traffic over those of the prior use and because they occur within two years, there is little impact. Phase 3, which was analyzed for year 2020, has somewhat greater impact and has to contend with additional background traffic growth.

Under the 2012 buildout traffic conditions, the engineer indicates that the study area intersections are predicted to operate acceptably. All of the intersections are calculated to operate at level of service (LOS) D or better and meet the City's performance standard. Three locations were identified where queuing is predicted to exceed available storage during the PM peak hour. These include the left-turn queues at the Warner Milne Road/Leland Road/Linn Avenue intersection; the northbound left-turn queue at Warner Milne Road/Beavercreek Road; and the northbound and southbound left-turn queues at Molalla Avenue/Beavercreek Road.

The engineer notes that a solution to the first problem, the widening of Warner Milne Road in this area, has been previously identified in the Transportation System Plan (TSP) and in the Red Soils Master Plan. Improvements to the Molalla Avenue/Beavercreek Road intersection previously identified include the addition of a right turn lane on eastbound Beavercreek Road and changing the signal timing. The storage for the Molalla Avenue approaches could also be increased through revised striping. The engineer further explains that traffic from Phase 1 and Phase 2 are not expected to contribute to the queuing problems at any of these locations.

Under year 2020 conditions, the engineer assumed that an additional eastbound lane on Warner Milne Road would be in place as suggested in the TSP and the Red Soils Master Plan. With this improvement in place, he calculates that the operations would be acceptable for both the background and with Phase 3 development. The ability of the City to implement the project is not certain. Counting on it to show adequacy for Phase 3 may be unrealistic.

- 7. Turn Lanes at Site Entrance(s).** The intersections described in #1, above, were analyzed using their existing configurations or planned improvements. The configuration included appropriate turn lanes.

8. Crash Information. The TIA provided a comprehensive summary of crash history at the study area intersections. All had a modest crash rate and no patterns requiring further analysis were identified. The easterly site access to Beaver Creek Road, discussed in more detail below, had two reported crashes during the five-year period.

9. Pedestrian and Bicycle Facilities. The TIA provides a good summary of the existing facilities. The narrative and site plan indicate the implementation of the master plan will improve facilities and conditions.

10. Site Plan and Access. The master plan provides for reconstruction of the access points including the westerly, signalized driveway to Beaver Creek Road and the east driveway to Beaver Creek Road. The former will be modified and restriped to enhance vehicle turning maneuvers and provide pedestrian amenities. Pedestrian access throughout the site will be improved.

The master plan proposes reconstructing the eastly driveway to Beaver Creek Road located about 300 feet west of the Molalla Avenue/Beaver Creek Road intersection. This unsignalized driveway is predicted to operate reasonably well, though it falls within the 95th percentile queue area predicted for eastbound through traffic. The driveway is predicted to have relatively low volumes and will likely operate acceptably and with reasonable safety during many hours of the average day. Making a left turn from this driveway onto eastbound Beaver Creek Road may be problematic during peak periods can be expected to become worse as traffic volumes increase. The operation of the driveway should be monitored over time. The operations and safety of this driveway should be specifically addressed with each subsequent development phase (Phase 2 and Phase 3). It may be in the best interests of the City to restrict movements at this driveway, such as the prohibition of exiting left turns, or the restriction to right-in, right-out only. Given the driveway's good crash history and the benefit to having additional access points, such restrictions are not deemed to be necessary at this time. The City has the authority to make such changes at any time for safety or operational reasons.

11. Intersection Spacing. The master plan does not create any new intersections.

12. Sight Distance. The engineer identified some sight distance limitations that should be corrected through pruning of vegetation. The offending vegetation will be removed due to reconstruction along the Beaver Creek Road frontage. The engineer noted that sight distance could not be assessed along Warner Milne Road due to on-going construction. He recommended verifying sight distance at access points in connection with site plan review.

13. Consistency with the Transportation System Plan (TSP). Planned improvements identified in the master plan, including changes along the frontage, appear to be consistent with the TSP.

14. Conclusions and Recommendations. The engineer concludes that the transportation system can accommodate the development. While I agree this is true for Phase 1 and

Mr. Pete Walter
October 14, 2010
Page 5

Phase 2, the adequacy of the transportation system to accommodate Phase 3 depends on major improvements in the vicinity of Warner Milne Road/Leland Road/Linn Avenue. While this has been identified previously, I think that counting on this project is too optimistic.

The engineer recommends reconstruction of the westerly, signalized site driveway to Beaver Creek Road with a three-lane cross section; an improved east-west roadway connecting to Molalla Avenue; a reconstructed easterly driveway to Beaver Creek Road; and various on-site pedestrian improvements.

The engineer also recommends for both Phase 2 and Phase 3 that "at the time of site plan application, localized design vehicle turning movement patterns and pedestrian connectivity should be further evaluated." He also recommends review of driveway placement, parking aisle layout and circulation in connection with implementation of phases. Finally, he recommends that trip generation of Phases 2 and 3 "should be quantified to ensure that the trip assumptions in this master plan report remain valid."

Conclusion and Recommendations

I find that the TIA provides an adequate basis upon which to assess the impacts of the Master Plan proposal. I agree with the engineer's conclusion with regard to Phase 1 and Phase 2. As stated above, I think that unless capacity issues at Warner Milne Road/Leland Road/Linn Avenue can be resolved through funding and implementation of a project, that adequacy of the system to accommodate Phase 3 cannot be demonstrated. I recommend conditioning of the Phase 3 development on the demonstration of adequacy of the system at a later date.

With regard to the easterly access to Beaver Creek Road, I recommend that the applicant review the performance, including crash history, in connection with site plan review for Phase 2 and Phase 3. The applicant should be aware that the City may alter the access, including restriction of movements, at any time.

I concur with the applicant's engineer's recommendation that turning movements and pedestrian facilities associated with site driveways be reviewed in connection with site plans. I also concur with his recommendation that the trip generation associated with Phase 2 and Phase 3 be reviewed to ensure that the assumptions of this TIA remain valid.

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\2010\CP10-01.docx

City of Oregon City
Pre-Application Conference Summary



Pre-application conferences are required by Section 17.50.030 of the City Code, as follows:

- (A) PURPOSE: The pre-application conference is to provide the applicant the necessary information to make an informed decision regarding their land use proposal.
- (B) A pre-application conference is required for all land use permits.
- (C) Time Limit: A pre-application conference is valid for a period of six (6) months.
- (D) An omission or failure by the Planning Division to provide an applicant with relevant information during a pre-application discussion shall not constitute a waiver of any standard, criterion, or requirement of the City of Oregon City. Information given in the conference is subject available information and may be subject to change without notice.

NOTE: The subsequent application may be submitted to any member of the Planning Staff.

PRE-APP # 10-02 / DATE: 2/23/10

APPLICANT: WHPacific, Inc.

SITE ADDRESS: 1500 Molalla Ave

PROPERTY DESCRIPTION: 3-2E-5C, Tax Lots 200, 203, 204, 205, 206, 300

STAFF: Walter, Cullison, Vandagriff, Spierb ZONING: C- Gen. Comm. & MUE

PROPOSED USE/ACTIVITY: Retail / Shopping Center / Theatre

INFORMATION NECESSARY TO BEGIN DEVELOPMENT: This listing of information does not preclude the Community Development Department or hearings body from requesting additional data necessary to make a recommendation and/or decision regarding the proposed activity.

1. PLANNING

- ☐ Zoning/ Setbacks C – General Commercial & MUE – Mixed Use Employment
- ☐ Is the Site in a Natural Resource Overlay District? (Yes or No) Yes
- ☐ Is the Site in a Historic Overlay District? (Yes or No) No
- ☐ List of Minimum Required Planning Processes: All criteria must be addressed in narrative form for the application to be found complete.

1. Requirements

- ☐ OCMC 17.50 – Administrative Processes
- ☐ OCMC 17.65– Master Plans (Concept & Detailed Master Plan)
- ☐ OCMC 17.32 – C - General Commercial District
- ☐ OCMC 17.31 – MUE – Mixed Use Employment
- ☐ OCMC 17.49 – Natural Resource Overlay District
- ☐ OCMC 17.52 – Off Street Loading and Parking
- ☐ OCMC 17.62 – Site Plan and Design Review (Detailed Master Plan)

May require lot consolidation if new bldg crosses property line.
Process through lot line adjustment & abandonment to legally move the lot line.

Notes:

SEE ATTACHED

2. ENGINEERING

- A. Grading: Per OCMC 15.48
- B. Drainage: Per OCMC 13.12 Relocate as needed
- C. Sanitary Sewer: on site upgrade per CIP Relocate as needed
- D. Water: on site
- E. Right-of-Way Dedication/Easements: MBC corner for ramp?
- F. Street Improvements (including continuation of existing streets within subdivisions): Start lanes on tree wells MABIP ramps etc
- G. Special Analysis (traffic study, geotechnical study, EIS): _____
- H. Development Impact Statement required with Subdivision applications.
- I. TSP compliance (Connectivity, Street Widths, etc.): _____

Other: _____

3. BUILDING

- A. Proposed Construction Type: _____
- B. Number of Stories: _____
- C. Square Footage: _____
- D. Number of Buildings: _____
- E. Type of Occupancy: _____
- F. Fire Sprinklers: _____
- G. Valuation (estimate): \$ _____
- H. Fire/Life Safety Required: Yes _____ No _____

4. FIRE

- A. Fire Flow Requirements (gallons per minute): Per Clackamas County Fire 1
- B. Location/Number of Hydrants: Per Clackamas County Fire 1
- C. Access Requirements: Per Clackamas County Fire 1
- D. Other: _____

OTHER COMMENTS:

NOTICE TO APPLICANT: A property owner may apply for any permit they wish for their property. HOWEVER, THERE ARE NO GUARANTEES THAT ANY APPLICATION WILL BE APPROVED. No decisions are made until all reports and testimony have been submitted. This form will be kept by the Community Development Department. A copy will be given to the applicant. IF the applicant does not submit an application within six (6) months from the Pre-application Conference meeting date, a NEW Pre-Application Conference will be required.



Hilltop Shopping Center Redevelopment Notes: PA 10-02

General Notes:

- 1) Request necessary adjustments to applicable code section as part of the concept master plan (i.e. site Plan and Design Review).
- 2) Wetland Delineation and Water Resource Review required as part of NROD review per chapter 17.49.
- 3) Transportation Impact Analysis required. Contact John Replinger for details / guidelines
- 4) Ensure pedestrian access to buildings is provided without crossing driveways / parking lots.
- 5) Thresholds for improvements to be proposed as part of master plan phasing schedule.

Process: See OCMC 17.50.030 (C)

Concept Master Plan (CP) with phased Detailed Development Plan (DP) (Type III review by Planning Commission). A

Staff reviews the application for compliance with the relevant code provisions and makes a recommendation to the Planning Commission. Appeal of the any decision is to the City Commission.

NROD

Natural Resource Overlay District (Title 3 Wetland) is mapped on both parcels. Check to see whether there was a prior WR approval for the existing development. New development will be subject to review under OCMC 17.49. Staff has attached the relevant sections of the City's LWI (Local Wetland Inventory).

Circulation

Concept Master Plan should establish framework for good pedestrian and vehicle access through a north-south / east-west connector road which reduces parking lot / turning conflicts.

Consider Police Department access as part of the concept plan.

Water Quality / Quantity

Coordinate with Public Works, (Bob Cullison). Water quality at corner of site.

SDCs

Coordinate with Bob Cullison / Samantha Vandagriff for credits for existing system development charges prior to demo / remodel.

Pedestrian Access

Molalla and Beavercreek has a lot of pedestrian traffic, need to show connections to and through the site.

OCMC 17.52 Off-street Parking and Loading

Existing spaces = 960.

Proposed Retail / Shopping Center SF = 140,787 sf –

Theatre = 1851 seats

Proposed Use	Size	Min / Max Req.	Min	Max
Retail	140,787 sf	4.1 / 5 per GSF	577	704
Theatre	1851 seats	.25 / .5 per seat	463	926
Total			1040	1630

Site is short in parking by 80 spaces but qualifies for 10% reduction since adjacent to Beavercreek and Molalla transit corridors per OCMC 17.52.010(A).

17.52.090 Parking Lot Landscaping

Typical Requirements

- Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening.
- Parking Area/Building Buffer.
- Interior Parking Lot Landscaping.
- Requires 10% interior landscaping and a 5' wide landscaping strip every eight (8) spaces.
- The proposed parking lot landscaping **does not** appear to meet 10% interior landscaping requirements.
- Tree wells as proposed do not meet size requirements. Please show calculations.

Alternative parking/landscaping plan.

If proposed, the alternative landscaping plan must meet the Purpose of 17.52.090(A) as follows:

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

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

New code amendments for alternative allows for use of vegetated LID features (vegetated swales, rain gardens, green roofs, filtration planters, etc) to count 100% toward parking lot landscaping requirements.

Any new parking within NROD will require Type III Adjustment from Standard review and alternatives analysis per OCMC 17.49.200.



Building

Needs to meet 17.62.055 Commercial Building Standards and 17.62.056 (Large Retail) standards (No architectural elevations provided yet)

5' max setback required along Beavercreek unless pedestrian amenity area provided.

Front façade and main entrances need to be oriented to street.

Public space provisions for Large Retail Establishments per 17.62.056.

Building / Site Design

New building and parking lot need to meet new code provisions OCMC 17.62 and OCMC 17.52.

Code sections that appear not to be met are called out below. Adjustments to these standards needs to be requested as part of the General Development Plan application and meet the criteria in 17.62.070(D) – See back page.

South Elevation –

- *17.62.055(C)(5). (New commercial shall locate within 5' of site frontage)*
- *17.62.055 (D)(2). The front façade shall be oriented toward the street and shall be accessed from a public sidewalk.*
- *17.62.055(D)(3). Entryways. The primary entranceway for each commercial or retail establishment shall face the major street.*
- *17.62.055(H). Minimum Wall Articulation.*
- *17.62.056(D)(1)(a)-(d) Roofs.* Check that at least two features are met
- *17.62.056(D)(2) - Additional standards for large retail establishments. Site Design and Relationship to Surrounding Community.* One additional space is required in addition to the window shopping walkway.
- *17.62.080 - Special development standards along transit streets.* For building façades over three hundred feet in length on a transit street, two or more **main building** entrances shall be provided as appropriate and oriented towards the transit street.
- *17.62.050(A)(1). Vehicle Access and Connectivity. a. Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.*

West Elevation –

- *17.62.055(I) Façade Transparency.* 30% transparency on side of building required.
- *17.62.055(H). Minimum Wall Articulation.* Wall is over 100 feet long, check that it has the required massing variation, articulation.



Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

17.65 Master Plans

17.65.070 - Adjustments to development standards.

Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met.

1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;
2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;
3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;
4. Any impacts resulting from the adjustment are mitigated; and
5. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.
6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and ancillary documents.

Conclusions:

The redevelopment of the Danielson's building and parking lot as proposed in this pre-application does not appear to meet the criteria for adjustment of the applicable code provisions that require new commercial buildings to front on and provide direct connections to the public and transit streets.

Staff recommends that the applicant provide at least two direct entrances to the Main Building (Safeway) from Beaver Creek and Molalla with at least one significant public space between the building and the street on the South elevation in order to meet the intent of the code.

Public Amenity

See OCMC 17.62.055(D)(1) (a) through (i), and 17.62.056(D)(2)(a) through (h) for public amenity options.



Pre-Application Conference Reference Information

Contacts:

Doug Whiteley
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Clackamas County Fire District #1
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(503)742-2660

Chris Taylor
Oregon City Police Department
Citizen Involvement Council - City Liaison
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(503) 407-2155 Mobile
ctaylor@d.oregon-city.or.us
PO Box 3040
320 Warner Mill Road
Oregon City, OR 97045
<http://www.orcity.org/police>

John Replinger
Replinger & Associates LLC
Transportation Consultant

(503) 719-3383 Work
replinger-associates@comcast.net

6330 SE 36th Avenue
Portland, OR 97202

CALCULATION/DESIGN RECORD



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TRANSPORTATION ENGINEERING/PLANNING
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DATE _____ PROJECT # _____

PROJECT NAME PRE-APP MTG.

SUBJECT HILLTOP Mall MP

BY _____ SHEET # _____ OF _____

NAME	ORGANIZATION	PHONE	EMAIL
KEVIN APPERSON	LAPRACIL	503 372 3646	kapper@lapracil.com
Bob Cullison	OCPW	503 496-1561	bcullison@orcny.org
Guy Sperb	O.C. Building Dept	503-504-3523	
Mike Boumann	CFD#1	503-742-2660	mikebou@ccfd1.c
DOUG WHITELEY	CFD#1	(503)742-2660	DOUGWHI@CCFD1.C
Samantha Vandegrift	O.C. Building Dept	(503) 496-1506	svandegrift@orcny.org
Jim STEVENSON	SAFEWAY	(503) 657-6146	Jim.Stevenson3@SAFEWAY.COM
Diane Phillips	Safeway	503. 657. 6136	diane.phillips@Safeway.com
Gary Rommel	Rommel Architects	503-221-5844	grommel@rommelar.com
CHRIS FRESHLEY	LAND. ARCH	503 222 9991	FRESHLEY@QWESTOFFICE.NET
David Arredondo	C.E. John Company, Inc	360.696.0837	darredondo@cejohn.co
Daniel Boultinghouse	WHPacific	503 872-3611	dboultinghouse@whpacil
CRAIG DANIELSON	HILLTOP Mall	503-320-8274	CTDJJD@AOL.COM
Pete Walter	O.C. Planning	503- 545 496-1546	pwalter@orcny.org
PNELL WORTH	KITTELSON & ASSOC.	503-228-5230	pnorth@kittelison.co

HILLENDALE NEIGHBORHOOD ASSOCIATION

27 September 2010

Community Development – Planning
221 Molalla Avenue Suite 200
Oregon City, OR 97025

RE: CP 10-01: Master Plan
DP 10-02: Detailed Development Plan
WR 10-03: NROD

This proposal would not conflict with the interests of the Hillendale Neighborhood Association (HNA), if the changes noted below are included:

LANDSCAPING

To reduce the demand on the City's water supply, and in the interest of sustainable design, the HNA requests that special attention be given to the following areas:

- Drought-resistant plantings; eliminating need of irrigation of parking dividers
- Elimination of "turf"
- Re-use of existing plantings where feasible; where not feasible, offer to community for re-use
- Leaving largest trees in place
- Balanced mix of evergreens and deciduous trees
- Retention and protection of existing Community Garden
- Increase interior parking lot landscaping

HARDSCAPING

- Increase minimum width of individual parking spaces
- Modify "straight shot" from Molalla to theater "private drive" with curves

ESTHETICS

- Modify roofline on all street-facing sides to include some distinctive architectural articulation

OTHER

- Careful engineering review of the storm water culvert on Beavercreek
- Possible mitigation plan for potential flooding from same culvert

Sincerely,

William Gifford
Land Use Chair
Hillendale Neighborhood Association

PO Box 1334, Oregon City, OR 97045-0096

HILLENDALE NEIGHBORHOOD ASSOCIATION

19 July 2010

Tony Konkol
Community Development Director
City of Oregon City
625 Center Street
Oregon City, OR 97045-2253

Re: Safeway Development at Hilltop Plaza

Dear Tony,

At the July 6th meeting of the Hillendale Neighborhood Association, it was unanimously voted to support the north-facing orientation of the proposed Safeway grocery store and shopping complex as presented by David Arredondo from C.E. Johnson Company.

The footprint of the proposed structure, being smaller than the Danielson's Hilltop Plaza, allows a better placement of the parking lot and having the front of the store face the parking lot seems to us to be an advantageous design for all parties.

If you have questions regarding this issue, please contact me directly at the address below. To date we have had two presentations by the Safeway architects and appreciate being kept in the loop. Thanks for your attention to this.

/s/

William Gifford
Land Use Chair
Hillendale Neighborhood Association
PO Box 1334
Oregon City, OR 97045-0096
503.723.3456

cc Craig Danielson, Diane Phillips

PO Box 1334, Oregon City, OR 97045-0096



Environmental Science & Assessment, LLC

MEMORANDUM

DATE: June 10, 2010

TO: David Arredondo C.E. John Company

FROM: Jack Dalton

RE: Hilltop Center NROD Site Assessment/Wetland Determination
(TL#3-2E-05C-00200 Clackamas County, Oregon)

This memo provides findings of a wetland determination and habitat site assessment conducted by Environmental Science & Assessment, LLC (ES&A) for the Hilltop Center site located at 358 Warner Milne Road in Oregon City, Oregon (Township 3S, Range 2E, Section 05, NW ¼; Figure 1). Specifically, the documentation will examine resources on the southwestern portion of the commercial center within the 9.77-acre parcel (TL#3-2E-05C-00200) to address the requirements of the Natural Resource Overlay District (NROD) in the Oregon City Municipal Code (*Chapter 17.49*).

The NROD site assessment includes the entire TL#00200 and a portion of 3-2E-05C-00203 (Figure 2). A mapped waterway feature is mapped along the southern edge of the site (Figure 3) and the associated NROD includes the waterway and adjacent buffer (Figure 5). Figures are provided in Appendix A.

Proposed site improvements, including expansion of the entry roadway, culvert and sidewalk improvements, will likely result in impacts to waterway and buffer resources. This report presents findings of the site assessment and wetland determination following Oregon City requirements (*17.49.180*). The wetland documentation may be used in the Joint DSL/USACE Removal-Fill/Section 404 permitting to document proposed impacts to waterway from culvert/roadway improvements. It is assumed that the drainage impacts will fit into a General Authorization (GA) or be exempt under DSL culvert maintenance exemption (OAR 141-085-0530).

Site Assessment/Professional Qualifications

ES&A performed two levels of assessment for this study. The first involved a review of existing natural resource mapping for the parcel. The second involved an onsite determination by Jack Dalton, Senior Wetland Scientist for ES&A. Mr. Dalton has been working in the natural resource assessment field, primarily in wetland ecology, for the past 16 years and has been a managing partner with ES&A since 2003.

Resource Mapping Review

ES&A reviewed the following natural resource mapping sources for the project area:

- US Geological Survey Topographic Map. USGS Quadrangle Oregon City, OR (1961, Photo Revised 1985): The USGS indicates historically the area was relatively flat with open gradual slopes to the south and west and steeper forested topography to the east past Molalla Avenue (Figure 1).
- City of Oregon City Local Wetland Inventory (LWI). 1999. The LWI indicates a waterway extending along the southwestern and southern edge of the site and ending at the eastern parcel boundary. The waterway is directly adjacent to several other wetland resources northwest of the site (Figure 3).
- NRCS Soil Survey Map. Web Soil Survey accessed 2010. The soil survey maps the entire site as Bornstedt silt loam (8B) with 0 to 8 percent slopes. This soil unit is not considered a hydric soil. No hydric soils are mapped directly adjacent to the site (Figure 4).
- City of Oregon City NROD Map/2008 Aerial (2009): The Oregon City resource mapping indicates a linear waterway feature along the parcel boundaries of the site and maps a 50-foot riparian buffers from the waterway centerline. The aerial shows most of the parcel north of the waterway is developed, comprised of parking lot, a theatre and sidewalk. An unimproved portion of the Hilltop commercial center is located in the southern end of the commercial center. Beaver Creek Road right-of-way borders the southern edge of the waterway (Figure 5).
- MetroMap (2007): Topography of the site is relatively flat and ranges from 450 to 455 feet elevation. No downstream link to waterways or wetlands is evident from the mapping, and no impacts to downstream fish habitat will likely result from proposed work on culvert upgrades.
- Google Earth (2008): The waterway on site is part of a channelized drainage originating at a culvert at Warner-Milne Road approximately 1,090 feet north of the site.

Resource mapping documentation is provided in Appendix A.

Onsite Investigation

ES&A performed an on-site inspection on May 7, 2010. ES&A verified the existing conditions and update NROD mapping, including the existing waterway and buffers along the southern end of the site. The resource on site is a waterway defined by the Ordinary High Water (OHW) as defined by the Department of State Lands (DSL) (OAR 141-085-0515(3)).

On site data collection and mapping was conducted using the criteria consistent with the U.S. Army Corps of Engineers (USACE) *Wetland Delineation Manual* (Environmental Laboratory 1987). This methodology defines criteria for hydrology, soils, and vegetation that determine the jurisdictional status of wetlands. From field measurements from known locations, the drainage ditch and associated riparian buffers were mapped on the existing topographic map (Figure 6). 2008 and 2009 aerial photography was also used.

FINDINGS

Waterway Delineation

The waterway along the southern edge of the site has been channelized and flows west to east, bordered by sidewalks on both sides (Figure 6). The northern bank of the waterway is slightly wider than the southern bank and currently is a mix of non-native pasture grasses and planted native shrubs (Photos 1 and 2).

The extent of the drainage way is defined by the ordinary high water line (OHWL), which was determined in the field to be approximately 1.5 feet above the channel bottom. The OHWL is clearly defined in the field by a transition from hydrophytic vegetation to upland grasses along the banks. The northern bank ranges between 5 and 9 feet from the OHW to the top of bank and the southern bank is more steeply sloped and ranges from 6 to 8 feet from the OHW to the top of bank (Photos 2 and 3).

The waterway within the study area is the southern end of a channelized drainage that follows the parcel boundaries of several properties to the north and originates approximately 1090 feet north of the site at a culvert under Warner-Milne Road (Figures 1 and 3). The eastern end of the waterway ends at a pair of 36-inch culverts under the southern entry road of the Hilltop Commercial Center (Photo 4). Historically, the waterway likely extended east and connected to Newell Creek, east of the site (Figure 1). This open channel was altered with the development of the intersection of Beaver Creek Road and Molalla Avenue.

The vegetative community within the waterway OHWL is comprised primarily of reed canarygrass (*Phalaris arundinacea*, FACW), with small cover of cattail (*Typhus latifolia*, OBL), velvet grass (*Holcus lanatus*, FAC), creeping buttercup (*Ranunculus repens*, FACW), and soft rush (*Juncus effusus*, FACW). The banks are dominated by herbaceous cover between the shrub plantings. The dominant herbaceous species include sweet vernal grass (*Anthoxanthum*

odoretum, FACU), tall fescue (*Schedonorus phoenix*, FAC), with white clover (*Trifolium repens*, FACU), narrow-leaf plantain (*Plantago lanceolata*, FAC), Queen Anne's lace (*Daucus carota*, FACU) and field clover (*Trifolium campestre*, NOL). Several mature native shrubs are located on the eastern end of the drainage including shore pine (*Pinus contorta*, FAC) and Scouler's willow (*Salix scouleriana*, FAC). Several English hawthorn (*Crataegus monogyna*, FACU) are located along the western end of the drainage.

The installed plantings along both edges of the waterway include red osier dogwood (*Cornus sericea*, FACW), vine maple (*Acer circinatum*, FAC), snowberry (*Symphoricarpos albus*, FACU), red-flowering current (*Ribes sanguineum*, NOL), spirea (*Spirea douglasii*, FACW) with red alder (*Alnus rubra*, FAC) western red cedar (*Thuja plicata*, FAC) and Douglas fir (*Pseudotsuga menziesii*, FACU). It was determined that the City of Oregon City installed the plantings along the drainage in 2009 and continues to maintain the waterway and buffer vegetation within the NROD.

NROD – Riparian Buffer

The NROD riparian buffer mapped by Oregon City extends 50 feet from approximately the waterway centerline along both sides of the waterway (Figure 5). However the existing riparian buffer is limited by adjacent development (Figure 6). The buffer along the southern edge of the waterway extends between 8 to 9 feet up to an existing sidewalk along Beaver Creek Road. The buffer along the northern edge is limited by existing sidewalk and pavement, except along the western end where the riparian buffer is restricted by existing landscaping and maintained lawn (Figure 6).

The existing functions of the drainage mapped in the NROD are limited to primarily stormwater conveyance. No significant wetland functions are provided by the drainage due to the constrained channel morphology, which has eliminated wetland outside of the flow channel (Figure 6). Water quality and sediment control functions are therefore, extremely limited by the existing channelized conditions.

Other wetland/waterway habitat functions are limited, including wildlife corridor cover and forage. The existing drainage lacks significant tree and shrub cover and the narrow steep banks along the channel do not adequately allow for wildlife travel. Surrounding development also significantly restricts any wildlife use, due to the lack of adjacent open space or other habitats north and south of the drainage and to the east. A narrow connection to the off-site wetland/forest habitat exists to the west (northwest), but again the connections are severely impacted by past land use and existing development. Small mammal and amphibians may use the drainage on an limited basis, but this activity is likely limited due to limited habitat availability as discussed.

Jurisdictional Wetland Status

The waterway falls under the jurisdiction of the Oregon Department of State Lands (DSL) and the US Army Corps of Engineers (USACE) due to the assumed downstream connection to Newell Creek to the east and the Willamette River. DSL and the USACE make the final jurisdictional determination and have regulatory authority over certain activities within jurisdictional waterways and wetlands.

Oregon DSL and the USACE will require a Joint DSL/USACE Removal-Fill/Section 404 permit to document any proposed impacts to the waterway from culvert/roadway improvements. It is assumed, however, that the impacts will fit into a DSL General Authorization (GA) or be exempt under DSL culvert maintenance exemption (OAR 141-085-0530). Any USACE mitigation requirements could likely be accomplished with enhancements to the existing waterway through the installation of additional shrub and tree cover.

Natural Resource Overlay District (NROD)

The base mapping for the NROD under Oregon City code requirements (17.49.110) on site extends 50 feet from the drainage centerline into existing development on site (Figure 5). However, as discussed, the existing riparian buffer is limited by adjacent development (Figure 6). Under Oregon City code, the NROD provisions do not affect existing land uses adjacent to the mapped NROD, including existing structures, roadways and landscaped areas (17.49.[0]90). The NROD has been mapped following these requirements.

NROD ENCROACHMENT

The proposed site improvements (roadway, culvert and headwall, etc.) would result in 1,009 square feet of permanent encroachment within the NROD. The permanent encroachments involve grading and fill work for the extension of the culvert and expanding the roadway crossing off of Beavercreek Road. This encroachment will include 378 square feet of buffer and 631 square feet of waterway impacts (Table 1). The waterway impacts are likely exempt under state regulations and under federal regulations the mitigation for these impacts may be achieved within the existing area of waterway on site, thus requiring no expansion of waterway or wetlands on site. Mitigation for the buffer encroachment will be provided on site adjacent to the existing NROD.

Encroachment into the NROD has been minimized to the extension of the culvert at the Beavercreek Road access road and a new proposed pedestrian bridge crossing of the drainage (Figure 7). The proposed improvements adjacent to the NROD incorporate an expanded buffer along the north edge of the existing drainageway. The existing buffer ranges between 5 and 9 feet from the northern edge of the waterway (Figure 6). The proposed site plan would expand the

buffer in three areas out to between 25 and 42 feet contiguous with the existing buffer.

Table 1: Permanent NROD Encroachment Summary

NROD Impact Type	Total Encroachment (sf)	Proposed Mitigation (sf)
Access Road (buffer)	439	2,380 (on-site)
Bridge/trail (buffer)	120	
Culvert/headwall (waterway)	631	TBD (on-site)
TOTAL	1,190	2,380 (2:1)

NROD MITIGATION

The Oregon City municipal code requires mitigation for encroachment into the NROD by providing a 2:1 ratio of mitigation area to disturbance area (17.49.180). As mitigation for the 1,190 square feet of NROD encroachment, the applicant proposes to provide mitigation plantings for 2,380 square feet to meet the code requirements of 2:1 mitigation. These plantings will be located in a buffer mitigation area totaling 4,774 square feet between the existing buffer and the southern edge of the proposed site improvements (Figure 7). The mitigation provided with the expanded buffer will be contiguous with the existing NROD, where the City of Oregon City has installed native plantings.

The expansion of the buffer area will allow for a larger native plant community along the northern edge of the waterway resource that otherwise would not be present under the existing land use. While the buffer cannot be expanded south of the waterway due to the Beavercreek Road right-of-way, additional buffer functions will be provided by the mitigation area on the northern edge (Figure 7).

Mitigation will be provided by installation of supplemental tree and shrub plantings in and seeding with native groundcover species. The proposed NROD mitigation areas will use the plant lists shown in Tables 2 and 3.

Planting Calculations

Using landscape requirements in the Oregon City municipal code (17.49.180) the minimum number of shrub and tree plantings for the mitigation area were calculated. The proposed NROD mitigation enhancement planting quantity calculations are summarized below:

Mitigation Plantings per acre: Trees/Shrubs = Area SF (2,380) x 0.019

(820 Tree/shrub per acre)	
Trees:	45
Shrubs:	45
Total:	90

It should be noted that all native plants (including the city plantings) will be preserved where practicable and will be in addition to the total number of plantings required per acre.

NROD Mitigation Planting Plan

Table 2 provides a seed mix to be used within the corridor enhancement and mitigation once the site grading is completed. Table 3 summarizes the placement and minimum number of plantings for the enhancement areas.

Table 2: Enhancement / Mitigation Area Seed Mix

Common Name	Scientific Name	Seeding Rate*	Percentage of Seed Mix **
Native Wildflower/Grass Mix			
California brome	<i>Bromus carinatus</i>	40	40
Blue wildrye	<i>Elymus glaucus</i>		15
White yarrow	<i>Achillea millefolium</i>		15
Northwest cinquefoil	<i>Potentilla gracilis</i>		15
Woodland strawberry	<i>Fragaria vesca</i>		15
TOTAL			100

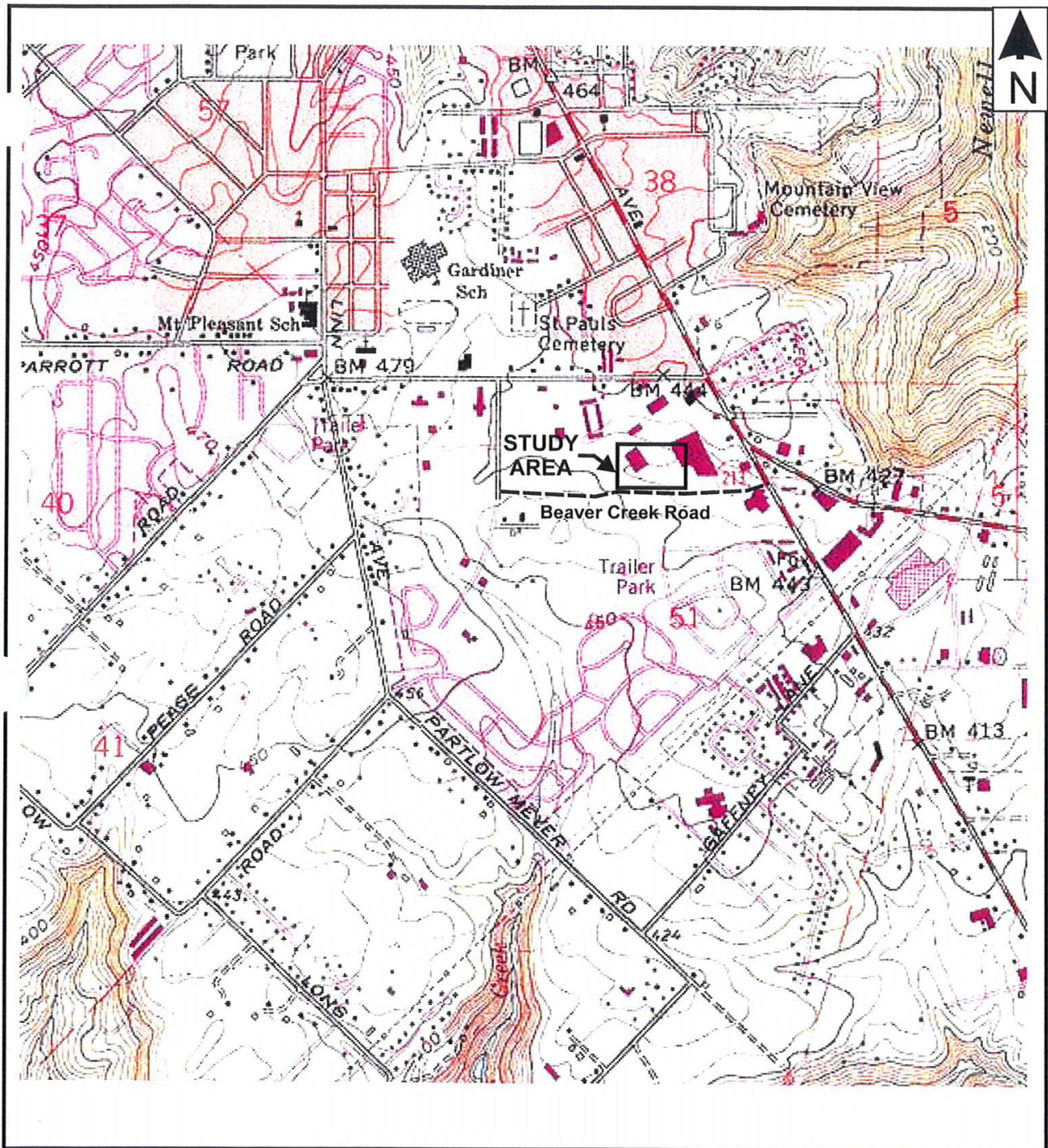
*Seeding rate of pure live seed (PLS) in pounds per acre for hydroseed application. **Seed mix application quantity is to be calculated for enhancement area and is subject to availability and measure PLS.

Table 3: Plant List for Enhancement/Mitigation Areas

Common Name	Scientific Name	Plant Form/Size ¹	Plant Spacing (ft on center)	Total Number of plants
NROD ENHANCEMENT (2,380 sf)				
<i>Trees</i>				
Big-leaf maple	<i>Acer macrophyllum</i>	2 gal/36"	10 ft O.C.	15
Bitter cherry	<i>Prunus emarginata</i>	2 gal/36"	10 ft O.C.	15
Oregon white oak	<i>Quercus garryana</i>	2 gal/36"	10 ft O.C.	15
<i>Subtotal</i>				45
<i>Shrubs</i>				
Nootka Rose	<i>Rosa nutkana</i>	1 gal/18"	Clusters of 3-4 plants; 8 ft O.C.	7
Mock Orange	<i>Philadelphus lewisii</i>	1 gal/18"	Clusters of 3-4 plants; 8 ft O.C.	8
Red-flowering Currant	<i>Ribes sanguineum</i>	1 gal/18"	Clusters of 3-4 plants; 8 ft O.C.	6
Snowberry	<i>Symphoricarpos albus</i>	1 gal/18"	Clusters of 3-4 plants; 8 ft O.C.	7
Kinnikinnick	<i>Arctostaphylos uva-ursi</i>	1 gal/18"	Clusters of 3-4 plants; 8 ft O.C.	10
Dull Oregon Grape	<i>Berberis nervosa</i>	1 gal/18"	Clusters of 3-4 plants; 8 ft O.C.	7
<i>Subtotal</i>				45
TOTAL				90

¹ Recommended plant form and size. Suitable replacement may be used based on availability.

APPENDIX A – FIGURES



Source: USGS 7.5-Minute Oregon City, OR Quadrangle, 1985. Printed from TOPO! 2000 National Geographic Holdings

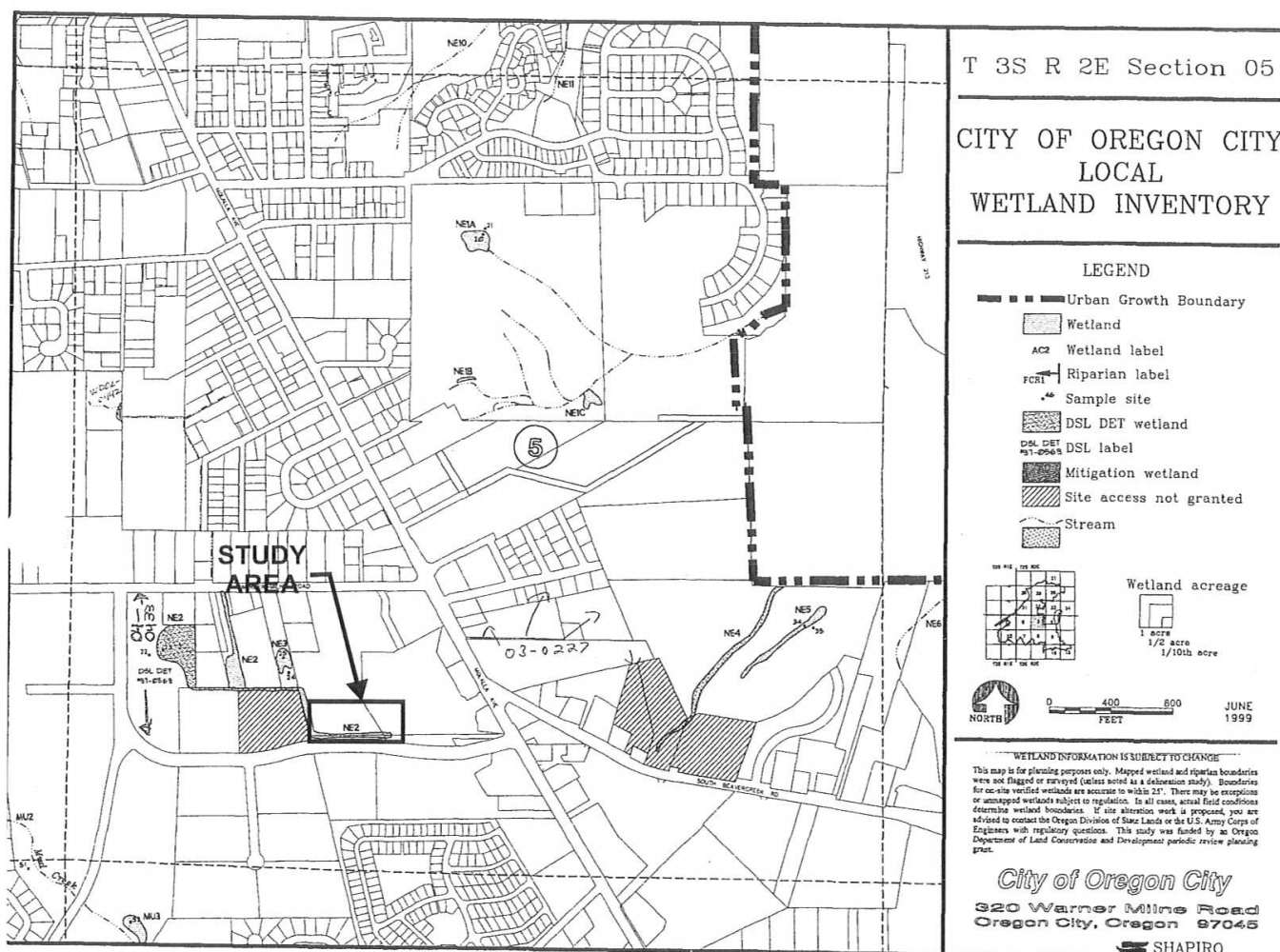
Environmental
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Assessment, LLC



Vicinity Map Hilltop Commercial Center Road/Culvert Improvements Oregon City, Oregon

Figure 1

Approx. Scale:
1in. = 1200 ft.



Source: www.oregon.gov/DSL

Environmental
Science &
Assessment, LLC

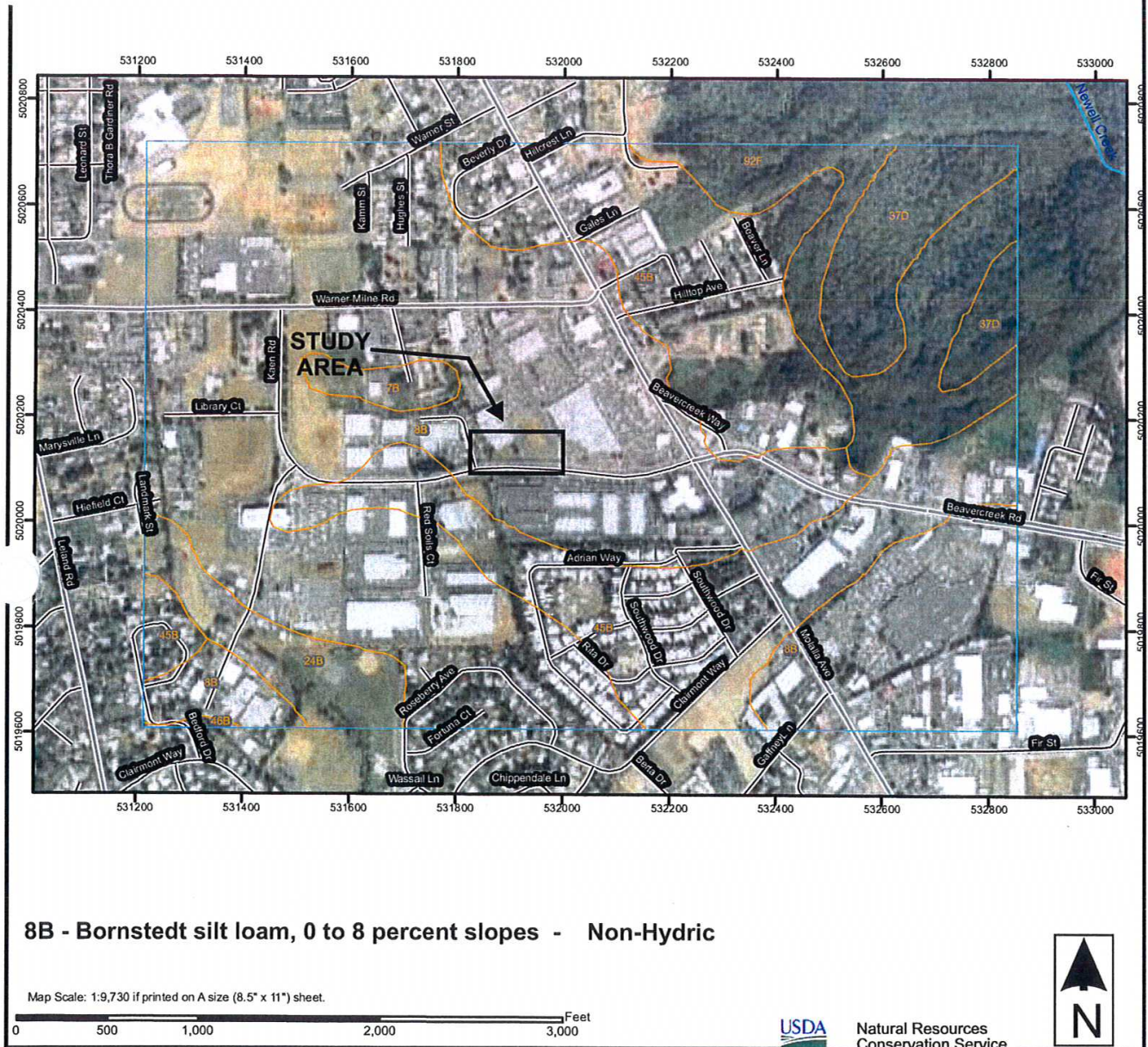


LWI Map
Hilltop Commercial Center
Road/Culvert Improvements
Oregon City, Oregon

Figure 3

Not to
Scale

Soil Map—Clackamas County Area, Oregon



Source: Web Soil Survey, Clackamas County, Oregon available at: <http://websoilsurvey.nrcs.usda.gov/app/>. Accessed May, 2010.

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Science &
Assessment, LLC



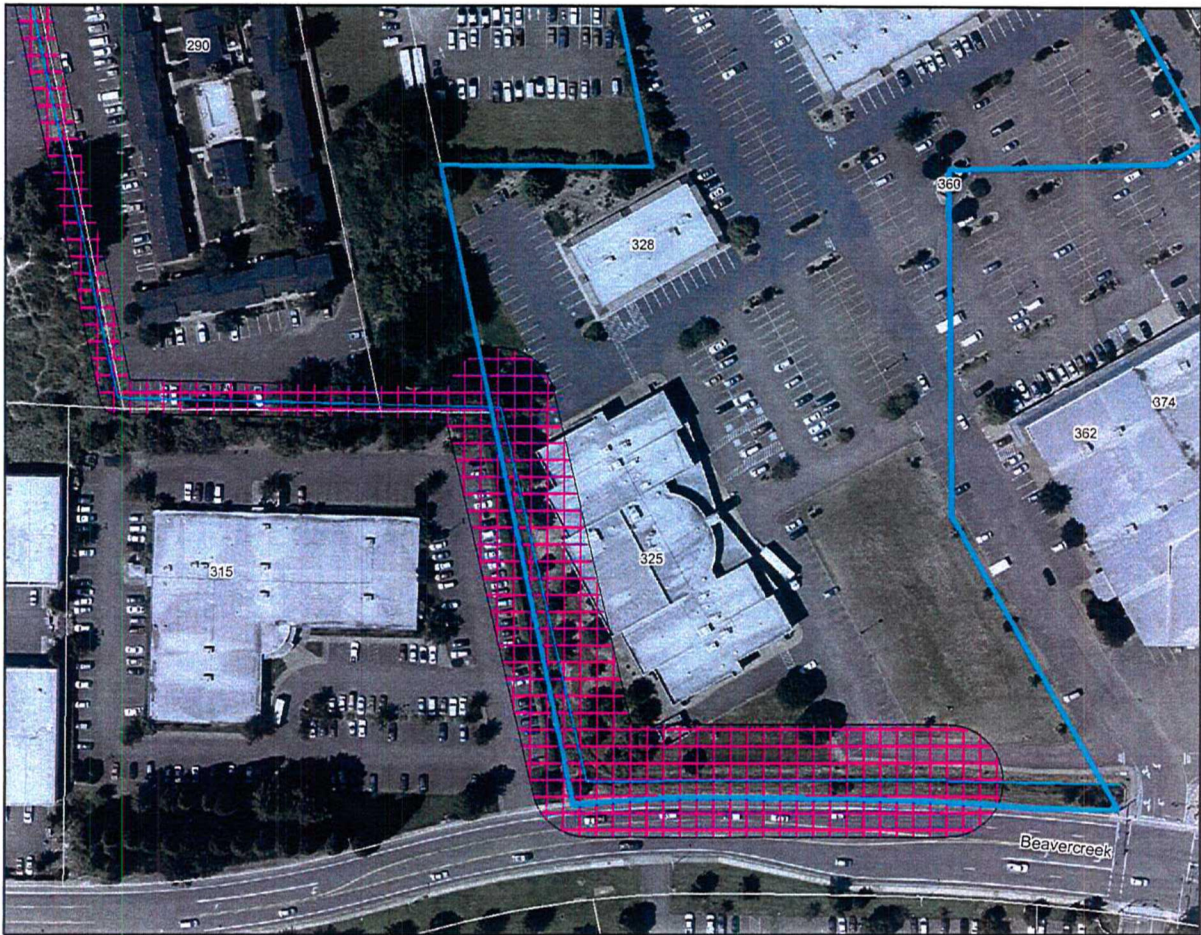
NRCS Soil Survey Map
Hilltop Commercial Center
Road/Culvert Improvements
Oregon City, Oregon

Figure 4

Approx. Scale:
1 in. = 800 ft.

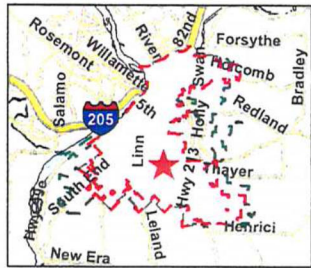
City of Oregon City
P.O. Box 3040, 625 Center St
Oregon City, OR 97045
(503) 657-0891
www.ci.oregon-city.or.us

Aerial - 2008



0 175 350 525 ft.

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



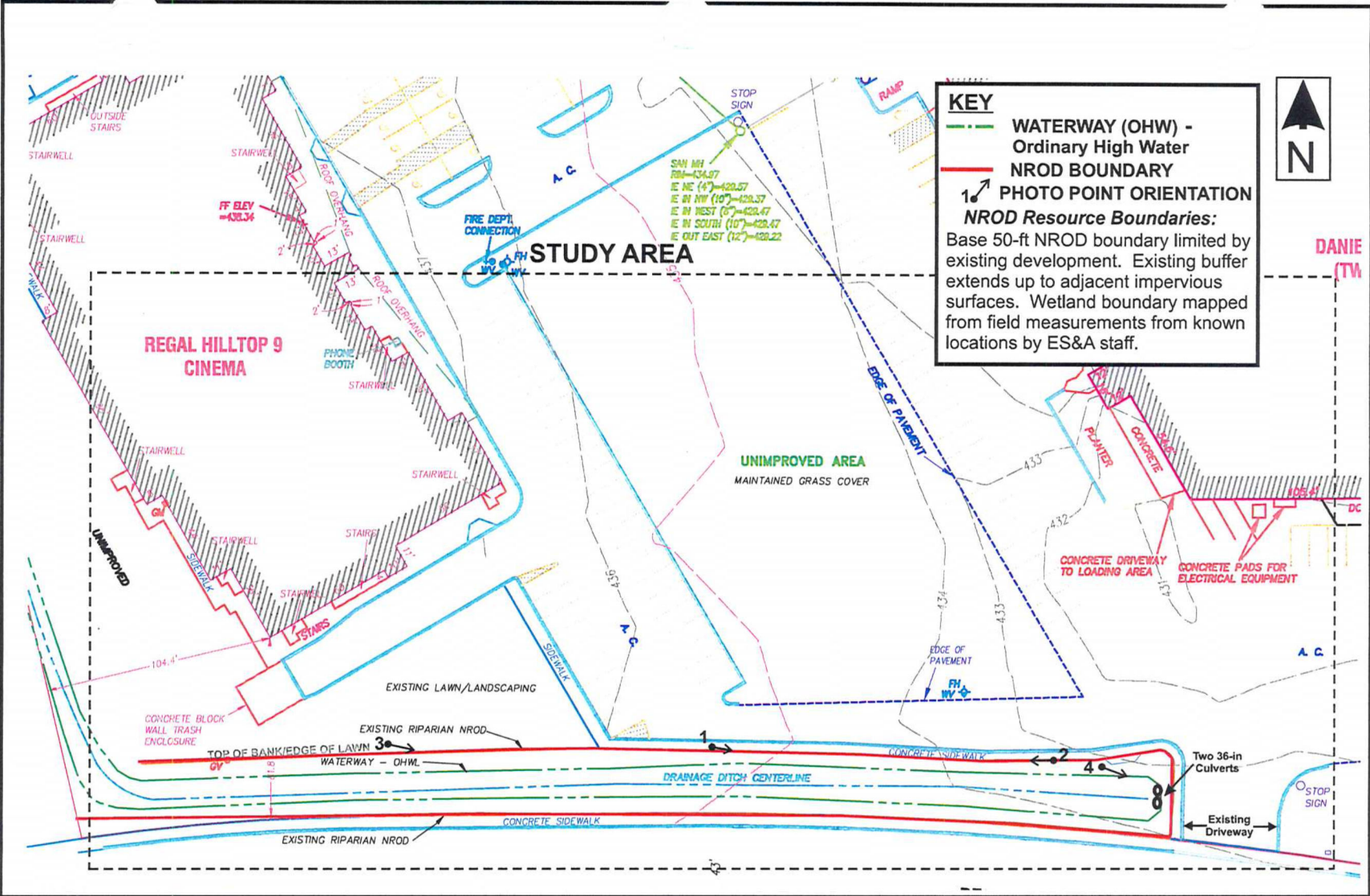
Legend

- City Limits
- UGB
- Parcels
- Parks
- Streams
- Riparian Areas
- Aerial Photos 2008
- Buildings
- Highways
- Major Streets
- Other Streets
- Rivers
- Wetlands



Scale: 1:1,762

FIGURE 5



Source: Compass Engineering; Modified by ES&A, LLC, June 2010.

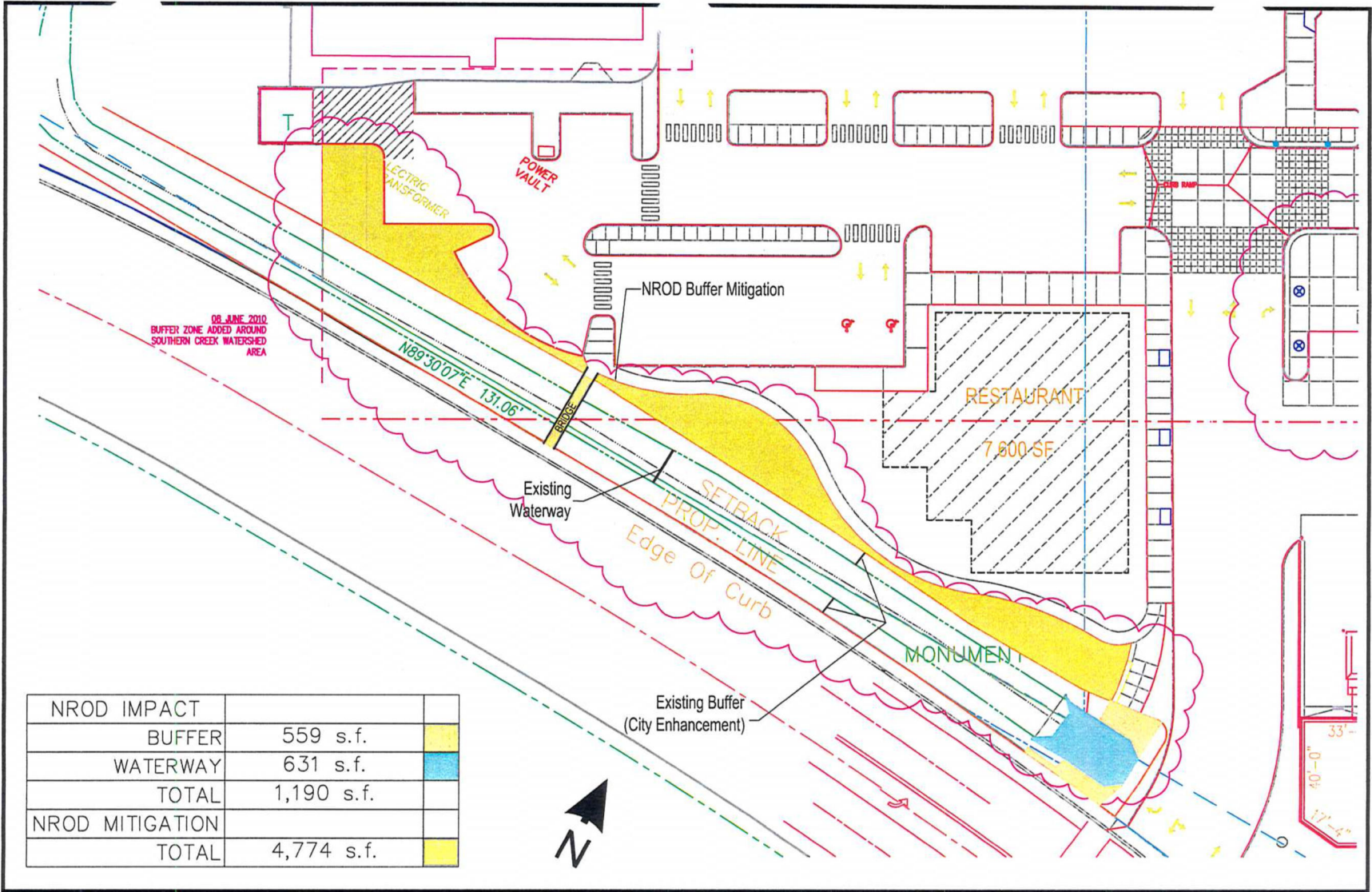
Environmental
Science &
Assessment, LLC



Wetland Delineation/NROD Map Hilltop Commercial Center Road/Culvert Improvements Oregon City, Oregon

Figure 6

Scale:
1in. = 60 ft.



Source: Rommel Architectural Group, LLP; Modified by ES&A, LLC, June 2010.



NROD Impact/Mitigation Plan
Hilltop Commercial Center
Road/Culvert Improvements
Oregon City, Oregon

Figure 7

Scale:
1in. = 50 ft.

APPENDIX B - PHOTOS



Photo 1. View east from midpoint of drainage at edge of existing parking lot and sidewalk.



Photo 2. View west along northern edge of drainage from eastern end.



Photo 3. View east from west end of drainage - Beaver Creek Road and sidewalk extends along southern edge of drainage.



Photo 4. View east of existing culvert and head wall at east end of drainage.



Environmental Science & Assessment, LLC

MEMORANDUM

DATE: August 13, 2010

TO: Oregon City Planning

CC: Jill Long Lane Powell

FROM: Jack Dalton

RE: Response to Comments (July 28, 2010 Oregon City Determination of Application Completeness Memo)

Responses for Code Section 17.49. – Natural Resource Overlay District

Comment 1 - Waterway versus wetland comment:

As was documented from the field determination, the NROD resource is primarily a waterway along the southern edge of the site has been channelized and flows west to east. The eastern end of the waterway ends at a pair of 36-inch culverts under the southern entry road of the Hilltop Commercial Center

The extent of the drainage way is defined by the ordinary high water line (OHWL), which was determined in the field to be approximately 1.5 feet above the channel bottom. The OHWL is clearly defined in the field by a transition from hydrophytic vegetation to upland grasses along the banks. The constrained channel morphology dictates that the hydrology present in the resource is strictly from the perennial flow and wetland soil saturation does not extend outside the channel OHWL.

The waterway provides primarily stormwater conveyance, which is only periodically at the OHWL during storm events. The site is located near the top of the surrounding drainage basin so stormwater flows in the waterway are low enough to allow the herbaceous vegetation to persist. The vegetative cover in the channel bottom is dominated by reed canarygrass with the other emergent species established along the upper edge of the OHWL. This is typical of low flow ditched or channelized systems.

Historically, the waterway was altered with the development of the intersection of Beaver Creek Road and Molalla Avenue. According to the property owners and confirmed with city staff, a drainage feature was located south of the site and was channelized along the southern edge of the Hilltop property as part of the Beaver

Creek Road improvements. The resource was not a larger wetland at that time, but rather drainage feature moving surface water to the east and a likely connection to Newell Creek, which indicates the existing waterway did not convert a pre-existing wetland to waterway.

Comment 2 - Mitigation Requirements under 17.49.180:

The mitigation requirements of 17.49.180 are being met under the current proposal. The disturbance area will be mitigated within the additional buffer area at greater than the required 2:1 ratio and the proposed site development will allow for an expanded buffer beyond that currently on site.

An analysis was conducted to further document the proposed site plan and the resulting buffer area proposed within the 50-foot NROD overlay. Currently the existing asphalt roadway, sidewalk and maintained landscaping limits the existing buffer (Figure 6).

- The proposed site plan mitigates for the entire disturbance area, including the buffer and wetland impacts totaling 1302 sf, by providing 2604 sf of mitigation landscape planting within the proposed 4774 additional buffer area (Figure 7).
- The existing buffer area is 5482 sf. By reconfiguring the parking and pedestrian trail in the southern end of the site, the area of buffer will be expand by 4007 sf for a total buffer area of 9489 sf.
- Instead of a narrow 8-9 foot buffer along the northern edge of the waterway, the buffer will be expanded to between 22 and 28 feet north of the existing drainage (Figure 7).
- Proposed parking and sidewalk (impervious) will remain within the 50-foot NROD overlay, but the proposed site plan converts a portion of the existing landscaping and sidewalk to a native planted buffer, resulting a net increase of pervious area of 298 sf (Figure 8).

The impact acreage analysis is provided in Attachment A.

It should be noted that a small error in the impact calculation was discovered along the existing culvert headwall and the revised impact acreages are provided in Table 1. The mitigation will be increased to the required minimum, which will include the addition of 8 tree and shrub plantings in the mitigation landscape plan.

Table 1: Permanent NROD Encroachment Summary

NROD Impact Type	Total Encroachment (sf)	Proposed Mitigation (sf)
Access Road (buffer)	551	2,380 (on-site)
Bridge/trail (buffer)	120	
Culvert/headwall (waterway)	631	TBD (on-site)
TOTAL	1,302	2,604 (2:1)

Attachments



Attachment A

PROPOSED SITE PLAN

Existing Buffer	5482
Proposed Impacts	671
Remaining Buffer	4811

Existing Waterway	5435
Proposed Impacts	631
Remaining Waterway	4804

All NROD	10917
Proposed Impacts	1302
Remaining NROD	9615

Remaining Buffer	4715
Proposed Addl Buffer	4774
Proposed Buffer Total	9489

Proposed Addl Buffer	4774
Proposed NROD Total	14389

PROP BUFFER INCREASE

Proposed	9489
Existing	5482
Increase	4007

Increase Total NROD	3472
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PROP IMPERVIOUS INCREASE

Proposed Addl Buffer	4774
Existing Lawn/Landscape	4476
Increase	298

MITIGATION FOR DISTURBANCE

Buffer Impacts	671
Mitigation Planting Area	4774

Total Impacts	1302
	4774

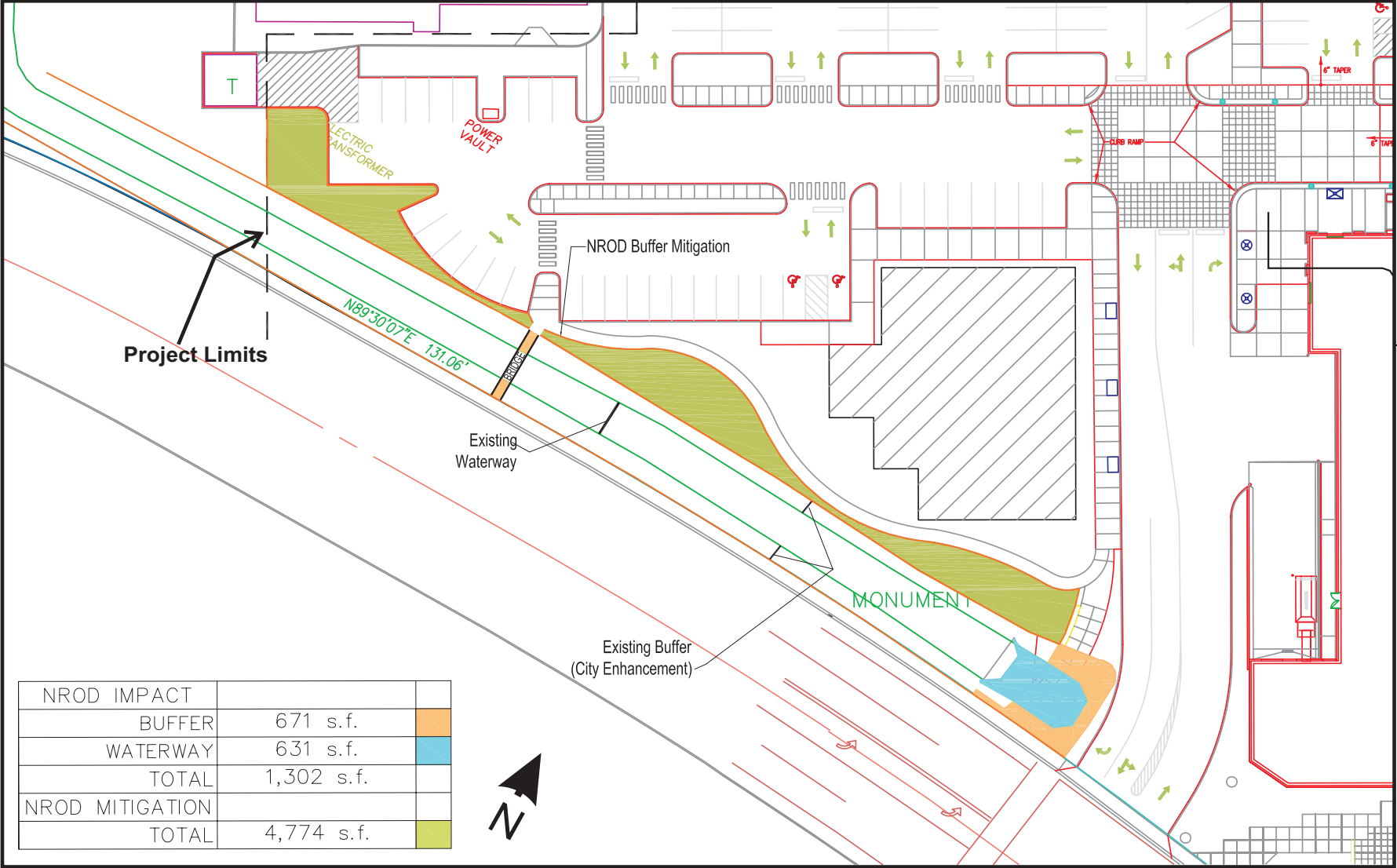
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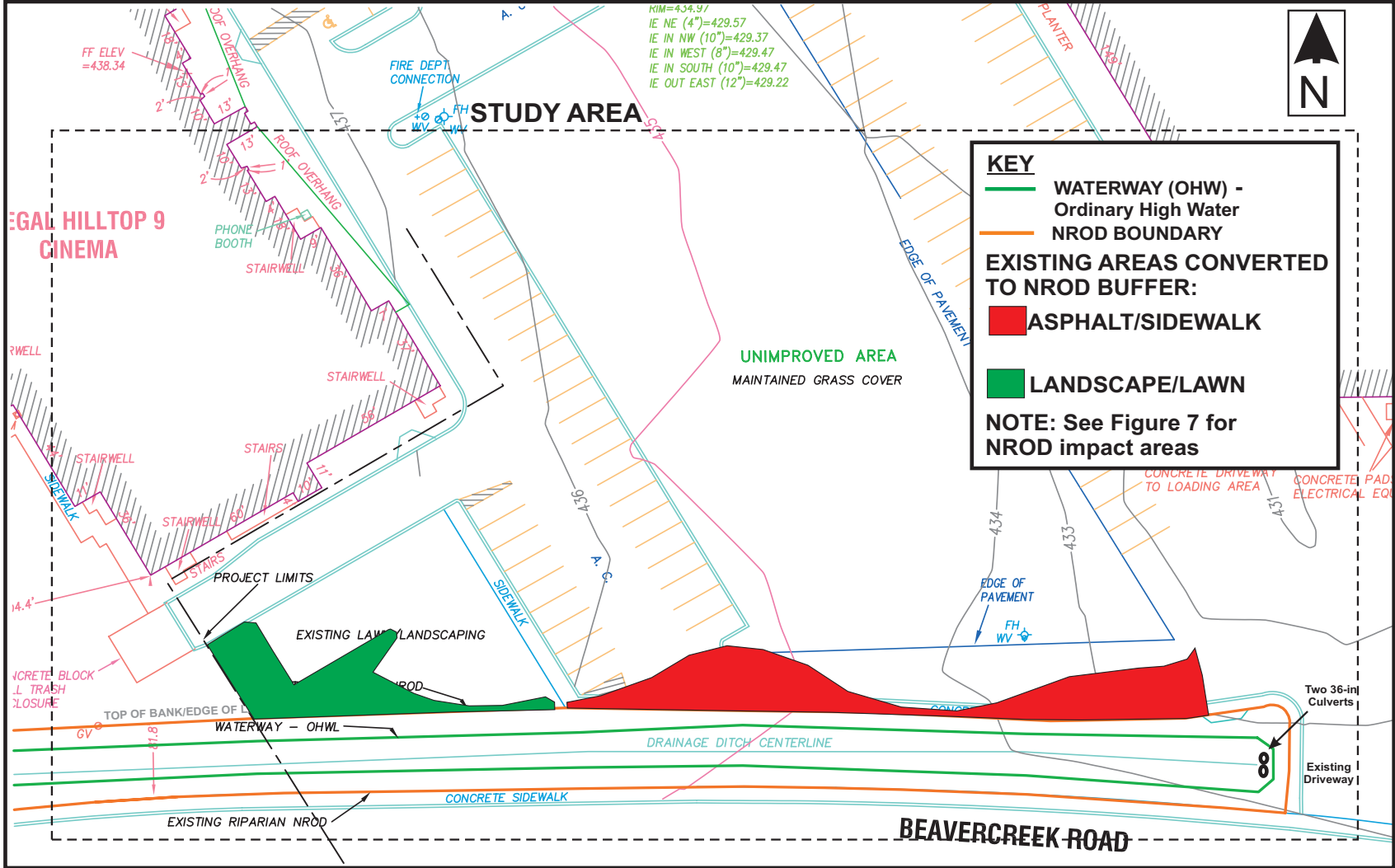


Figure 6

Scale:
1 in. = 50 ft.



<div>Environmental Science & Assessment, LLC</div> <div></div>	<div>NROD Impact/Mitigation Plan</div> <div>Hilltop Commercial Center</div> <div>Road/Culvert Improvements</div> <div>Oregon City, Oregon</div>	<div>Figure 7</div>
		<div>Scale:</div> <div>1in. = 50 ft.</div>



Source: Rommel Architecture, 2010; Modified by ES&A, LLC, June 2010.

<p>Environmental Science & Assessment, LLC</p> 	<p>NROD Expansion/Mitigation Plan Hilltop Commercial Center Road/Culvert Improvements Oregon City, Oregon</p>	<p>Figure 8</p>
		<p>Scale: 1in. = 50 ft.</p>



DAVID EVANS
AND ASSOCIATES INC.

MEMORANDUM

DATE: October 1, 2010
TO: Peter Walter
FROM: Ethan Rosenthal, Alex Dupey
SUBJECT: Hilltop Mall NROD Overlay Review (WR 10-03)
PROJECT: City of Oregon City Water Quality Area Resource Review
PROJECT NO: ORCT0000-0029
COPIES: File

The City of Oregon City (the City) has contracted with David Evans and Associates, Inc. (DEA), to review permit applications located within the Natural Resource Overlay District (NROD) and mitigation plans, as applicable, to ensure they meet Oregon City land development code criteria. This memorandum provides DEA's findings and recommendations related to the Applicant's development application (WR 10-03). The proposed project includes a Master Development Plan, Detailed Development Plan, and NROD review for redeveloping the Hilltop Mall to include a new grocery store and retail space, a parking lot, and associated improvements. This memorandum addresses only the NROD application review related to Oregon City Municipal Code (OCMC) 17.49. Within the NROD buffer, the proposed project would include expansion of the entry roadway and associated culvert, and sidewalk improvements.

17.490.030 Map as Reference

The Hilltop Center Site Assessment/Wetland Determination (ES&A, August 13, 2010) describes the NROD buffer in the vicinity of the project. The existing development pattern includes Beaver Creek Road to the south and the existing Hilltop Mall to the north. The OCMC requires a 50-foot buffer from an NROD resource per Table 17.49.110. The Applicant provides information that appears to be requesting verification of the NROD boundary, because the Applicant asserts that the NROD boundary extend only to the sidewalk at the top of slope, not into the project site as identified on the City's online mapping system (accessed online via OCMaps, September 27, 2010). The Applicant's assertion that the buffer only extends to the existing sidewalk is not consistent with the mapped NROD overlay.

Additionally, the proposed mitigation plan assumes that the buffer extends only to the sidewalk, not to the full extent of the 50-foot buffer, as shown on Oregon City NROD overlay maps for the area. Verification of the NROD overlay as required under 17.49.250 should occur to address this discrepancy and to accommodate the proposed mitigation plan.

17.49.110: Width of Vegetated Corridor

As described above in response to 17.49.030, it appears that the Applicant has elected to verify the NROD buffer and has applied its findings to the proposed mitigation plan, as opposed to applying the 50-foot buffer required in Table 17.49.110. The Applicant has determined that the NROD includes only the areas

between the existing sidewalks on the northern and southern boundary of the waterway, which is significantly less than a 50-foot buffer.

The Applicant notes that the waterway falls under the jurisdiction of the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers (USACE) because of the assumed connection to Newell Creek and the Willamette River. Oregon DSL and USACE will require a Joint Removal/Fill permit application to document any proposed impacts to the waterway from the culvert and associated road improvements. The Applicant's site assessment/wetland determination assumes that the impacts can be met with a DSL general authorization or will be exempt under DSL culvert maintenance, but the Applicant did not identify any additional USACE requirements. Any required mitigation would be accomplished through additional plantings along the existing waterway. The Applicant has not provided any information as to whether coordination with the Oregon DSL and USACE has occurred and what, if any, additional mitigation those agencies might require.

17.49.180 Mitigation Standards

The Applicant's mitigation plan addresses impacts within the waterway. Impacts to the NROD buffer include approximately 1,302 square feet of encroachment; the Applicant proposes providing approximately 2,604 square feet of mitigation area, which meets the minimum mitigation ratio of 2:1 as identified in 17.49.180(A).

The Applicant's calculation of the impact area assumes that the NROD verification has occurred and that it is not the 50-foot Oregon City-mapped buffer area. Although the proposed mitigation area would extend the existing buffer of 8 to 9 feet (as the Applicant has identified) to 22 to 28 feet, this buffer is still within the Oregon City-delineated NROD buffer.

17.49.180(B) requires mitigation to occur onsite except under certain conditions. The Applicant meets this standard.

17.49.180(C) requires mitigation to occur within the NROD boundary. The Applicant meets this standard.

17.49.180(D) requires invasive species to be removed within the mitigation area. The Applicant meets this standard.

17.49.180(E) provides two options for mitigation planting. Because of the existing conditions of the site, the Applicant must meet the Option 2 planting standards under 17.49.180(E)(2). Option 2 requires the planting of 820 trees and 820 shrubs per acre of impact. The original mitigation plan identified 45 trees and 45 shrubs to be planted, although the revised mitigation plan (ES & A, August 13, 2010) identified a slightly larger impact area and acknowledged that an additional 4 trees and 4 shrubs will be required. Overall, the Applicant will affect approximately 2,604 square feet of area, requiring a planting plan that includes 49 trees and 49 shrubs (0.06 acres of impact x 820 trees and 820 shrubs). DEA has confirmed this calculation. The planting plan also identifies the proposed plant list. The Applicant's planting plan proposes using three tree species and six shrub species, which meets the need for plant diversity under Option 2.

17.49.180(F) requires a five-year maintenance and monitoring period for mitigation planting. The Applicant has stated that maintenance and monitoring will be the responsibility of the Applicant and includes that statement in the mitigation planting plans. The Applicant has not developed a maintenance and monitoring plan that specifically addresses this standard.

17.49.200 Adjustment to Standards

The Applicant is requesting an adjustment to the NROD boundary given the existing site conditions. The Applicant proposes to increase the size of the existing NROD buffer by removing existing impervious surface and relocating it farther away from the waterway. This, in combination with the proposed mitigation plan, will improve the area, although the proposed buffer area is still within the existing NROD boundary as identified by the City. Overall, it appears that with the exception of (A) and (B) of this section, the Applicant might satisfy these criteria to justify an adjustment to standards. The Applicant has not shown any reasoning to justify why construction within the existing NROD is the only feasible alternative, as required under (A), nor has the Applicant shown, as required under (B), that the proposed actions provide greater benefit than if the NROD requirements were met.

17.49.220 Required Site Plans

The Applicant has submitted the necessary site plans through its original submittal and the additional material that was submitted to complete the application.

17.49.230 Mitigation Plan Report

The proposed mitigation planting plan submitted as part of the application identifies the total number of plantings that will be required, but the Applicant has not submitted a Mitigation Plan Report for review that meets the requirements of 17.48.230. The Applicant acknowledges this omission in its response to the criteria.

DEA provides the following comments in reference to this section of the NROD:

The Applicant has responded to several of the mitigation criteria outlined in 17.49.180, but as described above, the Applicant has identified a NROD boundary that is different than the Oregon City NROD boundary, which has affected the required mitigation and the number of plantings.

DEA concurs with the proposed planting and mitigation plan and the benefits it could provide compared to the existing condition, meeting 17.49.230(B). However, the amount of mitigation as required in 17.49.180(A) should be reviewed in light of whether the City accepts the Applicant's delineated NROD buffer as opposed to the Oregon City-identified NROD boundary. The Applicant may also need to submit information to satisfy 17.49.250.

17.49.230(C) requires consultation with appropriate state and federal regulatory agencies. As described above, the Applicant has identified that the project will require a DSL Joint Removal/Fill permit, but has not identified whether any additional USACE permits will be required. The Applicant has not provided documentation of any correspondence with USACE and DSL and whether those agencies will require any additional mitigation.

17.49.230(D) requires a construction timetable, and 17.49.230(E) addresses mitigation monitoring (see also the requirements under 17.49.180(F)). This information will need to be addressed in the Mitigation Plan Report.

Recommended Conditions of Approval

The Applicant's NROD application has addressed the majority of the criteria, with the following exceptions:

1. **17.49.030 Map as Reference.** The Applicant has identified an alternative NROD boundary that takes into account the existing development pattern. The Applicant's justification for why the existing NROD boundary should not apply appears to be valid, but the Applicant has not requested that the NROD boundary in the vicinity of the site be verified, as required under 17.49.250. Additionally, the proposed mitigation planting plan is based on the boundary identified by the Applicant, and any changes to the boundary could affect the proposed planting plan, including the number of plants that are required under 17.49.180(E)(2).
 - **Proposed condition of approval:** The Applicant should submit a verifiable NROD boundary to meet the requirements of 17.49.250.
2. **17.49.180(F).** The Applicant has not developed a maintenance and monitoring plan addressing the required five-year maintenance and monitoring period.
 - **Proposed condition of approval:** The Applicant should provide a maintenance and monitoring plan as required under 17.49.180(F).
3. **17.49.230.** The Applicant has provided some of the required information to satisfy this criterion, but has not submitted a Mitigation Plan Report for review.
 - **Proposed condition of approval:** The Applicant shall submit a Mitigation Plan Report that addresses 17.49.230. The Applicant should document that any mitigation required by DSL and USACE as part of the removal/fill permit is also included in the Mitigation Plan Report.

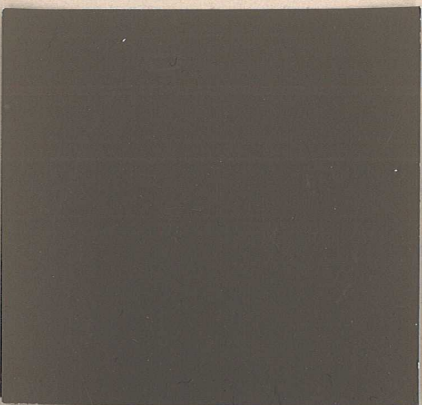
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Attachments/Enclosures:

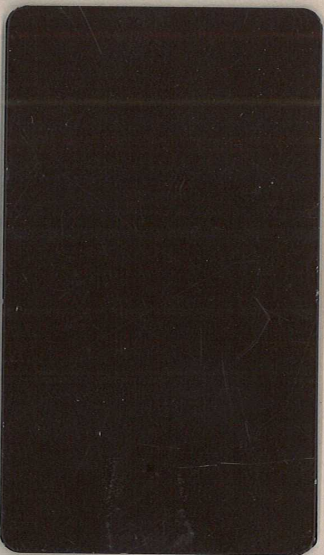
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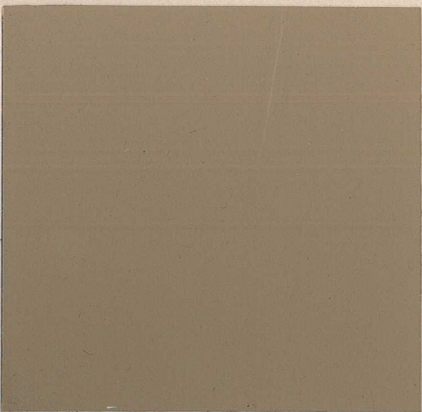
Project Number: ORCT0000-0031



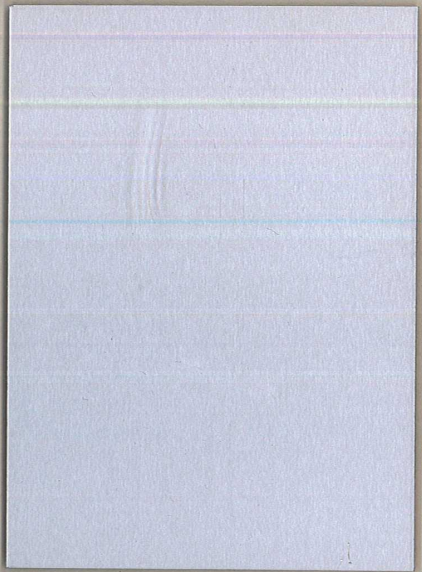
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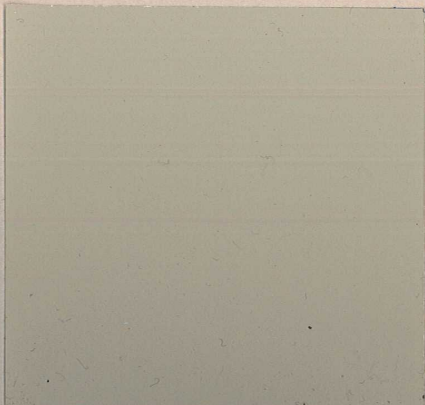
M-2
M-3



P-2



M-4



P-1



BR-1

M A T E R I A L B O A R D
H I L L T O P C E N T E R

The Rommel Architectural Partnership, LLP

JUNE 2010

HILLTOP CENTER COLOR SCHEDULE

PAINT	SUPPLIER	COLOR	FINISH
P-1	BENJAMIN MOORE	GRANT BEIGE	
P-2	DUNN-EDWARDS	DESERT GRAY	
METAL			
M-1	BENJAMIN MOORE	GARGOYLE 1546	
M-2	TO MATCH M-3	DARK BRONZE	
M-3		DARK BRONZE ANODIZED	
M-4		CLEAR ANODIZED	
BRICK			
BR-1	MUTUAL MATERIALS CO.	CHESTNUT	MISSION
GLASS			
G-1	PGP	SOLARBAN 60 LOW-E	



"STORE 2993"

OREGON CITY, OREGON

Jun 17, 2010

COLORS & MATERIALS



AA "GARGOYLE"
Dunn Edwards - '1546'



BB "DESERT GRAY"
Dunn Edwards - 'DEC760'



CC "BUNGALOW TAUPE"
Dunn Edwards - 'DE6172'



DD "GRANT BEIGE"
Dunn Edwards - 'HC-83'



EE "BLACK"
ICI PAINT #W06-1688



FF "BLACK ANODIZED"
ALUMINUM STOREFRONT



GG "GRAY STONE - SAFEWAY BLEND"
LEDGESTONE (NATURAL ROCK)
PENINSULA BUILDING MATERIALS



HH "SMOKEY MOUNTAIN"
INTERSTATE BRICK

BENNER STANGE ASSOCIATES ARCHITECTS, INC.
5200 SW Meadows Rd. Suite B-130
Lake Oswego, OR 97035
T 503.670.0234 F 503.670.0235
E bsa@bsaarch.com



RAVEN LARGE RCL SERIES

Cat. #		Approvals
Job	Type	

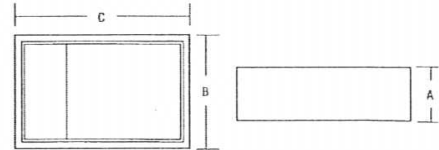
**SPAULDING
LIGHTING**

APPLICATIONS

- Provides a superior lighting solution for a wide array of area/site lighting applications.

FEATURES

- Lightweight, rugged, one-piece formed and welded aluminum for smooth construction and weatherproofing. Pre-drilled for mounting. Decorative embossed band and reveal colors available.
- Extruded aluminum frame with rigid corner bracing and die-cast zinc latches for tool-free entry. Quality silicone gasketing seals out insects, dirt and moisture. Decorative silk screening conceals electrical compartment. Flat tempered and impact-resistant glass provide sharp full cutoff.
- Hydroformed and performance series reflectors available. IES type II, III, IV, and V distributions. All distributions are field rotatable.
- Extruded arms along with multiple adapters provide mounting flexibility.
- Mogul porcelain socket, pulse rated, with spring-loaded, nickel-plated center contact and reinforced lamp grip screw shell.
- CWA type, HPF Ballast, starting rated at -20°F (-40°F for HPS).
- Durable Lektrocote® TGIC thermoset polyester powder coat paint finish assures long life and maintenance-free service.



	A	B	C	EPA	Weight
RCL	10.5"	22.25"	30"	2.6 ft. ²	70 lbs
	262 mm	556 mm	750 mm	0.2 m ²	31.7 kg

NOTE: EPA and weight values do not include mounting arm.
Four Inch arm adds 0.2 ft.² EPA. Ten Inch arm adds 0.4 ft.² EPA.

LISTINGS/CERTIFICATIONS

- UL 1598 listed and CSA certified for outdoor use in wet locations.
- IDA fixture seal of approval.



ORDERING INFORMATION

ORDERING EXAMPLE

RCL	-	A4	-	P1K	-	H3P	-	F	-	Q	-	DB	-	L
Series		Mount		Wattage/ Source		Lamp Orientation/Distribution		Lens		Voltage		Color		Options

SERIES

RCL Raven Large

MOUNT

A4 Arm Mount (includes 4" rigid arm)
A10 Arm Mount (includes 10" rigid arm)¹
WB Wall Bracket (arm not required or included)²
WBA4 Wall Bracket with 4" rigid arm
WB10 Wall Bracket with 10" rigid arm
0 No arm or wall bracket accessory

WATTAGE/SOURCE

METAL HALIDE
H1K 1000 watt (BT-56)
SUPER METAL HALIDE
MS1K 1000 watt (BT-56)
PULSE START METAL HALIDE
P40 400 watt (BT-37)
P75 750 watt (BT-37)
P1K 1000 watt (BT-37)

SOURCE/WATTAGE con't

HIGH PRESSURE SODIUM
S40 400 watt (ED-18)
S60 600 watt (T-14)
S75 750 watt (BT-37)
S1K 1000 watt (E-25)

LAMP ORIENTATION/DISTRIBUTION

H2P Horizontal II Performance Series (segmented)³
H3P Horizontal III Performance Series (segmented)
H4 Horizontal IV (multi-piece)
H4P Horizontal IV Performance Series (multi-piece)
H5* Horizontal V (hydroformed)
H5P Horizontal V Performance Series (segmented)

LENS

F Flat
VOLTAGE
Q Quad-Tap* 120/208/240/277V¹
5 480V
T Tri-Tap* 120/277/347V²
E 50Hz 220/240V (250, 400 & 1000W MH, SMH & HPS only)
V Five-Tap - 120/208/240/277/480V¹ (250 & 400W MH, SMH & HPS only)
0 No Ballast

COLOR

DB Dark Bronze
BL Black
WH White
GR Gray
PS Platinum Silver
RD Red (premium color)
FG Forest Green (premium color)
CC Custom Color (consult factory) (RAL# preferred)

OPTIONS

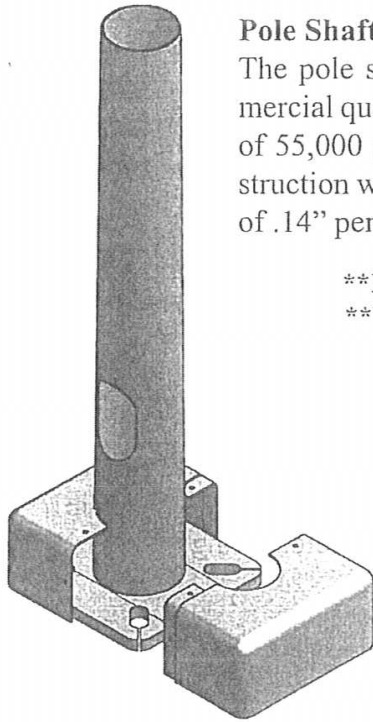
W1 120V Wiring Prep
W2 208V Wiring Prep
W3 240V Wiring Prep
W4 277V Wiring Prep
W5 480V Wiring Prep
W6 347V Wiring Prep
RPA2 Round Pole Adapter (23/4"-31/8")
RPA3 Round Pole Adapter (31/4"-33/4")
RPA4 Round Pole Adapter (37/8"-41/2")
RPA5 Round Pole Adapter (5")
RPA6 Round Pole Adapter (6")
F(X) Fusing (replace X with voltage: 1-120, 2-208, 3-240, 4-277, 5-480, 6-347)
P(X)³ Photo Button (replace X with voltage: 1-120, 2-208, 3-240, 4-277, 5-480, 6-347)
PR(X) Photo Cell Receptacle (replace X with voltage: 1-120, 2-208, 3-240, 4-277, 5-480, 6-347)
QZ Quartz Restrike with 150W DC bayonet lamp
HS Internal House Side Shield (all except Type V distributions)
VG Polycarbonate Vandal Guard
R(XX) Reveal (replace XX with color designation) **EB** option must be chosen with reveal option
EB Embossed Band
L Lamp

1 Factory wired for highest voltage unless specified.
2 Required for 90° configurations.
3 RPA4, direct mount hardware kit required.
4 Housing requires compact 1000W lamp.
5. 400W Max. Not available in 480V.
NOTE: All poles to be drilled with #2 pattern.

SPAULDING LIGHTING

SHEET # RAVEN-SPEC1/10

ROUND TAPERED STEEL POLES



Pole Shaft Specifications

The pole shaft is fabricated from a weldable grade, hot-rolled commercial quality carbon steel with a guaranteed minimum yield strength of 55,000 psi after fabrication. It is a one piece or two piece** construction with a full length, longitudinal weld. The pole tapers at a rate of .14" per foot.

**Poles greater than 39' are of two piece, slipfit construction.

**We reserve the right to use a pole top adaptor for the use of direct mounting of fixtures, as deemed necessary.

Base Plate Cover

A full base plate cover is supplied. For 20' - 35' poles, the base cover is automotive structural grade ABS plastic with UV inhibitor to eliminate color fading. It is rust proof and tamper resistant. For poles 39' - 60', the base cover is made of two piece formed sheet steel.

ROUND TAPERED STEEL POLES

Catalog Number	Mtg. Ht. (ft.)	*Effective Projected Area (sq. ft.)				Shaft Dimensions			Base Information (in.)		Base Plate (in.) (L x W x H)
		80	90	100	120	Butt (in.)	Top (in.)	Wall (ga.)	Anchor Bolt Dia.	Bolt Circle	
CPS-2-5211-20	20	12.2	9.8	7.9	5.6	5.2	2.4	11	.75 x 28	9.5	10 x 10 x .75
CPS-2-6511-20	20	28.6	23.2	18.7	13.0	6.5	3.7	11	1 x 40	10.0	11 x 11 x 1
CPS-2-5911-25	25	9.4	7.6	6.2	4.4	5.9	2.4	11	.75 x 28	9.5	10 x 10 x .75
CPS-2-7011-25	25	22.0	17.8	14.4	10.0	7.0	3.5	11	1 x 40	10.0	11 x 11 x 1
CPS-2-6511-30	30	8.1	6.6	5.3	3.8	6.5	2.4	11	1 x 40	10.0	11 x 11 x 1
CPS-2-8011-30	30	22.1	17.9	14.5	10.0	8.0	3.8	11	1 x 40	11.0	12 x 12 x 1
CPS-2-8511-35	35	19.3	15.6	12.6	9.0	8.5	3.6	11	1 x 40	11.5	12 x 12 x 1
CPS-2-9011-39	39	17.9	14.5	11.7	8.2	9.0	3.5	11	1 x 40	12.5	13 x 13 x 1
CPS-2-1011-39	39	23.3	18.8	15.2	10.7	10.0	4.7	11	1 x 40	13.5	14 x 14 x 1
CPS-2-1207-39	39	63.4	51.3	41.4	29.0	12.0	6.7	7	1.5 x 60	16.0	17 x 17 x 1.5
CPS-2-1011-45	45	12.5	10.1	8.2	5.8	10.0	3.9	11	1 x 40	13.5	14 x 14 x 1
CPS-2-1207-45	45	40.8	33.0	26.7	18.8	12.0	5.8	7-11	1.5 x 60	16.0	17 x 17 x 1.5
CPS-2-1011-50	50	9.3	7.6	6.1	4.3	10.0	3.1	11	1 x 40	13.5	14 x 14 x 1
CPS-2-1207-50	50	33.4	27.1	21.8	15.3	12.0	5.1	7-11	1.5 x 60	16.0	17 x 17 x 1.5
CPS-2-1207-60	60	19.2	15.5	12.5	8.8	12.0	5.1	7-11	1.5 x 60	16.0	17 x 17 x 1.5

* EPA ratings include a 1.3 gust factor.

• Anchor Bolts should be set using factory supplied anchor bolt templates.

36R-LB

Anchor Bolt
Size and Spacing as Required
Customer to Supply
(4 Places in Top)
Minimum Bolt Circle = 8" Dia.
Maximum Bolt Circle = 26" Dia.

LAMP POLE FOOTING
No. 36R-LB

Variable Height:
7'-0" Minimum
9'-0" Maximum
(See Chart)



Conduit Entrance
(4 Places)

3'-0"

VARIABLE HEIGHT CHART		
Catalog No.	Height	Weight
36R-7-LB	7'-0"	5,310 lbs.
36R-8-LB	8'-0"	6,370 lbs.
36R-9-LB	9'-0"	7,430 lbs.

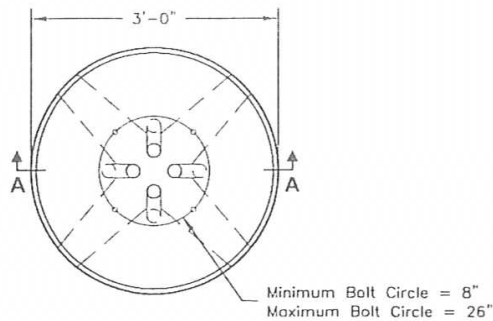
Note:
- Customer is responsible for setting lamp pole footing.
- Footings should be selected using Structural Code
and/or consultation with Professional Engineer.

Scale: 3/4" = 1'-0"

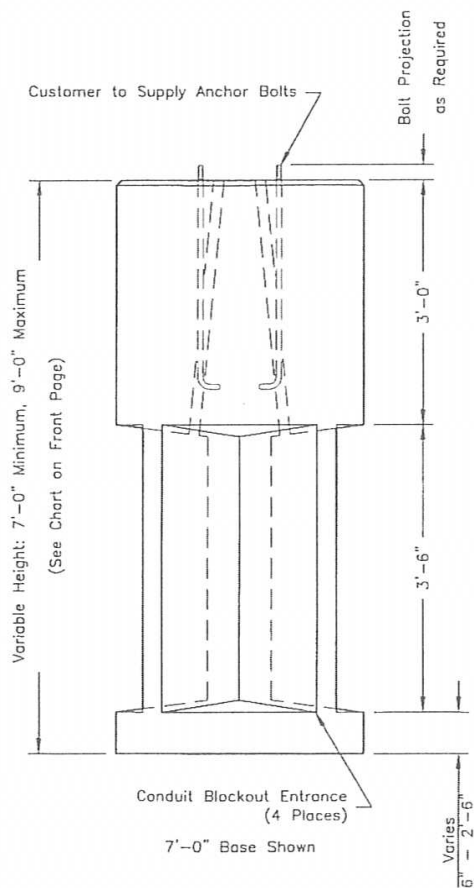
 UTILITY VAULT™ a division of  Oldcastle Precast, Inc. PO Box 323, Wilsonville, Oregon 97070-0323 Tel: (503) 682-2844 Fax: (503) 682-2657	36R-LB		36R-LB PRECAST FOOTING FOR LAMP POLE
	File Name: 020UEF36RLB1		
	Issue Date: 2005		
	www.uvwilsonville.com		

70.0

36R-LB



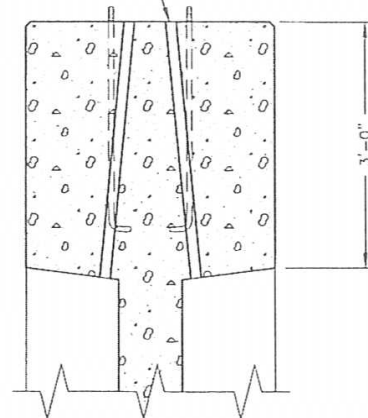
PLAN VIEW



SIDE VIEW



Note:
- Lamp pole footing is set using lift plate secured to anchor bolt with nut. (2 Places)

2" Dia. PVC Conduit Chase (4 Places)
(Not Intended to be Non-Metallic Conduit)



SECTION AA

Scale: 1/2" = 1'-0"

 UTILITY VAULT™ a division of  Oldcastle Precast, Inc. PO Box 323, Wilsonville, Oregon 97070-0323 Tel: (503) 682-2844 Fax: (503) 682-2657	36R-LB		36R-LB PRECAST FOOTING FOR LAMP POLE
	File Name: 020UEF36RLB2		
	Issue Date: 2005		
	www.uvwilsonville.com		



JILL R. LONG
503.778.2147
longj@lanePowell.com

October 8, 2010

Peter Walter
City of Oregon City
City Hall - Commission Chambers
625 Center Street
Oregon City, OR 97045

Re: Hilltop Mall
CP 10-01 Master Plan
DP 10-02 Detailed Development Plan
WR 10-03 NROD

Dear Pete:

As you know, the applicant in the above-referenced applications has made a series of site plan changes in response to discussions with Oregon City staff. As such, we are providing the following application narrative to supplement the original narrative application.

Parking Lot Landscaping

The original application included a series of adjustments to the parking lot landscaping criteria found in the Oregon City Municipal Code (OCMC) at Section 17.52.090. By revising the site plan, the applicant has eliminated the majority of previously requested parking lot landscaping adjustments. As such, the parking lot landscaping criteria listed below are now satisfied as follows.

OCMC 17.52.090.B.3 - Minimum of ten percent of the interior of the gross area of the parking lot devoted to landscaping.

The detailed development plan provides a total of 10.5% of the interior parking lot devoted to landscaping. Therefore, this criterion is satisfied.

OCMC 17.52.090.B.3(a) – A minimum of one tree per six parking spaces.

One tree for every six parking spaces is provided in the detailed development plan. Therefore, this criterion is satisfied.

www.lanepowell.com
T. 503.778.2100
F. 503.778.2200

A PROFESSIONAL CORPORATION
601 SW SECOND AVENUE, SUITE 2100
PORTLAND, OREGON
97204-3158

LAW OFFICES
ANCHORAGE, AK . OLYMPIA, WA
PORTLAND, OR . SEATTLE, WA
LONDON, ENGLAND

Oregon City Planning Commission
October 8, 2010
Page 2

OCMC 17.52.090.B.3(d) – No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them.

The detailed development plan provides an interior landscape strip between every eight contiguous parking spaces. Therefore, this criterion is satisfied.

OCMC 17.52.090.B.6 – Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade.

The detailed development plan includes a mix of deciduous shade trees and coniferous trees. This mix of trees is evenly distributed throughout the parking lot in both the interior and perimeter landscaping. The tree layout provides parking lot shade as required by this criterion. Therefore, this criterion is satisfied.

OCMC 17.52.030.E – Parking Standard Dimensions.

The parking stalls proposed all comply with the parking standard dimensions provided in the table in this criterion. Therefore, this criterion is satisfied.

We thank you for your time and consideration of this matter. If you have any questions or need additional information, please do not hesitate to call.

Very truly yours,

LANE POWELL PC



Jill R. Long

JRL:jmw

cc: Craig Danielson
Carol Danielson Suzuki
CE John Company
Carrie Richter, Esq.

708000.0001/879126.1



Agenda Item No. 4a
Meeting Date: 25 Oct 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Planning Commission
FROM:	Pete Walter, Planner
PRESENTER:	Pete Walter, Planner
SUBJECT:	CP 10-01, DP 10-02, WR 10-03: Approval of a Master Development Plan, Detailed Development Plan and Natural Resource Overlay District Review for Redevelopment of the Hilltop Mall, including a new Grocery Store and Retail, Parking Lot and Associated Improvements (Continued from October 11, 2010).
Agenda Heading: Public Hearing	
Approved by: Tony Konkol, Community Development Director	

RECOMMENDED ACTION (Motion):

Staff recommends that the Planning Commission open the hearing, provide an opportunity for presentations from staff and the applicant, take public testimony from any interested citizen, ask any questions they have about the application on the record, and then continue the public hearing with the record open to November 8, 2010. Staff will provide the formal staff report and recommendation at the November 8, 2010 meeting.

BACKGROUND:

Staff is finalizing the staff report and recommendation for the Hilltop Mall redevelopment, but needs additional time to work on some specific issues related to the private streets, amount of parking, and additional architectural and pedestrian plaza details. The additional time will also allow staff to circulate the applicant's latest revisions to CIC, Hillendale, Gaffney Lane, and Caufield Neighborhood Association for comments.

Therefore on October 25, staff will provide an overview of the process and application, the applicant will present a powerpoint presentation, there will be time for public comment and questions, and the record will be left open, giving all parties time to review and comment on the latest revisions.

BUDGET IMPACT:

FY(s):
Funding Source:

ATTACHMENTS: