Community Development – Planning

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TYPE III –SITE PLAN AND DESIGN REVIEW AND VARIANCE
STAFF REPORT AND NOTICE OF DECISION
June 13, 2019

FILE NUMBER: GLUA-19-00006/SP-19-00025/VAR-19-00001: Site Plan and Design Review and Planning Commission Variance

Submitted: March 17, 2019
Complete: April 12, 2019
PC Hearing: June 10, 2019
120 Day Deadline: August 9, 2019

APPLICANT: Kyle Wood
PO Box 3145
Oregon City, OR 97045

OWNER: Lizer Properties LLC
George Lizer
9855 SE Top O Scott Street
Happy Valley, OR 97086

REPRESENTATIVE: Andrew Montgomery
645 SW Viewmont Drive
Portland, OR 97225

REQUEST: The applicant has proposed an approximately 6,500 SF industrial building with associated parking lot and landscaping modifications with a variance to minimum site landscaping.

LOCATION: 13896 Fir Street, Oregon City, OR 97045
19224 Molalla Avenue, Oregon City, OR 97045
Clackamas County Map 3-2E-09B, Tax Lots 1500 and 1502

REVIEWER: Diliana Vassileva, Assistant Planner
Sang Pau, Development Projects Engineer

DECISION: On June 10, 2019, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Planning Commission voted 6-0 to approve with conditions the aforementioned application.

PROCESS: Type III Quasi-Judicial Public Hearing. Pursuant to OCMC 17.50. C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS

197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

Conditions of Approval
Planning File GLUA 19-00006/SP 19-00025/VAR 19-00001

(P) = Verify that condition of approval has been met with the Planning Division.
(DS) = Verify that condition of approval has been met with the Development Services Division.
(B) = Verify that condition of approval has been met with the Building Division.
(F) = Verify that condition of approval has been met with Clackamas Fire Department.

The applicant shall include the following information with submittal of construction permits for the proposed development. The information shall be approved prior to permit issuance:

1. The applicant shall provide construction plans, stamped and signed by a professional engineer licensed in the State of Oregon, containing all public improvements in conformance with all current Oregon City Public Works standards, specifications, codes, and policies for review and approval by Oregon City. (DS)

2. The applicant shall schedule a pre-design meeting with Public Works Development Services staff prior to initial submittal of construction plans. (DS)

3. The development's contractor(s) and engineer(s) shall attend a pre-construction meeting with Oregon City staff prior to beginning construction work associated with the project. (DS)

4. The applicant shall provide adequate streetlighting along Fir Street in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). The applicant shall submit a photometric plan to show compliance or provide a photometric study of existing lighting along Fir Street which shows existing streetlighting is compliant. (DS)

5. The applicant shall obtain an Erosion and Sediment Control Permit from the City prior to beginning construction work associated with the project. (DS)

6. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan which meets the requirements of the City of Oregon City public works standards for erosion and sediment control. (DS)

7. The applicant shall provide a performance guarantee which is equal to 120% of the estimated cost to construct all public improvements shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. (DS)

The applicant shall meet the following condition(s) during construction of the proposed development:

8. Workmanship and materials for any work performed under permits issued by the city shall comply with the latest edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. (DS)

9. All pavement cuts and restoration shall be performed in accordance with the City of Oregon City Pavement Cut Standards. (DS)

10. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. (DS)

The applicant shall include the following information with submittal of building permits for the proposed development. The information shall be approved prior to permit issuance:

11. The applicant shall submit documentation from the architect identifying that the synthetic stucco material will be installed to manufacturer's specifications to ensure durability and a quality long-lasting product. (P)

12. The applicant shall submit a revised pedestrian circulation system which includes a pedestrian connection between the main entrance of the proposed building and the tenant space entrances on the north façade of the warehouse building onsite, such as a striped crosswalk over the drive aisle. The pedestrian connection shall be at least five feet in width and include a visually contrasting surface material. (P)

13. The applicant shall submit details on the proposed roof-top mechanical equipment and demonstrate compliance with screening requirements in OCMC 17.62.050.A.20. These standards do not apply to solar energy panels or photovoltaic equipment. (P)

14. The applicant shall submit a photometric plan identifying onsite lighting levels and details of all proposed lighting fixtures, demonstrating compliance with lighting standards in OCMC 17.62.065. (P)

15. The applicant shall provide a revised site plan which includes a minimum of one additional or relocated bicycle parking stall located to serve the proposed cabinet manufacturing building. New or relocated bicycle parking facilities shall be secured in accordance with standards in OCMC 17.52.040.C and located in accordance with bicycle parking location requirements in OCMC 17.52.060.D. (P)

16. The applicant shall submit a revised landscaping plan: (P)

    a. Identifying that within three years of planting, landscaping will cover one hundred percent of newly landscaped areas, including perimeter parking lot landscaping, building buffer landscaping, interior parking lot landscaping, and overall site landscaping.
    b. Identifying that all new landscaping trees shall be of a minimum two-inch minimum caliper size though it may not be standard for some tree types to be distinguished by caliper.
    c. Which includes trees spaced no more than 35 feet apart in the parking area/building buffer landscaping area south of the proposed building.
    d. Which includes ground cover spaced no more than sixteen inches on center in the new landscaping area to the west of the proposed building.
    e. Which includes shrubs spaced no more than four feet apart in the new landscaping area to the west of the building.

17. The applicant shall submit a revised street tree plan which identifies the locations of streetlights and fire hydrants and demonstrates compliance with spacing requirements in OCMC 12.08.015.B. (P)

18. The applicant shall submit documentation identifying that the development will comply with standards for maintenance of street trees and planting strips in accordance with OCMC 12.08.025. (P)

19. The applicant shall submit a tree mitigation plan prepared by a certified arborist, horticulturalist, forester or other environmental professional, clearly identifying all trees to be removed and proposing mitigation in accordance with one of the mitigation options within OCMC 17.41. (P)

20. The applicant shall submit a tree protection plan demonstrating compliance with regulated tree protection measures during construction in accordance with OCMC 17.41.130. (P)

21. The applicant shall submit documentation demonstrating compliance with required proportional upgrades to non-conforming elements utilizing option 1 or 2 in accordance with OCMC 17.58.040.C.2.d. (P)

The applicant shall provide the following information prior to issuance of an occupancy permit associated with the proposed development. The information shall be approved prior to issuance of Certificate of Occupancy:

22. The development shall provide a sanitary sewer service with a two-way clean-out near the property line which is 6-inches in diameter or provide video inspection of an existing 6-inch sanitary sewer service pipe for verification of its usability. (DS)

23. The applicant shall upsize the existing water service line and meter to the existing property if it does not have capacity to support the addition of the proposed development. Only one water service shall be allowed per property unless otherwise approved by the City Engineer. (DS)

24. The applicant shall reconstruct the existing driveway serving the new development to meet current city design standards and ADA requirements. (DS)

25. The applicant shall provide a 10-foot-wide public utility easement along all property lines fronting existing or proposed right-of-way. (DS)

26. All new utility lines shall be placed underground. (DS)

27. The applicant shall provide a Maintenance Guarantee in the amount of fifteen percent of the cost to construct all public improvements as shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect for two years from the establishment of the guarantee and until accepted by the City. (DS)

28. The applicant shall submit documentation for the shared parking agreement between Tax Lot 1500 and 1502 in accordance with OCMC 17.52.020.B.3. (P)

I. BACKGROUND:

1. Existing Conditions

The subject site is approximately 5.3 acres in size and has split zoning (Figure 1). The majority of the site is zoned General Industrial District, and the western-most portion of the site abutting Molalla Avenue is zoned General Commercial. The subject site is developed with a warehouse, parking lot, a wireless communications facility and outdoor storage area. Also onsite is a Wilco Farm Supply retail store, however, this building is on a separate lot though it shares a parking lot with the warehouse. Surrounding properties along Fir Street are zoned General Industrial and include industrial uses, and surrounding properties along Molalla Avenue are zoned General Commercial and generally include retail and office uses with the exception of the Oregon City Post Office and Clackamas Fire District to the south of the subject site, which are institutional uses.

Figure 1. Subject Site Zoning

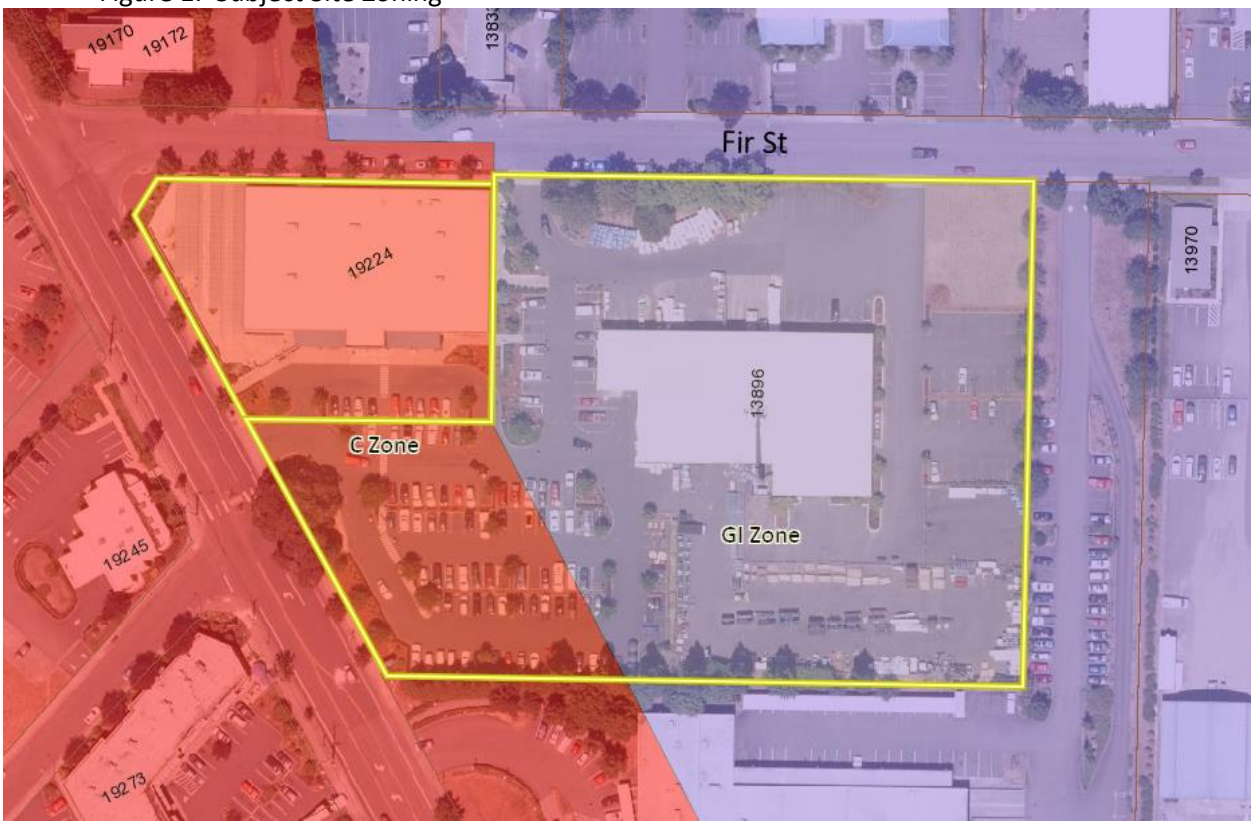


Figure 2: Existing Conditions – Aerial Image

2. Project Description

The applicant has proposed an approximately 6,500 SF cabinet manufacturing building in the northeast corner of the site in the portion of the site which has General Industrial zoning. The proposal includes removal of twenty parking stalls and a net loss of approximately 5,000 SF of landscaping. Due to the decrease in landscaping, in addition to the Site Plan and Design Review application, the applicant is also seeking a variance to the 15% minimum site landscaping requirement in OCMC 17.62.050.A.1.

Figure 3: Proposed Site Plan

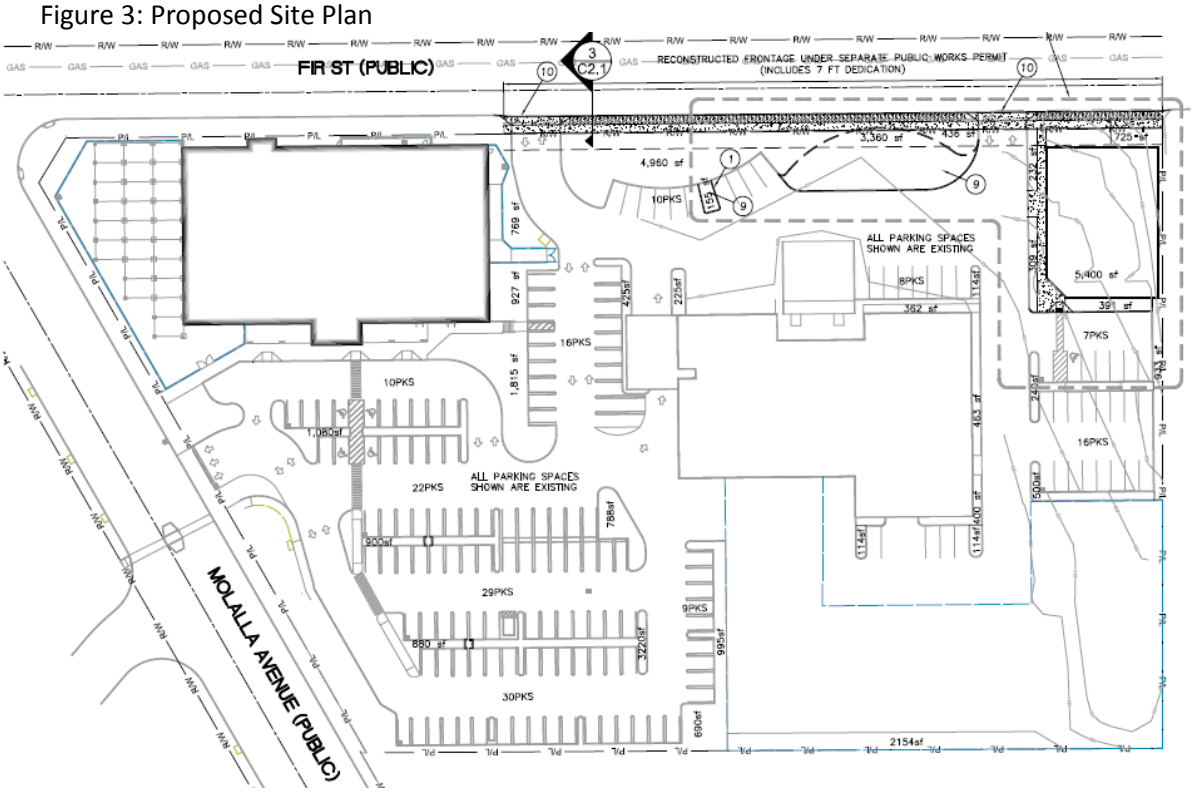
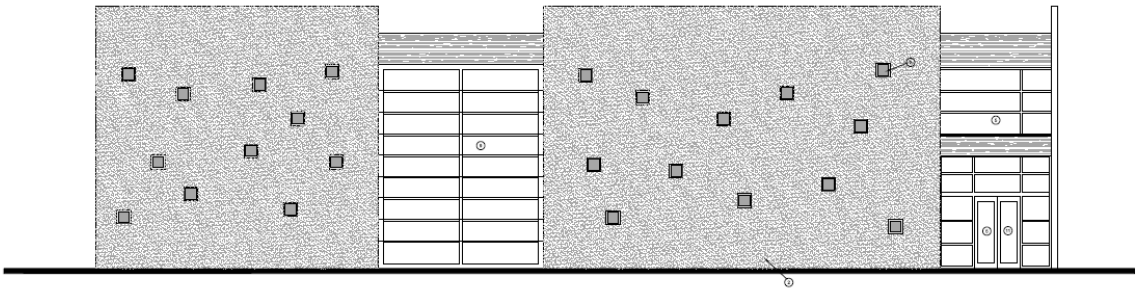
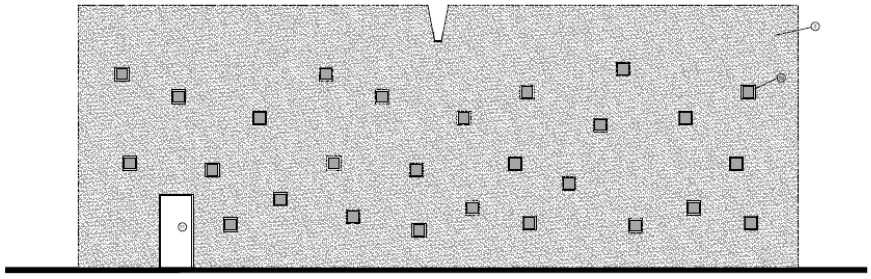


Figure 4: Proposed Building Rendering (West Elevation)

Figure 5: Proposed Building Elevations



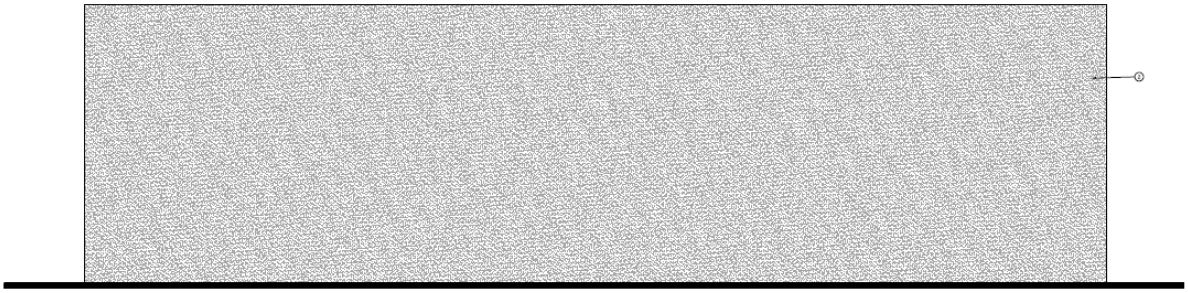
WEST ELEVATION
1/4" = 1'-0"



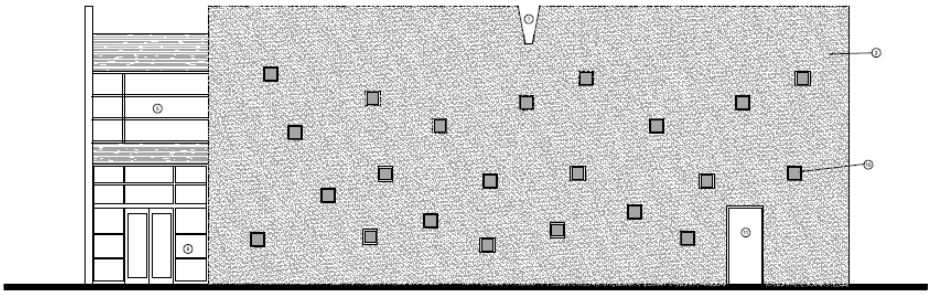
KEY NOTES

1. SINGLE-PLY MEMBRANE ROOFING OVER PLYWOOD DECKING ON PREMANF. TRUSSES SLOPED TO DRAIN.
2. INSULATED CONCRETE FORM WALLS WITH SYNTHETIC STUCCO SYSTEM EXTERIOR. DRYWALL INTERIOR. ED COLOR: P-1
3. SLAB ON GRADE WITH R-15 PERIMETER INSULATION.
4. 20 LAYERS TYPE "X" GYP BD BOTH SIDES OF 6" MTL STUDS. WITH SOUND BATS IN CAVITY
5. ALUMINUM STOREFRONT SYSTEM (INSULATED TEMPERED) GLASS & EXTERIOR) CUSTOM FACTORY PAINTED COLOR: F-2
6. ADA RESTROOM SEE DETAILS
7. ROOF DRAIN OVER FLOW SCUPPER. COPPER
8. WOOD FRAMED MEZZANINE ACCESS STAIR.
9. ALUM. OVERHEAD DOOR W/ INSUL. TEMP GLASS
10. FIN. FLOOR OVER 1 1/2" PLYWD DECKING ON PREMANF. TRUSSES
11. STAIR'S EXTERIOR HOLL HOLLOW METAL DOOR & FRAME. SEE DETAILS COLOR: P-1
12. STEEL POST TO STEEL BEAMS
13. MATERIAL HOIST
14. REQUIRED BIKE PARKING RACKS PER CITY CODE
15. 16" SQ. ALUMIN WINDOWS, BLACK EXTERIOR FIN.

NORTH ELEVATION



EAST ELEVATION
1/4" = 1'-0"



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SOUTH ELEVATION

3. **Municipal Code Standards and Requirements:** The following sections of the Oregon City Municipal Code are applicable to this land use approval:

   12.04 - Streets, Sidewalks, and Public Places
   12.08 - Public and Street Trees
   13.12 - Stormwater Management
   15.48 - Grading, Filling and Excavating
   17.32 – General Commercial District
   17.36 – General Industrial District
   17.41 – Tree Protection
   17.47 - Erosion and Sediment Control
   17.50 - Administration and Procedures
   17.54.100 - Fences
   17.60 - Variances
   17.62 - Site Plan and Design Review
   17.52 - Off Street Parking and Loading
   17.58 - Nonconforming Uses, Structures, and Lots

   The City Code Book is available on-line at www.orcity.org.

4. **Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

5. **Notice and Public Comment**
   Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property. Public comments submitted include (Exhibit 3):

   Clackamas County Fire District # 1
   A comment from Clackamas County Fire District # 1 was submitted identifying that a Fire Access and Water Supply plan must be submitted to Clackamas County Fire District # 1.
   Staff Response: The comment has been provided to the applicant. Upon submittal of a building permit, the Oregon City Building Division coordinates with Clackamas County Fire District for compliance with all Clackamas County Fire District requirements.

   Oregon City School District
   A comment from the Oregon City School District was submitted identifying that OCSD has no comments on the proposed development.
   Staff Response: None required.

   Clackamas County Engineering
   A comment from Clackamas County Engineering was submitted identifying that the County does not have frontage on the property and has no comment.
   Staff Response: None required.

   Gaffney Lane Neighborhood Association
   A comment from the Gaffney Lane NA was submitted questioning whether or not the neighborhood meeting that the applicant held in 2017 was still valid.

Staff Response: OCMC 17.50.055 does not identify an expiration date for neighborhood association meetings. The applicant attended a neighborhood association meeting and submitted all required neighborhood association meeting details, therefore, the applicant is in compliance with requirements for neighborhood association meetings in OCMC 17.50.055. The comment submitted does not identify any criteria that has not been met or cannot be met through the Conditions of Approval.

Comments of the Public Works Department and Development Services Division are incorporated into this report and Conditions of Approval.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

II. ANALYSIS AND FINDINGS:

CHAPTER 17.36 - "GI"—GENERAL INDUSTRIAL DISTRICT

17.36.020 - Permitted uses.
In the GI district, the following uses are permitted if enclosed within a building:
A. Manufacturing and/or fabrication;
B. Distributing, wholesaling and warehousing, excluding explosives and substances which cause an undue hazard to the public health, welfare and safety;
C. Heavy equipment service, repair, sales, rental or storage (includes but is not limited to construction equipment and machinery and farming equipment);
D. Veterinary or pet hospital, kennel;
E. Necessary dwellings for caretakers and watchmen (all other residential uses are prohibited);
F. Retail sales and services, including eating establishments for employees (i.e. a cafe or sandwich shop), located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of twenty thousand square feet or five percent of the building square footage, whichever is less and the retail sales and services shall not occupy more than ten percent of the net developable portion of all contiguous industrial lands;
G. Emergency service facilities (police and fire), excluding correctional facilities;
H. Outdoor sales and storage;
I. Recycling center and solid waste facility;
J. Wrecking yards;
K. Public utilities, including sub-stations (such as buildings, plants and other structures);
L. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
M. Kennels;
N. Storage facilities;
O. Transportation facilities.
Finding: Complies as Proposed. The applicant has proposed a cabinet manufacturing shop, which is a permitted use. The cabinet shop includes a showroom and office space, which are considered accessory uses to the primary manufacturing use.

17.36.030 - Conditional uses.
The following conditional uses are permitted in this district when authorized and in accordance with the standards contained in Chapter 17.56:
A. Any use in which more than half of the business is conducted outdoors.
B. Hospitals.
Finding: Not Applicable. The applicant has not proposed any conditional uses.

17.36.040 - Dimensional standards.
Dimensional standards in the GI district are:
A. Minimum lot area, minimum not required;
Finding: Not Applicable. The existing lot area is not changing as part of this development application.

B. Maximum building height, three stories, not to exceed forty feet;
Finding: Complies as Proposed. The proposed building is approximately 25 feet in height.

C. Minimum required setbacks:

1. Front yard, ten feet minimum setback;
Finding: Complies as Proposed. Following the required right-of-way dedication, the proposed building would be setback ten feet from the front property line. Compliance with setback requirements will be verified upon submittal of a building permit application.

2. Interior side yard, no minimum setback;
Finding: Complies as Proposed. There is no minimum required side setback, therefore, the standard is met.

3. Corner side yard, ten feet minimum setback;
Finding: Not Applicable. The subject site is not a corner lot. The lot where the Wilco retail store is located is a corner lot, however, no improvements to this part of the development site are proposed.

4. Rear yard, ten feet minimum setback;
Finding: Complies as Proposed. The proposed building is located more than 250 feet from the rear property line. Compliance with setback requirements will be verified upon submittal of a building permit application.

D. Buffer Zone. If a use in this zone abuts or faces a residential or commercial use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential use and commercial uses in order to provide a buffer area, and sight obscuring landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if he/she determines that the requirement is unnecessary in the particular case.
Finding: Complies as Proposed. The only surrounding commercial use is the Wilco retail building, and the proposed industrial building is located more than 25 feet from it and the site includes a large landscaped area between the Wilco retail store and the proposed manufacturing building acting as site obscuring landscaping. Though the existing and proposed landscaping between the two buildings does not completely screen the site, the site has split zoning and includes both commercial and industrial uses that share a parking lot, therefore, complete site obscuring landscaping is not required as commercial and industrial uses are part of the same development. The standard is meant to apply to commercial and industrial uses that are on different sites and require separation.

E. Outdoor storage within building or yard space other than required setbacks and such occupied yard space shall be enclosed by a sight-obscuring wall or fence of sturdy construction and uniform color or an evergreen hedge not less than six feet in height located outside the required yard, further provided that such wall or fence shall not be used for advertising purposes.
Finding: Not Applicable. Though there is existing outdoor storage onsite, the applicant has not proposed any additional outdoor storage as part of this proposal.

<u>CHAPTER 17.32 "C" GENERAL COMMERCIAL DISTRICT</u>

17.32.020 - Permitted uses.
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 or17.24.040;
B. Hotels and motels;
C. Drive-in or drove through facilities;
D. Passenger terminals (water, auto, bus, train);
E. Gas stations;
F. Outdoor markets that do not meet Section 17.29.020.H;
G. Motor vehicle and recreational vehicle sales and/or incidental service;

H. Motor vehicle and recreational vehicle repair and/or service;
I. Custom or specialized vehicle alterations or repair wholly within a building.
Finding: Not Applicable. No new uses have been proposed in the portion of the subject site that is zoned General Commercial.

17.32.030 - Conditional uses.
The following conditional uses are permitted when authorized and in accordance with the standards contained in Chapter 17.56:
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.
Finding: Not Applicable. No conditional uses have been proposed.

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).
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).
Finding: Complies as Proposed. The applicant has not proposed any prohibited uses within the General Commercial District.

17.32.050 - Dimensional standards.
A. Minimum lot area: None.
Finding: Complies as Proposed. The existing lot area is not proposed to change as part of this development application.

B. Maximum building height: Sixty feet;
C. Minimum required setbacks if not abutting a residential zone: None.
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.
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.
Finding: Not Applicable. No new structures have been proposed within the General Commercial District.

F. Maximum site coverage of building and parking lot: Eighty-five percent
Finding: Not Applicable. No changes to the parking lot within the General Commercial zone of the subject site have been proposed as part of this development application.

G. Minimum landscaping requirement (including parking lot): Fifteen percent.
Finding: Not Applicable. No changes to the existing landscaping within the General Commercial zone of the subject site have been proposed as part of this development application.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.015 *Modifications that will better meet design review requirements.*
The review body may consider modification of site-related development standards. These modifications are done as part of design review and are not required to go through the Variance process pursuant to section 17.60.020. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the Variance process pursuant to section 17.60.020. Modifications that are denied through design review may be requested as Variance through the Variance process pursuant to section 17.60.020. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:
Finding: Complies as Proposed. The applicant has requested a modification to the special materials standards for stucco and Exterior Insulation and Finish System (EIFS), which require that stucco is trimmed in wood or masonry and is sheltered from extreme weather by roof overhangs or other methods. The applicant has proposed a synthetic stucco, which is similar to stucco or Exterior Insulation and Finish System (EIFS) material with no trim or overhang.

17.62.015.A. *The modification will result in a development that better meets design guidelines; and*
Findings: Complies as Proposed. The intent of the standards for stucco and EIFS finishes is to encourage high quality, durable materials that will withstand outdoor conditions, maintain a finished appearance and result in aesthetically interesting buildings. The applicant's architect has identified that the building will be built from Insulated Concrete Forms (ICF) and trimmed with the synthetic stucco finish resulting in an extremely durable and high quality building. Per the special materials standards in OCMC 17.62.050.A.21, wood or masonry trim is required in order to encourage a more visually appealing building design. The proposed building utilizes a unique window pattern and incorporates wood panels on the south and western façade resulting in an interesting building design resulting in a building design that better meets design guidelines.

17.62.015.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.*
Findings: Complies with Condition. The intent of the standards for stucco and EIFS finishes is to encourage high quality, durable materials that will withstand outdoor conditions, maintain a finished appearance and result in aesthetically interesting buildings. The applicant's architect has identified that the building will be built from Insulated Concrete Forms (ICF) and trimmed with the synthetic stucco finish resulting in an extremely durable and high quality building. Per the special materials standards in OCMC 17.62.050.A.21, a roof overhang is required to protect EIFS and stucco finishes from the elements as these types of finishes are more susceptible to rot in rainy climates, especially if they are not installed per the manufacturer's standards. The architect identified that the materials used are able to withstand wear and the building will be adequately maintained to ensure durability of the building materials. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit documentation from the architect identifying that the synthetic stucco material will be installed to manufacturer's specifications to ensure maximum durability and quality long-lasting material. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.62.020 - Preapplication 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.
Finding: Complies as Proposed. Please see finding under section 17.50.050.

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

17.62.035 - Minor site plan and design review.
This section provides for a minor site plan and design review process. Minor site plan review is a Type I or Type II decision, as described in OCMC Section 17.62.035.A., subject to administrative proceedings described in OCMC Section 17.50 and may be utilized as the appropriate review process only when authorized by the community development director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.
A. Type I Minor Site Plan and Design Review.
1. Applicability. Type I applications involve no discretion. The Type I process is not applicable for:
a. Any activity which is included with or initiates actions that require Type II-IV review.
b. Any use which is not permitted outright, unless otherwise noted.
c. Any proposal in which nonconforming upgrades are required under Chapter 17.58.
d. Any proposal in which modifications are proposed under Section 17.62.015.
2. The following projects may be processed as a Type I application:
a. Addition of up to two hundred square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than two hundred square feet in a twelve-month period shall be processed as Type II.
b. Addition of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than one thousand square feet in a twelve-month period shall be processed as Type II.
c. Temporary structures, excluding mobile vendors.
d. Removal, replacement or addition of awnings, or architectural projections to existing structures.
e. Addition, modification, or relocation of refuse enclosure.
f. Changes to amount, location, or design of bicycle parking.
g. Installation of mechanical equipment.
h. Repaving of previously approved parking lots with no change to striping.
i. Replacement of exterior building materials.
j. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.

k. Addition or alteration of parapets or rooflines.
l. Modification of building entrances.
m. Addition to or alteration of a legal nonconforming single or two-family dwelling.
n. Change to parking lot circulation or layout, excluding driveway modifications.
o. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.
p. Adoption of shared parking agreements.
q. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC Chapter 13.12.
r. New or changes to existing pedestrian accessways, walkways or plazas.
s. Installation of or alterations to ADA accessibility site elements.
t. Modification of a fence, hedge, or wall, or addition of a fence, hedge or wall at least twenty feet away from a public right-of-way.
u. Addition of or alterations to outdoor lighting.
v. Demolition of any structure or portion of a structure
w. Tree removal
3. Submittal Requirements. A Type I application shall include:
a. A narrative describing the project.
b. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
d. A completed application form.
e. Any other information determined necessary by the community development director.

B. Type II Minor Site Plan and Design Review.

1. Type II Minor site plan and design review applies to the following uses and activities unless those uses and activities qualify for Type I review per Section 17.62.035A.:
a. 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.).
b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.
c. 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.
d. 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.

2. Application. The application for the Type II minor site plan and design review shall contain the following elements:
a. The submittal requirements of Chapter 17.50.
b. A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in Section 17.62.035C. below.
c. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
e. Additional submittal material may be required by the community development director on a case-by-case basis.
3. Development standards for Type II minor site plan and design review.
a. All development shall comply with Sections 17.62.050(1—7 and 8—15 and 20—22) when deemed applicable by the community development director. Other sections may apply, as directed by the community development director when applicable, in order to show compliance with this chapter, such as the commercial and institutional standards of Section 17.62.055.

Finding: Complies. The development proposal does not qualify for a Minor Site Plan and Design Review application.

17.62.040 - Plans required.
Finding: Complies as Proposed. The applicant has submitted all requested application items.

17.62.050 - Standards.
A. All development shall comply with the following standards:
1. Landscaping, A minimum of fifteen percent of the lot shall be landscaped. Existing native vegetation shall be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.
Finding: The proposal includes approximately 11% site landscaping. The applicant has requested a variance to this standard. Please refer to the findings in OCMC 17.60.

a. Except as allowed elsewhere in the zoning and land division chapters of this Code, all areas to be credited towards landscaping must be installed with growing plant materials. A reduction of up to twenty-five percent of the overall required landscaping may be approved by the community development director if the same or greater amount of pervious material is incorporated in the non-parking lot portion of the site plan (pervious material within parking lots are regulated in OCMC 17.52.070).
Finding: Complies as Proposed. The applicant has requested a variance to minimum site landscaping standards. Though the site does not meet the minimum site landscaping requirements, all areas being counted towards minimum site landscaping are installed with growing plant materials.

b. Pursuant to Chapter 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.
Finding: Not Applicable. The subject site is not located within the Natural Resource Overlay District.

c. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than 500 square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the Landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.
Finding: Complies with Condition. The applicant submitted a landscaping plan prepared by Darryl Mulch, Registered Landscape Architect, which identifies that no bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees. The landscaping plan does not identify that within three years of planting, landscaping will cover one hundred percent of the landscaped area. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit a revised landscaping plan which identifies that within three years of planting, landscaping will cover one hundred percent of the landscaped area. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

d. For properties within the Downtown Design District landscaping shall be required to the extent practicable up to the ten percent requirement.
Finding: Not Applicable. The subject site is not located within the Downtown Design District.

e. Landscaping shall be visible from public thoroughfares to the extent practicable.
Finding: Complies as Proposed. Existing and proposed landscaping is visible from both Molalla Avenue and Fir Street to the extent practicable.

f. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum, unless otherwise permitted by the dimensional standards of the underlying zone district.
Finding: Complies as Proposed. The General Industrial District does not allow the interior parking lot landscaping to be counted towards the fifteen percent site landscaping, however the General Commercial District does. The site includes approximately 11% site landscaping, not counting the interior parking lot landscaping within the General Industrial District. The applicant has requested a variance to minimum site landscaping requirements. Please refer to the analysis within Chapter 17.60 of this report.

2. Vehicular Access and Connectivity.
a. Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.
Finding: Complies as Proposed. No new parking areas have been proposed in front of buildings.

b. Ingress and egress locations on thoroughfares shall be located in the interest of public safety. Access for emergency services (fire and police) shall be provided.
Finding: Not Applicable. No new driveways have been proposed as part of this application.

c. Alleys or vehicular access easements shall be provided in the following Districts: R-2, MUC-1, MUC-2, MUD and NC zones unless other permanent provisions for access to off-street parking and loading facilities are approved by the decision-maker. The corners of alley intersections shall have a radius of not less than ten feet.
Finding: Not Applicable. The subject site is zoned General Industrial and General Commercial, therefore, this standard is not applicable

d. Sites abutting an alley shall be required to gain vehicular access from the alley unless deemed impracticable by the community development director.
Finding: Please refer to the analysis in 17.62.050.A.2.c.

e. Where no alley access is available, the development shall be configured to allow only one driveway per frontage. On corner lots, the driveway(s) shall be located off of the side street (unless the side street is an arterial) and away from the street intersection. Shared driveways shall be required as needed to accomplish the requirements of this section. The location and design of pedestrian access from the sidewalk shall be emphasized so as to be clearly visible and distinguishable from the vehicular access to the site. Special landscaping, paving, lighting, and architectural treatments may be required to accomplish this requirement.
Finding: Not Applicable. No new driveways have been proposed as part of this development.

f. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.
Finding: Not Applicable. No new driveways have been proposed as part of this development.

g. Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Such easements shall be required in addition to applicable street dedications as required in Chapter 12.04.
Finding: Not Applicable. There is already an existing access easement over both the Wilco retail property and the Wilco warehouse property where the cabinet shop is being proposed connecting the

developments onsite. The public sidewalk provides an adequate pedestrian connection to adjacent properties, therefore, additional vehicular or pedestrian access easements are not required as part of this development application.

h. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker only where dedication of a street is deemed impracticable by the city.
Finding: Not applicable. There are no pedestrian accessways proposed or required for the development in lieu of vehicular streets.

i. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.
Finding: Not Applicable. There is already an existing access easement over both the Wilco retail property and Wilco warehouse property where the cabinet shop is being proposed, therefore, no additional vehicular easements are required. The public sidewalk adequately connects the property to adjacent sites, therefore no additional pedestrian access easements are required as part of this development application.

j. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future.
Finding: Not applicable. There are no dead-end stub streets that will connect to streets on adjacent sites in the future proposed or required for the development.

k. Parcels larger than three acres shall provide streets as required in Chapter 12.04. The streets shall connect with existing or planned streets adjacent to the site.
Finding: Not Applicable. Though the site is more than three acres in size, the site is already developed, with the exception of the northeast corner where the cabinet manufacturing building is currently being proposed, therefore, this standard is not applicable.

l. Parking garage entries shall not dominate the streetscape. They shall be designed and situated to be ancillary to the use and architecture of the ground floor. This standard applies to both public garages and any individual private garages, whether they front on a street or private interior access road.
Finding: Not Applicable. A parking garage is not proposed with this development.

m. Buildings containing above-grade structured parking shall screen such parking areas with landscaping or landscaped berms, or incorporate contextual architectural elements that complement adjacent buildings or buildings in the area. Upper level parking garages shall use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.
Finding: Not Applicable. A parking garage is not proposed with this development.

3. Building structures shall be complimentary to the surrounding area. All exterior surfaces shall present a finished appearance. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear facades or decking shall be prohibited.
a. Alterations, additions and new construction located within the McLoughlin Conservation District, Canemah National Register District, and the Downtown Design District and when abutting a designated Historic Landmark shall utilize materials and a design that incorporates the architecture of the subject building as well as the surrounding district or abutting Historic Landmark. Historic materials such as doors, windows and siding shall be retained or replaced with in kind materials unless the community development director determines that the materials cannot be retained and the new design and

materials are compatible with the subject building, and District or Landmark. The community development director may utilize the Historic Review Board's Guidelines for New Constriction (2006) to develop findings to show compliance with this section.
b. In historic areas and where development could have a significant visual impact, the review authority may request the advisory opinions of appropriate experts designated by the community development director from the design fields of architecture, landscaping and urban planning. The applicant shall pay the costs associated with obtaining such independent professional advice; provided, however, that the review authority shall seek to minimize those costs to the extent practicable.
Finding: Complies as Proposed. The proposed building presents a finished appearance and does not include inferior or lesser quality materials on side or rear facades. The site is not in or abutting a historic district.

4. Grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.
Finding: Please refer to the findings in Chapter 15.48 of this report.

5. Development subject to the requirements of the Geologic Hazard overlay district shall comply with the requirements of that district.
Finding: Not applicable. The development is not within a Geologic Hazard overlay district.

6.Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards.
Finding: Please refer to the findings in Chapter 13.12 of this report.

7. Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, Chapter 17.52.
Finding: Please refer to the findings in Chapter 17.52 of this report.

8. Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and street design standards. Upon application, the community development director may waive this requirement in whole or in part in those locations where there is no probable need, or comparable alternative location provisions for pedestrians are made.
Finding: Please refer to the findings in Chapter 12.04 of this report.

9. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:
a. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct. Exceptions may be allowed by the director where steep slopes or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.
Finding: Complies as Proposed. The proposal includes a direct pedestrian connection between the main building entrance and Fir Street.

b. The pedestrian circulation system shall connect all main entrances on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard. Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.
Finding: Complies with Condition. The proposal includes a direct pedestrian connection from the main building entrance of the proposed building to the Fir Street sidewalk, which is connected to the Molalla Avenue public sidewalk, which is directly connected to the main entrance of the Wilco retail store.

However, the proposed pedestrian circulation system does not connect the main entrance of the proposed building to the warehouse building to the west which includes several tenants. Prior to issuance of a building permit associated with the proposed development, the applicant shall provide a revised pedestrian circulation system which includes a pedestrian connection between the main entrance of the proposed building and the tenant space entrances on the north façade of the warehouse building onsite, such as a striped crosswalk across the drive aisle. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

c. Elevated external stairways or walkways, that provide pedestrian access to multiple dwelling units located above
the ground floor of any building are prohibited. The community development director may allow exceptions for external stairways or walkways located in, or facing interior courtyard areas provided they do not compromise visual access from dwelling units into the courtyard.
Finding: Not Applicable. The applicant has nor proposed elevated external stairways or walkways that provide pedestrian access to multiple dwelling units located above the ground floor.

d. The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.
Finding: Please refer to the analysis in 17.62.050.A.9.b.

e. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent commercial and residential sites where practicable. Walkway linkages to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially-zoned land.
Finding: Complies as Proposed. The proposed pedestrian circulation system provides a direct pedestrian connection to the public sidewalk on Fir Street, which connects to Molalla Avenue and provides pedestrian access to commercial sites along Molalla Avenue, including the Wilco retail store.

f. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.
Finding: Complies with Condition. The onsite pedestrian walkways are hard-surfaced, well drained and a minimum of 5 feet wide. As conditioned in this report, the applicant shall provide a pedestrian connection between the proposed building and the existing tenant spaces in the warehouse building. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit a revised pedestrian circulation system which includes hard surfaced, well drained walkways that are at least five feet wide and include a visually contrasting surface material between the proposed building and the existing tenant spaces in the Wilco warehouse building. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

10. There shall be provided adequate means to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures,

recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency.
Finding: Complies as Proposed. The applicant's narrative identifies compliance with this standard.

11. Site planning shall conform to the requirements of OCMC Chapter 17.41 Tree Protection.
Finding: Please refer to the analysis in Chapter 17.41 of this report.

12. Development shall be planned, designed, constructed and maintained to protect water resources and habitat conservation areas in accordance with the requirements of the city's Natural Resources Overlay District, Chapter 17.49, as applicable.
Finding: The subject site is not located within the Natural Resource Overlay District.

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

14. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.
Finding: Complies as condition. The development shall provide a sanitary sewer service with a two-way clean-out near the property line which is 6-inches in diameter or provide video inspection of an existing 6-inch sanitary sewer service pipe for verification of its usability. The applicant shall upsize the existing water service line and meter to the existing property if does not have capacity to support the addition of the proposed development. Only one water service shall be allowed per property unless otherwise approved by the City Engineer. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

anticipated vehicular and pedestrian traffic generation. Compliance with [Chapter] 12.04, Streets, Sidewalks and Public Places shall be sufficient to achieve right-of-way and improvement adequacy.
Finding: Complies as conditioned. The applicant shall provide adequate streetlighting along Fir Street in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). The applicant shall submit a photometric plan to show compliance or provide a photometric study of existing lighting along Fir Street which shows existing streetlighting is compliant. The applicant shall provide a 10-foot-wide public utility easement along all property lines fronting existing or proposed right-of-way. See findings from section 12.04 for additional requirements for right-of-way and improvements to streets. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the transportation system plan.
Finding: Complies as Proposed. The subject site is located on a transit route. The application was transmitted to Trimet for comment and no comments on the proposal were received as of the date of this staff report.

17. All utility lines shall be placed underground.
Finding: Complies as conditioned. All utility lines shall be placed underground.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

18. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.
Finding: Complies as Proposed. The applicant indicated that the site includes ADA compliant parking stalls and pedestrian accessways. Compliance with ADA and accessibility standards will be reviewed upon submittal of a building permit application.

19. For a residential development, site layout shall achieve at least eighty percent of the maximum density of the base zone for the net developable area. Net developable area excludes all areas for required right-of-way dedication, land protected from development through Natural Resource or Geologic Hazards protection, and required open space or park dedication.
Finding: Not Applicable. The applicant has not proposed a residential development.

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

Finding: Complies with Condition. The applicant's narrative indicated that all rooftop mechanical equipment will be screened, however, the submitted plans do not include details of all proposed mechanical equipment. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit details on the proposed roof-top mechanical equipment and demonstrate compliance with screening requirements in OCMC 17.62.050.A.20. Per OCMC 17.62.050.A.20.e, these standards do not apply to solar energy panels or photovoltaic equipment. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

c. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view. Placement and type of screening shall be determined by the community development director.
Finding: Not Applicable. The applicant has not proposed any ground-mounted mechanical equipment.

d. This section shall not apply to the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.
Finding: Complies as Proposed. The applicant has proposed roof-mounted solar panels. As identified in this section, the mechanical screening requirements within this section do not apply to the development application did not include the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.

21. Building Materials.
a. Preferred building materials. Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the city's desired traditional character are as follows:
i. Brick.
Ii. Basalt stone or basalt veneer.
iii. Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.
iv. Board and batten siding.
v. Other materials subject to approval by the community development director.
vi. Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.
vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.
Finding: Complies with Condition. The applicant has proposed synthetic stucco as the primary building material, which is similar in appearance to stucco. The applicant has not proposed a wood or masonry trim or overhangs to shield the building from extreme weather. Please refer to the findings in OCMC

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

b. Prohibited materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.
i. Vinyl or plywood siding (including T-111 or similar plywood).
Ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.
iii. Corrugated fiberglass.
iv. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, or within the General Industrial District).
[v.] Crushed colored rock/crushed tumbled glass.
[vi.] Non-corrugated and highly reflective sheet metal.
Finding: Complies as Proposed. No prohibited building materials have been identified within the applicant's submittal.

c. Special material standards: The following materials are allowed if they comply with the requirements found below:
1. Concrete block. When used for the front facade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.
2. Metal siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level).
3. Exterior Insulation and Finish System (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.
4. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.
Finding: Complies with Condition. The applicant has proposed synthetic stucco as the primary building material, which is similar to Exterior Insulation and Finish System (EIFS). The applicant has not proposed a wood or masonry trim or overhangs to shield the building from extreme weather. The applicant has requested a modification from special materials standards for EIFS or similar troweled finishes. Please refer to the findings in OCMC 17.62.015. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

22. Conditions of Approval. The review authority may impose such conditions as it deems necessary to ensure compliance with these standards and other applicable review criteria, including standards set out in city overlay districts, the city's master plans, and city public works design standards. Such conditions shall apply as described in Sections 17.50.310, 17.50.320 and 17.50.330. The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the city attorney.
Finding: Not Applicable. The property has an existing Non-Remonstrance Agreement; the execution of a Non-Remonstrance Agreement will not be required.

23. Development shall conform to the requirements of OCMC Chapter 17.58 Nonconforming Uses, Structures, and Lots.
Finding: Please refer to the analysis in OCMC 17.58 of this report.

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.
B. Applicability. In addition to Section 17.62.050 requirements, institutional and commercial buildings shall comply with design standards contained in this section.
Finding: Not Applicable. The applicant has proposed an industrial building. Standards for institutional and commercial buildings are not applicable.

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.
B. Large retail establishment shall mean a retail building occupying more than ten thousand gross square feet of floor area.
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.
Finding: Not Applicable. The applicant has proposed an industrial building. Standards for large retail establishments are not applicable.

17.62.057 - Multi-family standards.
B. Applicability. In addition to Section 17.62.050 requirements, all multi-family buildings shall comply with the design standards contained in this section. Cottage Housing Development shall follow OCMC 17.62.58 instead of this section.
Finding: Not Applicable. The applicant has proposed an industrial building. Standards for multi-family developments are not applicable.

17.62.059 - Cottage housing.
Finding: Not applicable. The applicant has proposed an industrial building. Standards for cottage housing developments are not applicable.

17.62.065 - Outdoor lighting.
B. Applicability.
1. General.
a. All exterior lighting for any type of commercial, mixed-use, industrial or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.
b. The city engineer/public works director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.
Finding: Applicable. The proposed development includes an industrial development, therefore, compliance with outdoor lighting standards is required.

2. Lighting Plan Requirement.
All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan must be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.
Finding: Complies with Condition. The applicant did not submit a photometric plan identifying lighting levels or details of proposed lighting fixtures. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit a photometric plan identifying lighting levels and details of all proposed lighting fixtures, demonstrating compliance with lighting standards in OCMC 17.62.065. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

3. Excepted Lighting.
The following types of lighting are excepted from the requirements of this section.
a. Residential lighting for single-family attached and detached homes, and duplexes.
b. Public street and right-of-way lighting.
c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.
d. Temporary lighting for emergency or nighttime work and construction.
e. Temporary lighting for theatrical, television, and performance areas, or for special public events.
f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
g. Lighting required and regulated by the Federal Aviation Administration.
Finding: Complies with Condition. The application did not include a photometric plan or details of the proposed lighting fixtures. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a photometric plan identifying onsite lighting levels and details of all proposed lighting fixtures, demonstrating compliance with lighting standards in OCMC 17.62.065. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.
Finding: Please refer to the findings within this report.

D. Design and Illumination Standards.
General Outdoor Lighting Standard and Glare Prohibition.
1. 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.
Finding: Complies with Condition. The application did not include a photometric plan or details of the proposed lighting fixtures. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a photometric plan identifying lighting levels and details of all proposed lighting fixtures, demonstrating compliance with lighting standards in OCMC Section 17.62.065. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies with Condition. The application did not include a photometric plan or details of the proposed lighting fixtures. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a photometric plan identifying lighting levels and details of the proposed lighting fixtures, demonstrating compliance with lighting standards in OCMC 17.62.065. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

3. Lighting levels:

Table 1-17.62.065. Foot-candle Levels

Location	*Min*	*Max*	*Avg*
Pedestrian Walkways in Parking Lots		*10:1 max/min ratio*	*0.5*
Pedestrian Accessways/Walkways	*0.5*	*7:1 max/min ratio*	*1.5*
Building Entrances	*3*		
Bicycle Parking Areas	*3*		
Abutting property	*N/A*	*0.5*	

Finding: Complies with Condition. The application did not include a photometric plan or details of the proposed lighting fixtures. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a photometric plan identifying lighting levels and details of all proposed lighting fixtures, demonstrating compliance with lighting standard in OCMC Section 17.62.065. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Please refer to the findings in Table 1-17.62.065.

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

6. Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.

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

8. 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.

9. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
10. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting
Finding: Complies with Condition. The application did not include a photometric plan or details of the proposed lighting fixtures. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a photometric plan identifying lighting levels and details of all proposed lighting fixtures, demonstrating compliance with lighting standards in OCMC Section 17.62.065. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

11. Wireless Sites. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited. Strobe lighting of wireless communication facilities is prohibited unless required by the Federal Aviation Administration. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment on wireless communication facilities shall be initiated by motion detecting lighting.
Finding: Not Applicable. Though the subject site does include a wireless communication facility, no changes to the lighting associated with the wireless site are proposed or required. The only proposed or required lighting is associated with the new building, therefore, these standards are not applicable.

12. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:
i. Maximum permitted light post height: eighty feet.
Finding: Not Applicable. The applicant has not proposed an outdoor recreational use. These standards are not applicable.

17.62.080 - Special development standards along transit streets.
B. Applicability. Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.
Finding: Not Applicable. Though Molalla Avenue is a transit street, the applicant has not proposed a retail, office or institutional building, therefore, these standards are not applicable.

17.62.085 - Refuse and recycling standards for commercial, industrial, and multi-family developments. The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses other than single-family or duplex residences shall include a refuse and recycling enclosure. The area(s) shall be:
A. Sized appropriately to meet the needs of current and expected tenants, including an expansion area if necessary;
B. Designed with sturdy materials, which are compatible to the primary structure(s);
C. Fully enclosed and visually screened;
D. Located in a manner easily and safely accessible by collection vehicles;
E. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;
F. On a level, hard surface designed to discharge surface water runoff and avoid ponding;
G. Maintained by the property owner;
H. Used only for purposes of storing solid waste and recyclable materials;
I. Designed in accordance with applicable sections of the Oregon City Municipal Code (including Chapter 8.20—Solid Waste Collection and Disposal) and city adopted policies.
Finding: Not Applicable. The applicant's narrative identified that the waste associated with the development is expected to be minimal and a refuse and recycling enclosure is not needed or proposed.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.015 - Planning commission adjustment of parking standards.

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

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

C. Approval criteria for the adjustment are as follows:

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

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

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

b. The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:

i. Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and

ii. Vacant on-street parking spaces between three hundred and six hundred feet of the [site] will reduce onsite parking requirements by 0.2 parking spaces.

3. Function and Use of Site: The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.

4. Compatibility: The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.

5. Safety: The proposal does not significantly impact the safety of adjacent properties and rights-of-way.

6. Services: The proposal will not create a significant impact to public services, including fire and emergency services.

Finding: Not Applicable. The applicant has not requested an adjustment to the parking standards.

17.52.020 - Number of automobile spaces required.

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

Table 17.52.020		
LAND USE	*PARKING REQUIREMENTS*	
	MINIMUM	*MAXIMUM*
Retail Store, Shopping Center, Restaurants	*4.10*	*5.00*
Office	*2.70*	*3.33*
Storage Warehouse, Freight Terminal	*0.30*	*0.40*
Manufacturing, Wholesale Establishment	*1.60*	*1.67*

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

Finding: Complies as Proposed. The existing and proposed development includes a mix of uses as identified below.

Use	SF of Net Leasable Area	Minimum Parking Required	Maximum Parking Allowed
Wilco Retail Store (Retail)	21,320	87	107
Wilco Warehouse (Storage Warehouse)	13,000	4	5
Wilco Warehouse Outdoor Storage (Storage Warehouse)	25,000	8	10
Wilco Office (Office)	6,300	17	21
Precision Cabinets Manufacturing (Manufacturing)	6,500	10	11
Precision Cabinets Office (Office)	1,600	4	5
Total Parking		130	159

The site is currently developed with 181 total parking stalls, which is more than the maximum permitted. As part of this application, the applicant has proposed to remove 20 parking stalls resulting in a total of 161 parking stalls, bringing the site closer to compliance with minimum and maximum parking requirements. The applicant has not proposed any new parking stalls as part of this development application.

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

Finding: Not Applicable. The applicant has not proposed a use not listed herein.

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

Finding: Complies as Proposed. Fractions were rounded in accordance with this chapter.

4. The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use.
Finding: Complies as Proposed. The application indicated that parking spaces will be provided for the use customers, employees, and visitors to the site. It is not anticipated that vehicles or materials will be stored onsite. Though the site includes some existing outdoor storage, the minimum required parking stalls are available for customers, patrons and employees.

5. A change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.
Finding: Not Applicable. The subject site is not within the MUD Design District or the Willamette Falls Downtown District, therefore, these standards are not applicable.

B. Parking requirements can be met either onsite, or offsite by meeting the following conditions:
1. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the community development director.
2. Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.
3. On-Street Parking. On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses shall conform to the following standards:
a. Dimensions. The following constitutes one on-street parking space:
1. Parallel parking, each [twenty-two] feet of uninterrupted and available curb;
2. [Forty-five/sixty] degree diagonal, each with [fifteen] feet of curb;
3. Ninety degree (perpendicular) parking, each with [twelve] feet of curb.
4. Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.
Finding: Complies with Condition. All parking is accommodated onsite. The applicant has not proposed to utilize any of the options within this section, however, the Wilco retail store utilizes parking on the adjacent Wilco warehouse property and there is no shared parking agreement between the two properties on file with the City. Prior to issuance of a permit associated with the proposed development, the applicant shall submit documentation for the shared parking agreement in accordance with OCMC 17.52.020.B.3. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Reduction of the Number of Automobile Spaces Required. The required number of parking stalls may be reduced in the Downtown Parking Overlay District: Fifty percent reduction in the minimum number of spaces required is allowed prior to seeking further reductions in [sub]sections 2. and 3. below:
1. Transit Oriented Development. For projects not located within the Downtown Parking Overlay District, the community development director may reduce the required number of parking stalls up to twenty-five percent when it is determined that a project in a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred-foot radius) or multi-family development with over eighty units, is adjacent to or within one thousand three hundred twenty feet of an existing or planned public transit street and is within one thousand three hundred twenty feet of the opposite use (commercial center or multi-family development with over eighty units).
2. Reduction in Parking for Tree Preservation. The community development director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a regulated tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition. The amount of reduction must take into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be approved by the community development director. This reduction is discretionary.
3. Transportation Demand Management. The community development director may reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer demonstrates:
a. Alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.
b. Transportation demand management (TDM) program has been developed for approval by, and is approved by the city engineer. The plan will contain strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the city determines the plan is not successful, the plan may be revised. If the city determines that no good-faith effort has been made to implement the plan, the city may take enforcement actions.
4. The minimum required number of stalls may be reduced by up to 10% when the subject property is adjacent to an existing or planned fixed public transit route or within 1,000 feet of an existing or planned transit stop.
Finding: Not Applicable. The applicant has not proposed to utilize any of the parking reductions within this section.

17.52.030 - Standards for automobile parking.
A. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.
Finding: Complies as proposed. Ingress and egress locations on public thoroughfares are existing and have no known conflict with interests of public traffic safety. Parking spaces are served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way. No driveway with a slope of greater than fifteen percent has been proposed.

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

Finding: Complies as proposed. The applicant has proposed off-street parking spaces and access aisles with paved surfaces.

C. Drainage. Drainage shall be designed in accordance with the requirements of Chapter 13.12 and the city public works stormwater and grading design standards.
Finding: Please refer to the analysis in Chapter 13.12 of this report.

D. Dimensional Standards.
1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The community development director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.
2. Alternative parking/plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the community development director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.
PARKING STANDARD
PARKING ANGLE SPACE DIMENSIONS

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

Finding: Not Applicable. The applicant has not proposed any new parking, therefore, these standards are not applicable.

E. Carpool and Vanpool Parking. New developments with seventy-five or more parking spaces, and new hospitals, government offices, group homes, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those

spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."
Finding: Not Applicable. The applicant has not proposed a new development with more than seventy-five parking spaces, or a new development with any of the uses within this section, therefore, these standards are not applicable.

17.52.040 - Bicycle parking standards.
A. Purpose-Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than single-family dwellings or duplexes.
Finding: Applicable. The applicant has proposed a new building, therefore, compliance with bicycle parking standards is required.

B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the community development director, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in Section 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.
*TABLE A Required Bicycle Parking Spaces**
Where two options for a requirement are provided, the option resulting in more bicycle parking applies. Where a calculation results in a fraction, the result is rounded up to the nearest whole number.
** Covered bicycle parking is not required for developments with two or fewer stalls.*

Required Bicycle Parking Spaces*

USE	*MINIMUM VEHICLE PARKING*	*MINIMUM BICYCLE PARKING*	*MINIMUM BICYCLE PARKING - COVERED*
Retail	*87 Stalls*	*1 per 20 Auto Spaces (4 Required)*	*50% (min. of 1) 2 Required*
Office	*21 Stalls*	*1 per 20 auto spaces (min. of 2) (2 Required)*	*50% (min. of 2) (2 Required)*
Onsite Industrial uses (Retail stores handling exclusively bulky merchandise)	*22 Stalls*	*1 per 40 auto parking stall (1 Required)*	*0%*

** Covered bicycle parking is not required for developments with two or fewer stalls.*
Finding: Complies with Condition. The subject site includes industrial uses, such as manufacturing, warehousing, and outdoor storage. These uses are not listed within Table A, however, the Community Development Director has determined that the bicycle parking requirements for retail stores handling exclusively bulky merchandise such as automobile, boat, or trailer sales or rental are the most similar to the various industrial uses onsite, therefore this bicycle parking requirement is being used for the outdoor storage area, the Wilco warehouse, and the manufacturing area of the proposed cabinet shop. In total, 7 bicycle parking stalls are required. The applicant's narrative identified that the site is already developed with eight bicycle parking stalls, and no additional bicycle parking stalls have been proposed. However, the bicycle parking is located near the Wilco Retail store and would not serve the proposed building in the eastern portion of the property, therefore, prior to issuance of a building permit associated with the proposed development, the applicant shall provide a revised site plan which

includes a minimum of one additional or relocated bicycle parking stall located to serve the proposed cabinet manufacturing building. **Staff has determined that it is possible likely and reasonable that the applicant can comply with this standard through the Conditions of Approval.**

C. Security of Bicycle Parking. Bicycle parking facilities shall be secured. Acceptable secured bicycle parking area shall be in the form of a lockable enclosure onsite, secure room in a building onsite, a covered or uncovered rack onsite, bicycle parking within the adjacent right-of-way or another form of secure parking where the bicycle can be stored, as approved by the decision maker. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue inconvenience and, when in the right-of-way shall comply with clearance and ADA requirements.
Finding: Complies with Condition. Though the applicant has not proposed additional bicycle parking, as conditioned within this report, a minimum of one additional or relocated bicycle parking stall is required to serve the new building. New bicycle parking facilities shall be secured in accordance with OCMC 17.52.040.C. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

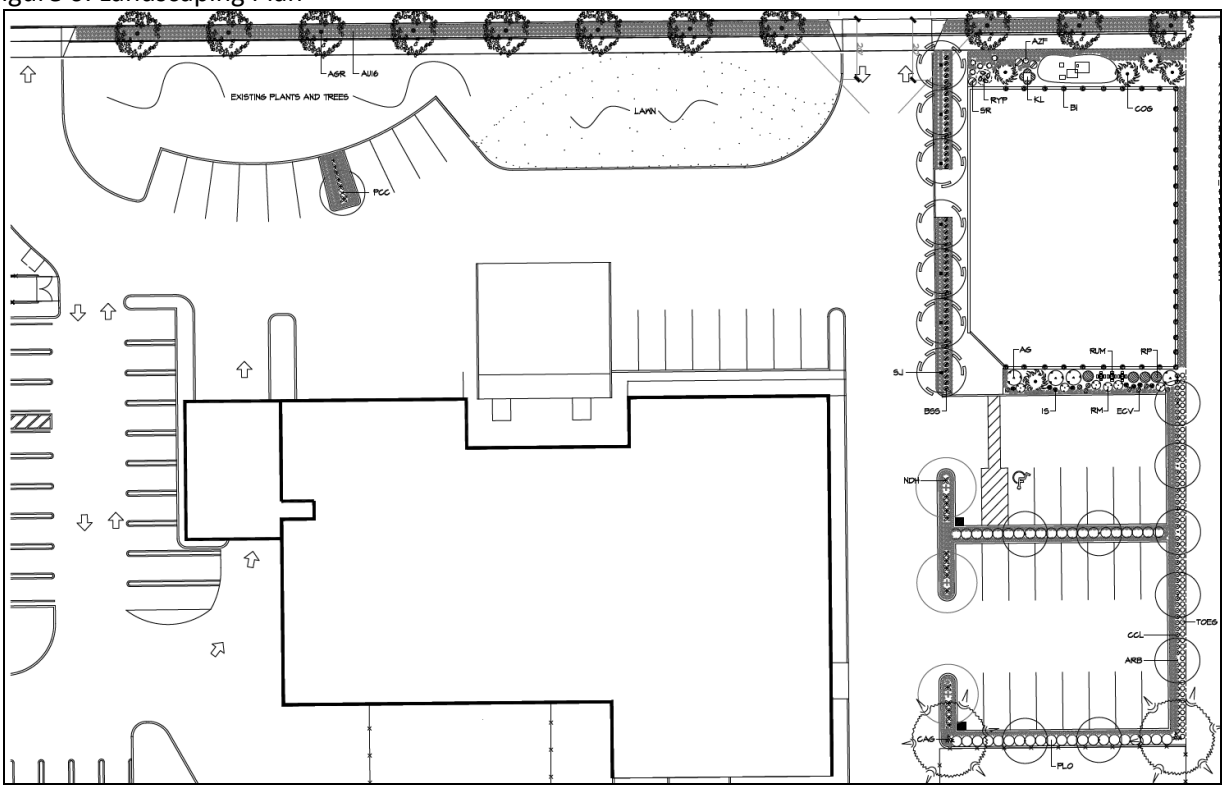
D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure or a stationary rack to which the bicycle can be locked. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely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

Location of Bicycle Parking:
1. Bicycle parking shall be located on-site, in one or more convenient, secure and accessible location. The city engineer and the community development Director may permit the bicycle parking to be provided within the right-of-way provided adequate clear zone and ADA requirements are met. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings. If a building has two or more main building entrances, the review authority may require bicycle parking to be distributed to serve all main building entrances, as it deems appropriate.
2. Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign must be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space unless approved by the community development director.
3. All bicycle parking areas shall be located to avoid conflicts with pedestrian and motor vehicle movement.
a. Bicycle parking areas shall be separated from motor vehicle parking and maneuvering areas and from arterial streets by a barrier or a minimum of five feet.
b. Bicycle parking areas shall not obstruct pedestrian walkways; provided, however, that the review authority may allow bicycle parking in the right-of-way where this does not conflict with pedestrian accessibility.
***17.52.040.D.4**. Accessibility.*
a. Outdoor bicycle areas shall be connected to main building entrances by pedestrian accessible walkways.
***17.52.040.D.4.b**. Outdoor bicycle parking areas shall have direct access to a right-of-way.*
***17.52.040.D.4.c**. Outdoor bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or fifty feet, whichever is less, unless otherwise determined by the community development director, city engineer, or planning commission.*
Finding: Complies with Condition. Though the site is already developed with enough bicycle parking, the existing bicycle parking only serves the Wilco retail store. Prior to issuance of a building permit

associated with the proposed development, the applicant shall submit a revised site plan which includes a minimum of one additional or relocated bicycle parking stall located to serve the proposed cabinet manufacturing building in accordance with bicycle parking location requirements in OCMC 17.52.060.D. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.52.060 - Parking lot landscaping.
A. Development Standards.
1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.
Finding: Complies as Proposed. The existing and proposed landscaping is located in defined landscaped areas that are distributed throughout the parking lot.

Figure 6: Landscaping Plan



2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.
Finding: Complies as Proposed. All areas in the parking lot not used for parking, maneuvering or circulation are proposed to be landscaped.

3. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade.
Finding: Complies as Proposed. The landscape plan includes a mix of existing and proposed deciduous and coniferous trees dispersed throughout the parking lot.

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

Finding: Complies with Condition. The tree plan identifies both 2-inch caliper trees as well as 6-foot minimum height trees and planted in accordance with American Nurseryman Standards. Prior to issuance of a permit associated with the proposed development the applicant shall submit a revised landscaping plan identifying that all landscaping trees shall be of a minimum two-inch minimum caliper size though it may not be standard for some tree types to be distinguished by caliper. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

5. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the community development director, that can demonstrate adequate maintenance;
Finding: Complies as Proposed. The applicant submitted an irrigation plan for the landscaped areas identifying all landscaped areas will be served by an irrigation system.

6. All plant materials, including trees, shrubbery and ground cover should be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City Native Plant List are strongly encouraged and species found on the Oregon City Nuisance Plant List are prohibited.
Finding: Complies as Proposed. No nuisance plants were proposed within the parking lot landscaping. The plan submitted by the applicant was prepared by a landscape architect to assure appropriate species.

7. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of Chapter 10.32, Traffic Sight Obstructions.
Finding: Complies as Proposed. The applicant's landscaping plan does not include landscaping that would obstruct lines of sight or impede safe traffic operation.

8. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.
Finding: Please refer to the analysis in Chapter 13.12 of this report.

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

1. The perimeter parking lot are[a] shall include:
a. Trees spaced a maximum of thirty-five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
Finding: Complies as Proposed. The applicant has not proposed any changes to the entryway trees. The perimeter parking lot landscaping between the eastern property line and the parking lot south of the proposed building includes trees located less than 35 feet apart.

b. Ground cover, such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
Finding: Complies with Condition. The landscaping plan includes ground cover spaced 16 inches on center. The landscaping plan identifies that no ground bark mulch will be allowed except under the canopy of shrubs and within two feet of the base of trees, however, the plan did not identify that ground cover will cover one hundred percent of the exposed ground within three years. Prior to issuance of a building permit, the applicant shall submit a revised landscaping plan which identifies that all within the new perimeter parking lot area, ground cover will cover one hundred percent of the exposed ground within three years. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

c. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.
Finding: Complies as Proposed. The applicant has proposed shrubs spaced approximately two feet apart within the perimeter parking lot landscaping between the eastern property line and the parking lot south of the proposed building.

C. Parking Area/Building Buffer. Parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:
1. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) abutting either side of a parking lot sidewalk with:
Finding: Complies as Proposed. The applicant has proposed parking area/building buffer landscaping between the existing parking areas and the proposed building that is a minimum of five feet in width.

a. Trees spaced a maximum of thirty-five feet apart;
Finding: Complies with Condition. The parking area/building buffer west of the building includes trees spaced less than 35 feet apart. The parking area/building buffer area south of the building includes trees, though the spacing exceeds 35 feet. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit a revised landscaping plan which includes trees spaced no more than 35 feet part in the parking area/building buffer landscaping are south of the proposed building. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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
Finding: Complies with Condition. The landscaping plan includes ground cover spaced sixteen inches on center. The landscaping plan identifies that no bark mulch will be allowed except under the canopy of shrubs and within two feet of the base of trees, however, the landscaping plan does not identify that ground cover will cover one hundred percent of the exposed ground within three years. Prior to issuance of a building permit, the applicant shall submit a revised landscaping plan which identifies that within the new parking area/building buffer landscaping area, ground cover will cover one hundred percent of the exposed ground within three years. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

c. An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or
Finding: Complies as Proposed. The applicant has proposed shrubs spaced no more than four feet apart on average within the parking area/building buffer landscaping area.

2. Seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells.
Finding: Not Applicable. The applicant proposed adequate parking area/building buffer landscaping where applicable in accordance with option one.

D. Interior Parking Lot Landscaping. Surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site landscaping required by Section 17.62.050(1) unless otherwise permitted by the dimensional standards of the underlying zone district. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Interior parking lot landscaping shall include:
Finding: Complies as Proposed. The interior gross area of the parking lot is approximately 106,550 square feet, and the parking lot includes approximately 21,045 square feet of interior parking lot landscaping resulting in approximately 20% of interior parking lot landscaping within the parking lot (21,045/106,550=0.1975). In the General Commercial zone, interior parking lot landscaping can be counted towards the overall site landscaping, however, in the General Industrial zoning district interior parking lot landscaping may not be counted towards overall site landscaping.

a. A minimum of one tree per six parking spaces.
Finding: Complies as Proposed. The applicant has proposed a total of 161 parking stalls requiring 27 trees within the interior parking lot landscaping. A total of 33 trees are existing and proposed within the interior parking lot landscaping areas.

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.
Finding: Complies with Condition. The applicant has proposed a new interior parking lot landscaping area south of the proposed building and to the west of the proposed building. The interior parking lot landscaping south of the proposed building includes ground cover spaced no more than sixteen inches on center and the plan identifies that no bark mulch shall be allowed except under the canopy of trees, however, the landscaping plan does not identify that one hundred percent of the exposed ground within three years. The proposed interior parking lot landscaping to the west of the building does not include ground cover spaced a maximum of 16 inches on center. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised landscaping plan which includes ground cover spaced no more than sixteen inches on center in the new landscaping are to the west of the proposed building, and identifying that landscaping will cover one hundred percent of the exposed ground within three years. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

c. Shrubs spaced no more than four feet apart on average.
Finding: Complies with Condition. The landscaping plan includes shrubs spaced no more than four feet apart in the landscaping planters south of the building, however, the new interior parking lot landscaping west of the building does not include any shrubs. Prior to issuance of a building permit associated with

the proposed development, the applicant shall submit a revised landscaping plan which includes shrubs spaced no more than four feet apart in the new landscaping area to the west of the building. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

d. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.
Finding: Complies as Proposed. The applicant has not proposed more than eight new parking stalls without a landscaping planter between them.

e. Pedestrian walkways shall have shade trees spaced a maximum of every thirty-five feet in a minimum three-foot by five-foot tree wells; or
Trees spaced every thirty-five feet, shrubs spaced no more than four feet apart on average, and ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.
Finding: Not Applicable. The applicant has not proposed pedestrian walkways within the parking area.

E. Installation.
1. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.
2. The site, soils and proposed irrigation systems shall be appropriate for the healthy and long-term maintenance of the proposed plant species.
3. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the city, such as the posting of a surety.
Finding: Complies as Proposed. The applicant's narrative identified compliance with this standard.

17.52.070 - Alternative landscaping plan.
Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. In such situations, the community development director may approve variations to the landscaping standards of section 17.52.060.
A. General Review Standard. The alternative shall be meet or exceed the intent of this chapter and shall create a safe space for automobiles and pedestrians. The alternative landscaping plan shall be prepared by a licensed landscape architect.
B. Credit for Pervious/Low Impact Development. The community development director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the city's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc).
Finding: Not applicable. The applicant has not proposed an alternative landscaping plan.

17.52.080 - Maintenance.
The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of the site including but not limited to the off-street parking and loading spaces, bicycle parking and all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:
a. It will not interfere with the maintenance or repair of any public utility;
b. It will not restrict pedestrian or vehicular access; and
c. It will not constitute a traffic hazard due to reduced visibility.
Finding: Complies as Proposed. The applicant's narrative identified compliance with this standard.

17.52.090 - Loading areas.
B. Applicability.
1. Section 17.52.090 applies to uses that are expected to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week. The city engineer and decision maker shall determine through site plan and design review the number, size, and location of required loading areas, if any.
Finding: Not applicable. The city engineer has not required a loading area.

C. Standards.
1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the city engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.
Finding: Complies as proposed. The proposed building will have an overhead door. All materials for the cabinet shop will be unloaded inside the building.

2. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.
Finding: Complies as proposed. Loading areas are not located between the building and the street.

3. The city engineer and decision maker, through site plan and design review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:
a. Short in duration (i.e., less than one hour);
b. Infrequent (less than three operations daily between 5:00 a.m. and 12:00 a.m. or all operations between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);
c. Does not obstruct traffic during peak traffic hours;
d. Does not interfere with emergency response services; and
e. Is acceptable to the applicable roadway authority.
Finding: Not applicable. The applicant did not propose a loading area within or adjacent to the right-of-way.

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

12.04.003 *- Applicability.*
A. Compliance with this chapter is required for all land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements.
B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage, of all single and two-family dwellings. All applicable single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter. In addition, the frontage of the site shall comply with the following prioritized standards identified in this chapter:

1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
2. Plant street trees.
The cost of compliance with the standards identified in 12.04.003.B.1 and 12.04.003.B.2 is limited to ten percent of the total construction costs. The value of the alterations and improvements as determined by the community development director is based on the entire project and not individual building permits. It is the responsibility of the applicant to submit to the community development director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal such as access or landscaping requirements.
Finding: Applicable. The development is required to undergo Site Plan and Design Review, therefore, Chapter 12.04 is applicable.

12.04.005 *- Jurisdiction and management of the public rights-of-way.*
A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.
B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.
C. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
D. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits.
E. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.
Finding: Complies as Proposed. By submission of the their application, the applicant has acknowledged the City's jurisdiction and management of the public right-of-way.

12.04.007 *- Modifications.*
The review body may consider modification of this standard resulting from constitutional limitations restricting the city's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:
A. The modification meets the intent of the standard;
B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
C. The modification is consistent with an adopted plan; and
D. The modification is complementary with a surrounding street design; or, in the alternative;
E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

Finding: Not applicable. The applicant has not requested a modification to city required street improvements.

12.04.010 *- Construction specifications—Improved streets.*
All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.
Finding: Please refer to the findings in Section 12.040.180.B of this report.

12.04.020 *- Construction specifications—Unimproved streets.*
Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer and approved by the city commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.
Finding: Not Applicable. The applicant has not proposed to construct any infrastructure within an unimproved street.

12.04.025 *- Street design—Driveway curb cuts.*
A. One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single or two-family residential property with multiple frontages.
B. With the exception of the limitations identified in 12.04.025.C, all driveway curb cuts shall be limited to the following dimensions.

Property Use	*Minimum Driveway Width at sidewalk or property line*	*Maximum Driveway Width at sidewalk or property line*
Single or two-family dwelling with one car garage/parking space	*10 feet*	*12 feet*
Single or two-family dwelling with two car garage/parking space	*12 feet*	*24 feet*
Single or two-family dwelling with three or more car garages/parking space	*18 feet*	*30 feet*
Nonresidential or multi-family residential driveway access	*15 feet*	*40 feet*

The driveway width abutting the street pavement may be extended three feet on either side of the driveway to accommodate turn movements. Driveways may be widened onsite in locations other than where the driveway meets sidewalk or property line (for example between the property line and the entrance to a garage).
Figure 12.04.025: Example Driveway Curb Cut
Finding: Not Applicable. No new driveway curb cuts are required or proposed. Adjustments to existing driveway curb cut sizes are not required.

C. The decision maker shall be authorized through a Type II process, unless another procedure applicable to the proposal applies, to minimize the number and size of curb cuts (including driveways) as far as practicable for any of the following purposes:
1. To provide adequate space for on-street parking;
2. To facilitate street tree planting requirements;
3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
4. To assure that adequate sight distance requirements are met.
a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements.
b. Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the "R-5" Single-Family Dwelling District or "R-3.5" Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements.
Finding: Not Applicable. No new driveway curb cuts are required or proposed. Adjustments to existing driveway curb cut sizes are not required.

D. For all driveways, the following standards apply.
1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet and preferably twenty feet back into the lot as measured from the current edge of street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.
2. Driving vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or city-approved temporary driveway approach is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.
3. Placing soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.
4. Any driveway built within public street or alley right-of-way shall be built and permitted per city requirements as approved by the city engineer.
Finding: Complies with Condition. The applicant shall reconstruct the existing driveway serving the new development to meet current city design standards and ADA requirements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Exceptions. The public works director reserves the right to waive this standard, if it is determined through a Type II decision including written findings that it is in the best interest of the public to do so.
Finding: Not Applicable. The public works director has not waived any driveway standards in association with this development.

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.
Finding: Not Applicable. This is not a criterion for this development. All owners of land abutting a street where a sidewalk has been constructed is responsible for maintaining the sidewalk and curb in good repair. The applicant proposes to reconstruct sidewalk along the development property frontage along Fir Street.

12.04.050 - *Retaining walls—Required.*
Every owner of a lot within the city, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.
Finding: Not Applicable. The applicant is not proposing construction of a retaining wall adjacent to a public street.

12.04.060 *- Retaining walls—Maintenance.*
When a retaining wall is necessary to keep the earth from falling or sliding onto the sidewalk or into a public street and the property owner or person in charge of that property fails or refuses to build such a wall, such shall be deemed a nuisance. The violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
Finding: Not Applicable. The applicant is not proposing construction of a retaining wall adjacent to a public street.

12.04.070 Removal of sliding dirt.
It shall be the duty of the owner of any property as mentioned in Section 12.04.050, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.
Finding: Not Applicable. The applicant has not proposed and is not required to remove sliding dirt with this application.

12.04.080 Excavations--Permit required.
It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.
Finding: Not Applicable. The application will not require a permit for excavations beyond what is permitted through Public Works construction plan review.

12.04.090 Excavations--Permit restrictions.
The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.
Finding: Not Applicable. The application will not require a permit for excavations beyond what is permitted through Public Works construction plan review.

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.
Finding: Not Applicable. The decision maker has not exercised the authority to minimize the number and size of curb cuts beyond what has been proposed by the applicant.

12.04.100 Excavations – Restoration of Pavement
Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the city for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to put the street or alley in as good condition as it was before it was so broken, dug up or disturbed, and shall remove all surplus dirt, rubbish, or other material from the street or alley.
Finding: Complies with Condition. The applicant has proposed work in the public right-of-way that will require pavement restoration. All pavement cuts and restoration shall be performed in accordance with the City of Oregon City Pavement Cut Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval**

12.04.170 *- 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.
Finding: Complies with Condition. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. The applicant shall provide construction

plans, stamped and signed by a professional engineer licensed in the State of Oregon, containing all public improvements in conformance with all current Oregon City Public Works standards, specifications, codes, and policies for review and approval by Oregon City. The applicant shall schedule a pre-design meeting with Public Works Development Services staff prior to initial submittal of construction plans. The development's contractor(s) and engineer(s) shall attend a pre-construction meeting with Oregon City staff prior to beginning construction work associated with the project. The applicant shall provide a Maintenance Guarantee in the amount of fifteen percent of the cost to construct all public improvements as shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect for two years from the establishment of the guarantee and until accepted by the City.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

12.04.175 *- 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, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:
A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with [Chapter] 12.04 shall be required to preserve the objectives of street extensions.
Finding: Not Applicable. No new streets have been proposed or required as part of this development.

12.04.180 *- Street design.*
All development regulated by this chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The standards provided below are maximum design standards and may be reduced with an alternative street design which may be approved based on the modification criteria in [Section] 12.04.007. The steps for reducing the maximum design below are found in the Transportation System Plan.
Table 12.04.180 Street Design
To read the table below, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation on either side of the street differs, the wider right-of-way standard shall apply.

Road	*Comprehen*	*Righ*	*Paveme*	*Publi*	*Sidew*	*Landsca*	*Bik*	*Street*	*Trav*	*Medi*

Classification	*sive Plan Designation*	*t-of-Way Width*	*nt Width*	*c Access*	*alk*	*pe Strip*	*e Lane*	*Parking*	*el Lanes*	*an*
Collector	*Mixed Use, Commercial or Public/Quasi Public*	*86 ft.*	*64 ft.*	*0.5 ft.*	*10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells*		*6 ft.*	*8 ft.*	*(3) 12 ft. Lanes*	*N/A*
	Residential	*85 ft.*	*59 ft.*	*0.5 ft.*	*5 ft.*	*7.5 ft.*	*6 ft.*	*7 ft.*	*(3) 11 ft. Lanes*	*N/A*

Road Classification	*Comprehensive Plan Designation*	*Right-of-Way Width*	*Pavement Width*	*Public Access*	*Sidewalk*	*Landscape Strip*	*Bike Lane*	*Street Parking*	*Travel Lanes*	*Median*
Local	*Mixed Use, Commercial or Public/Quasi Public*	*62 ft.*	*40 ft.*	*0.5 ft.*	*10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells*		*N/A*	*8 ft.*	*(2) 12 ft. Lanes*	*N/A*
	Residential	*54 ft.*	*32 ft.*	*0.5 ft.*	*5 ft.*	*5.5 ft.*	*(2) 16 ft. Shared Space*			*N/A*

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.

Finding: Complies as Proposed. The applicant has proposed 7-foot-wide right-of-way dedication along the frontage of Fir Street. The applicant has proposed to construct, along the Fir Street frontage of the property, a 5-foot-wide sidewalk, 5-foot-wide planter strip, 0.5' curb and pavement widening to achieve 16-feet of pavement from the centerline of the Fir Street.

12.04.185 *- 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."
Finding: Not Applicable. No dead-end streets or half-streets are proposed or required.

12.04.190 *- Street design—Alignment.*
The centerline of streets shall be:
A. Aligned with existing streets by continuation of the centerlines; or
B. Offset from the centerline by no more than five (5) 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.
Finding: Not Applicable. No new streets are proposed or required, therefore, this standard is not applicable.

12.04.194 *- Traffic sight obstructions.*
All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.
Finding: Not Applicable. No new streets are proposed or required, therefore, this standard is not applicable.

12.04.195 *- Spacing standards.*
A. All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the transportation system plan. The maximum block spacing between streets is five hundred thirty feet and the minimum block spacing between streets is one hundred fifty feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every three hundred thirty feet. The spacing standards within this section do not apply to alleys.
B. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 12.04.195.B.

Table 12.04.195.B Minimum Driveway Spacing Standards		
Street Functional Classification	*Minimum Driveway Spacing Standards*	*Distance*
Major Arterial Streets	*Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings*	*175 ft.*
Minor Arterial Streets	*Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings*	*175 ft.*

Collector Streets	*Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings*	*100 ft.*
Local Streets	*Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings*	*25 ft.*

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.
Finding: Not Applicable. No new streets are proposed or required, therefore, this standard is not applicable.

12.04.199 *- Pedestrian and bicycle accessways.*
Finding: Not applicable. No pedestrian and bicycle accessways are proposed or required. The TSP has no pedestrian or bicycle accessways going through the development property.

12.04.205 *- Mobility standards.*
Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection D below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan or as otherwise identified by the city transportation engineer.
A. For intersections within the regional center, the following mobility standards apply:
1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.
B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
1. For signalized intersections:

a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
2. For unsignalized intersections outside of the boundaries of the Regional Center:
a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.
D. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:
I-205/OR 99E Interchange
I-205/OR 213 Interchange
OR 213/Beavercreek Road
State intersections located within or on the Regional Center Boundaries
1. In the case of conceptual development approval for a master plan that impacts the above references intersections:
a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and
b. Only those trips approved by a detailed development plan review are vested.
2. Development which does not comply with the mobility standards for the intersections identified in [Section] 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.
Finding: Complies as Proposed. The applicant submitted a traffic analysis letter, dated March 8, 2019, prepared by William Farley, P.E., of Lancaster Engineering. The TAL concluded that the development was calculated to produce four AM peak hour trips and four PM peak hour trips, and 26 weekday trips. The TAL was reviewed by the City's Traffic Engineering Consultant, John Replinger, P.E., of Replinger and Associates, who confirmed that the TAL meets city requirements, and found no need for mitigation measures to address transportation impacts associated with the applicant's proposal.

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

12.04.215 *- 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.
Finding: Not Applicable. No off-site street improvements are required.

12.04.220 - *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 may be required to preserve the objectives of half streets.
When the remainder of an existing half-street improvement is made it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the city's "Moratorium Pavement Cut Standard" or as approved by the city engineer.
Finding: Not Applicable. No half street is required or proposed.

12.04.225 - *Street design—Cul-de-sacs and dead-end streets.*
The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the community development director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end roads shall include pedestrian/bicycle accessways as required in this chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.
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.
Finding: Not Applicable. No cul-de-sacs and dead-end streets are required or proposed.

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

Finding: Not Applicable. No new streets are required or proposed.

12.04.235 *- Street design—Grades and curves.*
Grades and center line radii shall conform to the standards in the city's street design standards and specifications.
Finding: Not Applicable. No new streets are required or proposed.

12.04.240 *- Street design—Development abutting arterial or collector street.*
Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.
Finding: Not Applicable. The development is not adjacent to residential property.

12.04.245 - *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.
Finding: Not Applicable. Curb extensions are not proposed or required at this time.

12.04.255 *- 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.
Finding: Not Applicable. The development is not in a district zoned as *R-5, R-3.5, R-2, MUC-1, MUC-2 or NC.*

12.04.260 *- Street design—Transit.*
Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in [Section] 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary in Chapter 12.04 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.
Finding: Not Applicable. The development fronts existing streets which provide adequate pedestrian/bicycle access ways to minimize the travel distance to transit streets and stops and neighborhood activity centers.

12.04.265 - *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.

Finding: Complies as Proposed. The applicant has proposed a 5-foot-wide planter strip and curb along the frontage of Fir Street.

12.04.270 - *Standard construction specifications.*

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Design Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

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

Chapter 12.08 - PUBLIC AND STREET TREES[2]

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.

Finding: Complies as Proposed. The subject site is already developed with street trees along its Molalla frontage as well as the Wilco retail store's property's Molalla Avenue and Fir Street frontage. The Fir Street frontage of Tax Lot 1500 does not have street trees. The total length of the Fir Street frontage of Tax Lot 1500 is approximately 415. The applicant has submitted a street tree plan which includes street

trees along the Fir Street frontage of the property where there currently are none. The applicant has proposed Paperbark Maples which are on the City's approved street tree list.

A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.
Finding: Complies as Proposed. The property's Fir Street frontage is approximately 418 feet, requiring 11 street trees (415/35 = 11.85). The applicant has proposed eleven street trees, which are evenly distributed along the Fir Street frontage of Tax Lot 1500.

B. The following clearance distances shall be maintained when planting trees:
1. Fifteen feet from streetlights;
2. Five feet from fire hydrants;
3. Twenty feet from intersections;
4. A minimum of five feet (at mature height) below power lines.
Finding: Complies with Condition. A street tree plan was submitted with the preliminary locations of street trees, but did not include the final locations of street lights or fire hydrants. Prior to issuance of a permit associated with the proposed development the applicant shall submit a revised street tree plan which identifies the locations of streetlights and fire hydrants and demonstrates compliance with spacing requirements in OCMC 12.08.015.B. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.
Finding: Complies as Proposed. The applicant submitted a street tree plan, which identified that all proposed street trees will be a minimum of two inches in caliper.

D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.
Finding: Complies as Proposed. The applicant's narrative identified compliance with this standard.

12.08.020 - Street tree species selection.
The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.
Finding: Not Applicable. The subject site does not include established planting scheme, obstructions in a planting strip or overhead power lines. The applicant has proposed Paperbark Maples which are on the City's adopted street tree list.

12.08.025 - General tree maintenance.
Abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.
Finding: Complies with Condition. The applicant did not identify compliance with general tree maintenance requirements. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit documentation identifying compliance with maintenance of

street trees and planting strips in accordance with OCMC 12.08.025. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.
Table 12.08.035

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		*Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist*	
Diameter of tree to be Removed (Inches of diameter at 4-ft height)	*Number of Replacement Trees to be Planted*	*Diameter of tree to be Removed (Inches of diameter at 4-ft height)*	*Number of Replacement Trees to be Planted*
Any Diameter	*1 Tree*	*Less than 6"*	*1 Tree*
		6" to 12"	*2 Trees*
		13" to 18"	*3 Trees*
		19" to 24"	*4 Trees*
		25" to 30"	*5 Trees*
		31" and over	*8 Trees*

Finding: Not Applicable. The applicant has not proposed the removal of any street trees as part of this development application. This section is not applicable.

12.08.040 - Heritage Trees and Groves.
Finding: Not Applicable. The applicant has not proposed to designate or remove a heritage tree or grove as part of this development application.

<u>CHAPTER 13.12 - STORMWATER MANAGEMENT</u>

13.12.050 - Applicability and exemptions.
This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.

A. Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:

1. The conveyance facilities are located entirely on one privately owned parcel;

2. The conveyance facilities are privately maintained; and

3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.

Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the building official.

Finding: Not Applicable. Proposed conveyance includes a storm line to drain to the existing stormwater system on site. Stormwater conveyance requirements of Chapter 13.12 are not applicable because the conveyance facilities will be contained entirely on the site.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:

1. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or

2. Activities that create or replace more than five thousand square feet of impervious surface per parcel or lot, cumulated over any given five-year period.

Finding: Not Applicable. The proposed development will not meet the threshold triggers for stormwater management. Though the proposed building is approximately 6,500 square feet, the applicant has proposed removal of more than 3,500 square feet of existing impervious surface resulting in less than 5,000 square feet of net impervious surface. Applicability requirements of this 13.12.050 have not been met, therefore, the entirety of Chapter 13.12 is not applicable.

C. Exemptions. The following exemptions to subsection B of this section apply:

1. An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in Chapter 17.42, provided that the following conditions are met:

a. The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and

b. The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.

2. Projects in the following categories are generally exempt from the water quality and flow control requirements:

a. Stream enhancement or restoration projects approved by the city.

b. Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.

c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.

d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.

e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.

f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.

g. Maintenance or repair of existing utilities.

Finding: Not Applicable. The proposed development does not meet the criteria for exemption.

D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:

1. Bulk petroleum storage facilities;

2. Above ground storage of liquid materials;

3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;

4. Exterior storage of bulk construction materials;

5. Material transfer areas and loading docks;

6. Equipment and/or vehicle washing facilities;

7. Development on land with suspected or known contamination;

8. Covered vehicle parking for commercial or industrial uses;

9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and

10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.

Finding: Not Applicable. The proposal does not contain elements requiring additional stormwater management practices.

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

17.47.030 - *Applicability.*

A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.

B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

Finding: Applicable. The applicant has proposed to construct a new building with associated street improvements.

17.47.060 - *Permit required.*

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

Finding: Complies with Condition. The applicant seeks approval of an application for land use which requires construction that may cause visible or measurable erosion. The applicant shall obtain an

Erosion and Sediment Control Permit from the City prior to beginning construction work associated with the project. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

1.The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;

2.The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.

C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.
D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.
E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.
F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.
G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).
Finding: Complies with Condition. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan which meets the requirements of the City of Oregon City public works standards for erosion and sediment control. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

<u>CHAPTER 17.41 - TREE PROTECTION STANDARDS</u>

17.41.020 - Tree protection—Applicability.
1. Applications for development subject to Chapters 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.

2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.
3. Tree canopy removal greater than twenty-five percent on sites greater than twenty-five percent slope, unless exempted under Section 17.41.040, shall be subject to these standards.
4. A heritage tree or grove which has been designated pursuant to the procedures ofChapter 12.08.050 shall be subject to the standards of this section.
Finding: Applicable. The applicant has proposed a Site Plan and Design Review application, therefore Chapter 17.41 is applicable.

17.41.030 - Tree protection—Conflicting code provisions.
Except as otherwise specified in this section, where these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in Section 17.04, shall govern.
Finding: Applicable. The trees within the boundaries of the property or associated with the proposed development onsite are regulated under this section of code and do not fall under any other protections within the City's development codes.

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

17.41.050 - Same—Compliance options.
Applicants for review shall comply with these requirements through one or a combination of the following procedures:
A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.
B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections 17.41.080—17.41.100; or
C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; or
D. Option 4—Cash-in-lieu of planting pursuant to Section 17.41.130.
A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.
The community development director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:
1. Preclude achieving eighty percent of minimum density with reduction of lot size; or
2. Preclude meeting minimum connectivity requirements for subdivisions.

Finding: Complies with Condition. The applicant has proposed to remove an interior parking lot landscaping strip which includes a tree. The applicant did not submit a tree mitigation plan for the proposed tree removal. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit a tree mitigation plan prepared by a certified arborist, horticulturalist, forester or other environmental professional, clearly identifying all trees to be removed and proposing mitigation in accordance with one of the mitigation options within OCMC 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.060 - Tree removal and replanting—Mitigation (Option 1).
A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in Chapter 17.04to the extent practicable. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arborculture. At the applicant's expense, the city may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under section 12.08—Community Forest and Street Trees.
B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:
1. Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or
2. Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.
Table 17.41.060-1
Tree Replacement Requirements
All replacement trees shall be either:
Two-inch caliper deciduous, or
Six-foot high conifer

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"	*6*	*2*
19 to 24"	*9*	*3*
25 to 30"	*12*	*4*
31 and over"	*15*	*5*

Steps for calculating the number of replacement trees:
1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.
3. Document any trees that are currently diseased or hazardous.
4. Subtract the number of diseased or hazardous trees in step 3. from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5. through 8.
5. Define the construction area (as defined in Chapter 17.04).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6. and 7.
17.41.070 - Planting area priority for mitigation (Option 1).
Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:
A. First Priority. Replanting on the development site.
B. Second Priority. Off-site replacement tree planting locations. If the community development director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and must be approved by the community development director.
Finding: Complies with Condition. The applicant has proposed to remove an interior parking lot landscaping strip which includes a tree. The applicant did not submit a tree mitigation plan for the proposed tree removal. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit a tree mitigation plan prepared by a certified arborist, horticulturalist, forester or other environmental professional, clearly identifying all trees to be removed and proposing mitigation in accordance with one of the mitigation options within OCMC 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.075 - Alternative mitigation plan.
The community development director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the natural resource overlay district alternative mitigation plan, Section 17.49.190.
Finding: Not Applicable. The applicant has not proposed an alternative mitigation plan.

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).
A. Applicants for new subdivision and partition plats may delineate and show the regulated trees or groves as either a separate tract or part of a larger tract that meets the requirements of subsection D. of this section.
B. The standards for land divisions subject to this section shall apply in addition to the requirements of the city land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to Section 17.41100 below.

C. Prior to preliminary plat approval, the regulated tree or grove area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection D. of this section, which shall not be a part of any parcel used for construction of a structure. The size of the tract shall be the minimum necessary as recommended by a consulting arborist to adequately encompass the dripline of the tree, protect the critical root zone and ensure long term survival of the tree or grove.
D. Prior to final plat approval, ownership of the regulated tree or grove tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:
1. Private open space held by the owner or a homeowners association; or
2. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
3. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or
4. Any other ownership proposed by the owner and approved by the community development director.
Finding: Not Applicable. This option is only available to applications for new subdivisions or minor partitions. The applicant has not proposed a land division, therefore, this tree preservation option is not available to the applicant and this section is not applicable.

17.41.110 - Tree protection by restrictive covenant (Option 3).
Any regulated tree or grove which cannot be protected in a tract pursuant toSection 17.41.080 above shall be protected with a restrictive covenant in a format to be approved by the community development director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the community development director, are determined to be diseased or hazardous.
17.41.120 - Permitted adjustments (Option 3 Only).
A. The community development director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduce less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.
B. The community development director, pursuant to a Type II procedure, may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.
C. The community development director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.
Finding: Complies with Condition. The applicant has proposed to remove an interior parking lot landscaping strip which includes a tree. The applicant did not submit a tree mitigation plan for the proposed tree removal. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit a tree mitigation plan prepared by a certified arborist, horticulturalist, forester or other environmental professional, clearly identifying all trees to be removed and proposing mitigation in accordance with one of the mitigation options within OCMC 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the community development director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.
A. The cash-in-lieu payment per tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index (Index). The price shall include the cost of materials, transportation and planting.
B. The amount of the cash-in-lieu payment into the tree bank shall be calculated as the difference between the value of the total number of trees an applicant is required to plant, including cost of installation and adjusted for Consumer Price Index, minus the value of the trees actually planted. The value of the trees shall be based on the adopted fee schedule.
Finding: Complies with Condition. The applicant has proposed to remove an interior parking lot landscaping strip which includes a tree. The applicant did not submit a tree mitigation plan for the proposed tree removal. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit a tree mitigation plan prepared by a certified arborist, horticulturalist, forester or other environmental professional, clearly identifying all trees to be removed and proposing mitigation in accordance with one of the mitigation options within OCMC 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.130 - Regulated tree protection procedures during construction.
A. No permit for any grading or construction of public or private improvements may be released prior to verification by the community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the community development director.
B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:
1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.
2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the community development director.
3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.
4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.
5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the community development director.
7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.

8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.
9. The city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.
10. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.
C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.
Finding: Complies with Condition. The applicant has not submitted a plan identifying tree protection fencing during construction. Though there are no onsite trees in the vicinity of the proposed building, there is a row of trees located on the property to the east, near the property line next to the proposed building. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit a tree protection plan demonstrating compliance with regulated tree protection measures during construction in accordance with OCMC 17.41.130. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.60 - VARIANCES

17.60.020 *- Variances—Procedures.*
17.60.020.A. *A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.*
17.60.020.B*. A nonrefundable filing fee, as listed in Section 17.50.[0]80, shall accompany the application for a variance to defray the costs.*
Finding: Complies as Proposed. The applicant has requested a Variance in accordance with the procedures in this section. All application materials and fees have been submitted and the application was deemed complete on April 12, 2019.

17.60.020.C*. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in Section 17.60.030, Variances — Grounds.*
Finding: Complies as Proposed. The application was noticed in accordance with the noticing requirements in OCMC 17.50. The applicant's narrative addressed applicable Variance criteria in OCMC 17.60.030 and the application was deemed complete on April 12, 2019.

17.60.020.D*. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in Section 17.50.030B., and shall address the criteria identified in Section 17.60.030, Variance — Grounds.*
17.60.020.E*. For the purposes of this section, minor variances shall be defined as follows:*

1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;
2. Variances to width, depth and frontage requirements of up to twenty percent;
3. Variances to residential yard/setback requirements of up to twenty-five percent;
4. Variances to nonresidential yard/setback requirements of up to ten percent;
5. Variances to lot area requirements of up to five;
6. Variance to lot coverage requirements of up to twenty-five percent;
7. Variances to the minimum required parking stalls of up to five percent; and
8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.
Finding: Not Applicable. The applicant has requested a variance to site landscaping, which is not a minor variance as described within this section, therefore the application is being processed as a Type III Planning Commission Variance.

17.60.030 *- Variance—Grounds.*
A variance may be granted only in the event that all of the following conditions exist:
17.60.030.A*. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;*
Finding: Complies as Proposed. The subject site only abuts one property. The site will continue to comply with perimeter parking lot landscaping standards for landscaping where the parking lot abuts adjacent properties, therefore, the loss of onsite landscaping would not impact the adjacent property. Furthermore, notice was sent out to property owners within 300 feet of the subject site and no comments indicating that the nearby properties would be negatively impacted by this proposal were received.

17.60.030.B*. That the request is the minimum variance that would alleviate the hardship;*
Finding: Complies as Proposed. The applicant has requested a variance to site landscaping in order to accommodate a new manufacturing building. The removal of landscaping would result in less than 15% site landscaping. The only landscaping being removed is to accommodate the proposed building and the applicant has not proposed removal of any additional existing landscaping, therefore, the request is the minimum variance that would alleviate the hardship.

17.60.030.C*. Granting the variance will equal or exceed the purpose of the regulation to be modified.*
Finding: Complies as Proposed. Pursuant with OCMC 17.62.050.A.1.f, interior parking lot landscaping is not counted towards the 15% minimum site landscaping requirement, unless otherwise allowed by the underlying zoning district. In the General Commercial zone, interior parking lot landscaping is allowed to be counted towards the minimum site landscaping requirement, however, within the General Industrial zone, it is not. This results in approximately 9,500 square feet of existing and proposed landscaping within the General Industrial zone of the property which is not counted towards the 15% minimum requirement. If the interior parking lot landscaping within the General Industrial zone were allowed to be counted towards minimum site landscaping, the subject site would have approximately 15.2% site landscaping and would be in compliance with the minimum site landscaping requirement. The purpose of minimum site landscaping requirements is to provide shade, cooling, stormwater retention, and aesthetically pleasing developments. Though the interior parking lot landscaping is not allowed to be counted towards the minimum site landscaping, it still provides the same benefits of site landscaping. Because the site is at more than 15% landscaping when considering the interior parking lot landscaping and the landscaping not being counted provides the same benefits as site landscaping, granting the variance will equal or exceed the purpose of the regulation to be modified.

***17.60.030.D**. Any impacts resulting from the adjustment are mitigated;*
Finding: Complies as Proposed. In order to mitigate for the loss of landscaping, the applicant has proposed new landscaping to the east of the proposed building. Though part of the new landscaping is interior parking lot landscaping which does not count towards overall site landscaping within the General Industrial zone, it provides the same benefits as site landscaping. OCMC 17.52.060.D requires 10% of the surface area of parking lots used for parking and maneuvering to be landscaped, and the proposed development would result in more than 19% landscaping within the surface parking area to mitigate for the decrease in overall site landscaping. Additionally, the applicant has proposed to mitigate the loss of landscaping with Boston Ivy along the proposed building which would grow up the walls of the building. Though this landscaping is not counted towards any of the site or parking lot landscaping requirements, it provides many of the same benefits of site landscaping including cooling of the building and resulting in a more aesthetically pleasing development. Additional mitigation is proposed through the green energy techniques utilized for the proposed building, including solar panels, heat pumps and superior insulation, resulting in zero net energy consumption for the proposed building. These energy saving techniques help heat and cool the building efficiently providing some of the same benefits as site landscaping which helps with shading and cooling of buildings and sites and efficient use of energy.

***17.60.030.E**. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and*
Finding: Complies as Proposed. The applicant has considered alternatives such as a green roof, or removal of parking stalls to accommodate additional landscaping, however, a green roof would be costly and difficult to maintain and removal of existing parking stalls would result in additional interior parking lot landscaping which would not be counted towards the 15% minimum requirement. Furthermore, the site includes several tenants and all existing parking stalls have been leased out to the businesses within the development, therefore, the property owner is unable to remove any parking which is being leased out to the tenants in the development. No additional practical alternatives have been identified which would accomplish the same purpose and not require a variance.

***17.60.030.F**. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.*
Finding: The following goals and polices are applicable to the requested variance:

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.
Policy 2.1.1
Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.
Policy 2.1.2
Encourage vertical and horizontal mixing of different land use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.
Finding: Complies as Proposed. Granting the requested variance will result in an efficient use of limited industrial land. The portion of the property where the building is proposed is currently vacant and not being used, providing no benefit to the City, property owner, or the community. Redevelopment of this portion of the property will allow an underutilized property to be efficiently developed by utilizing existing utilities, parking and shared facilities, and create more business opportunities within the General Industrial District and Oregon City.

Goal 2.6: Industrial Land Development
Ensure an adequate supply of land for major industrial employers with family-wage jobs.
Policy 2.6.2
Ensure that land zoned or planned for industrial use is used for industrial purposes, and that exceptions are allowed only where some other use supports industrial development. New non-industrial uses should especially be restricted in already developed, active industrial sites.
Policy 2.6.4
Protect existing and planned undeveloped and underdeveloped industrial lands from incompatible land uses, and minimize deterrents to desired industrial development.
Finding: Complies as Proposed. Granting the variance will allow an underdeveloped industrial property to be used for an industrial building for a new industrial employer within the City creating family-wage jobs.

Goal 6.1: Air Quality
Promote the conservation, protection and improvement of the quality of the air in Oregon City.
Policy 6.1.1
Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.
Policy 6.1.4
Encourage the maintenance and improvement of the City's tree canopy to improve air quality.
Finding: Complies as Proposed. Granting the variance will allow another tenant at an underdeveloped property. Aggregating multiple businesses on a single site reduces the need for distance travel by vehicles and allows for visitors to the site to walk between the different tenants on the property. Though the variance is requesting removal of landscaping, the landscaping being removed is a lawn area. As conditioned within this report, the new landscaping will include a mix of vertical and horizontal landscaping elements and more trees than are currently onsite providing more quality landscaping than what is being removed and an overall improvement of the tree canopy onsite resulting in better air quality among other benefits provided by quality landscaping.

Goal 9.1: Improve Oregon City's Economic Health
Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.
Policy 9.1.1
Attract high quality commercial and industrial development that provides stable, high-paying jobs in safe and healthy work environments, that contributes to a broad and sufficient tax base, and that does not compromise the quality of the environment.
Finding: Complies as Proposed. Granting the requested variance will allow a new industrial business and employer to locate within the City, creating more jobs and contributing to Oregon City's economic health.

Goal 11.4: Stormwater Management
Seek the most efficient and economical means available for constructing, operating and maintaining the City's stormwater management system while protecting the environment and meeting regional, state and federal standards for protection and restoration of water resources and fish and wildlife habitat.
Policy 11.4.3
Ensure parking lot designs that mitigate stormwater impacts. Take measures to reduce waterflow and increase water absorption through the use of bioswales, vegetated landscape islands with curb cuts to allow water inflow and tree planting.

Finding: Complies as Proposed. Though granting the variance will result in less overall site landscaping, the overall parking lot landscaping will increase and the quality of landscaping will improve because the landscaping being removed is only lawn whereas the landscaping being added includes a mix of horizontal and vertical landscaping elements and diversity of plants resulting in overall more quality landscaping which better mitigates stormwater impacts.

Goal 14.2: Orderly Redevelopment of Existing City Areas
Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.
Policy 14.2.1
Maximize public investment in existing public facilities and services by encouraging redevelopment as appropriate.
Finding: Complies as Proposed. Granting the variance will allow an underdeveloped property to be redeveloped and efficiently utilized resulting in efficient redevelopment of existing city areas.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

17.50.030 Summary of the City's Decision-Making Processes.
Finding: Complies as Proposed. The proposed Site Plan and Design Review and Variance application is being reviewed pursuant with the Type III process. Notice was posted onsite, online, mailed to property owners within 300 feet of the proposed development and posted in the paper.

17.50.050 Preapplication Conference
A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.
B.A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.
Finding: Complies as Proposed. The applicant held a pre-application conference (PA 17-33) on July 11, 2017, and a second pre-application conference (PA 18-21) was held on May 29, 2018. The land use application was submitted within one year of the pre-application conference on March 14, 2019. The application was deemed complete on April 12, 2019.

17.50.055 Neighborhood Association Meeting
Finding: Complies as Proposed. The applicant attended the Gaffney Lane Neighborhood Association meeting on September 14, 2017.

17.50.060 Application Requirements.
Finding: Complies as Proposed. All application materials required are submitted with this narrative, and the application was deemed complete on April 12, 2019.

17.50.070 Completeness Review and 120-day Rule.
Finding: Complies as Proposed. The land use application was deemed complete on April 12, 2019. The City has until August 9, 2019 to make a final determination.

17.50.080 Complete Application--Required Information.
Finding: Complies as Proposed. This land use application was submitted on March 14, 2019, and the application was deemed complete on April 14, 2019.

17.50.090 Public Notices.
Finding: Complies as Proposed. Staff provided public notice within 300 feet of the site via mail, the site was posted with multiple land use notice signs, posted on the Oregon City website and in a general circulation newspaper. Staff provided email transmittal or the application and notice to affected agencies, the Natural Resource Committee and to all Neighborhood Associations requesting comment.

17.50.100 Notice Posting Requirements.
Finding: Complies as Proposed. The site was posted with a sign longer than the minimum requirement.

17.50.140 - Performance guarantees.
When conditions of permit approval require a permitee to construct certain improvements, the city may, in its discretion, allow the permitee to submit a performance guarantee in lieu of actual construction of the improvement. Performance guarantees shall be governed by this section.

A. Form of Guarantee. Performance guarantees shall be in a form approved by the city attorney approvable methods of performance guarantee include irrevocable standby letters of credit to the benefit of the city issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the city. The form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city shall be reviewed and approved by the city attorney. The guarantee shall be filed with the city engineer.

B. Timing of Guarantee. A permittee shall be required to provide a performance guarantee as follows.

1. After Final Approved Design by The City: A permitee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the remaining public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer.

2. Before Complete Design Approval And Established Engineered Cost Estimate: A permitee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the city engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. This scenario applies for a fee-in-lieu situation to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. In this case, the fee-in-lieu must be submitted as cash, certified check, or other negotiable instrument as approved to form by the city attorney.

C. Duration of the Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the city. Once the city has inspected and accepted the improvement, the city shall release the guarantee to the permittee. If the improvement is not completed to the city's satisfaction within the time limits specified in the permit approval, the city engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the city in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the city, any remaining funds shall be refunded to the permittee. The city shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the city, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the city may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.

Finding: Complies as Conditioned. The applicant shall provide a performance guarantee which is equal to 120% of the estimated cost to construct all public improvements shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.54.100 - FENCES

Finding: Not Applicable. The applicant indicated that no fences or walls are proposed with this development.

CHAPTER 17.58 LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS

17.58.015 Applicability.

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

Finding: Applicable. The site is considered non-conforming for a number of reasons including number of parking stalls and screening of outdoor storage. Therefore, Oregon City Municipal Code Chapter 17.58 is applicable to this development.

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

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

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

C. Expansion. An expansion of a lawful nonconforming structure may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.
1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it must be found that the criteria identified in Section 17.58.060have either been met, can be met by observance of conditions, or are not applicable.
2. An expansion of a nonconforming structure with alterations that exceed the threshold of subparagraph C.2.a. below shall comply with the development standards listed in subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.
a. Thresholds triggering compliance. The standards of subparagraph C.2.b. below shall be met when the value of the proposed exterior alterations or additions to the site, as determined by the community development director, is more then seventy-five thousand dollars. The following alterations and improvements shall not be included in the threshold calculation:
1. Proposed alterations to meet approved fire and life safety agreements;
2. Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
3. Alterations required to meet Seismic Design Requirements; and
4. Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.
b. Standards that shall be met. Developments not complying with the development standards listed below shall be brought into conformance.
1. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;
2. Minimum perimeter parking lot landscaping;
3. Minimum interior parking lot landscaping;
4. Minimum site landscaping requirements;
5. Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with Chapter 17.52—Off-Street Parking and Loading;
6. Screening; and
7. Paving of surface parking and exterior storage and display areas.
c. Area of required improvements.
1. Generally. Except as provided in C.2.c.2. below, required improvements shall be made for the entire site.
2. Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant shall meet the following:
i. The signed ground lease — or excerpts from the lease document satisfactory to the city attorney — shall be submitted to the community development director. The portions of the lease shall include the following:
•The term of the lease. In all cases, there must be at least one year remaining on the ground lease; and
•A legal description of the boundaries of the lease.
ii. The boundaries of the ground lease shall be shown on the site plan submitted with the application. The area of the lease shall include all existing and any proposed development that is required for, or is used exclusively by, those uses within the area of the lease; and
iii. Screening shall not be required along the boundaries of ground leases that are interior to the site.
d. Timing and cost of required improvements. The applicant may choose one of the two following options for making the required improvements:

1. Option 1. Required improvements may be made as part of the alteration that triggers the required improvements. The cost of the standards that shall be met, identified in subparagraph C.2.b. above, is limited to ten percent of the value of the proposed alterations. It is the responsibility of the applicant to document to the community development director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal. When all required improvements are not being made, the priority for the improvements shall be as listed in subparagraph C.2.b. above.

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

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

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

•A covenant, in a form approved by the city attorney, executed by the property owner that meets the requirements of 17.50.150. The covenant shall identify development on the site that does not meet the standards listed in Subparagraph C.2.b., and require the owner to bring that development fully into compliance with this title. The covenant shall also specify the date by which the owner will be in conformance. The date must be within the compliance periods set out in Table17.58 — 1.

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

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

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

Table 17.58—1

Compliance Periods for Option 2

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

Finding: Complies with Condition. The applicant has identified that the proposed development exceeds the $75,000 threshold per OCMC 17.58.040.C.2.a, therefore, proportional upgrades to non-conforming elements identified in 17.58.040.C.2.b are required. Though the applicant is required to comply with applicable requirements for the proposed development, this chapter provides an avenue for the

following items on the remainder of the site to be upgraded to comply with the standards of the Oregon City Municipal Code:

1. *Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;*
   As conditioned within this report, the pedestrian circulation system will comply with the Oregon City Municipal Code. No further improvements to the pedestrian circulation system are required as part of the proportional upgrades to non-conforming elements.
2. *Minimum perimeter parking lot landscaping;*
   Though the site includes perimeter parking lot landscaping in the required locations, some of the perimeter parking lot landscaping areas do not comply with landscaping requirements, such as ground cover, shrub and tree requirements. The applicant needs to demonstrate compliance or provide proportional upgrades to the minimum perimeter parking lot landscaping.
3. *Minimum interior parking lot landscaping;*
   The site is not in compliance with minimum interior parking lot landscaping, as in some places there are more than eight parking stalls without an interior landscaping planter between them. The applicant needs to demonstrate compliance or provide proportional upgrades to the minimum interior parking lot landscaping.
4. *Minimum site landscaping requirements;*
   The site is not in compliance with minimum site landscaping requirements, however, the applicant has requested a variance to these requirements as part of this development application. Since the applicant has requested a variance to these requirements, proportional upgrades to the minimum site landscaping requirements are not required.
5. *Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with Chapter 17.52. – Off-Street Parking and Loading*
   As conditioned within this report the bicycle parking will comply with the Oregon City Municipal Code. If existing bicycle parking racks are in need of replacement, the applicant can provide proportional upgrades by upgrading or replacing the existing bicycle parking racks.
6. *Screening; and*
   The site includes outdoor storage that is not screened as required by the Oregon City Municipal Code. The applicant should demonstrate compliance or provide proportional upgrades to the screening of outdoor storage at the subject site.
7. *Paving of surface parking and exterior storage and display areas*
   The subject site is in compliance with paving and surface requirements of parking and outdoor storage and display areas.

The site is non-conforming with regard to the minimum perimeter parking lot landscaping, minimum interior parking lot landscaping, and screening of outdoor storage. In order to comply with required non-conforming upgrades, the applicant may choose to utilize option 1 and make the required improvements as part of this development, up to 10% of the value of the proposed development. Alternatively, the applicant may choose to utilize option 2 and make all required non-conforming upgrades based on the compliance period identified in OCMC Table 17.58-1. Prior to issuance of a permit associated with the proposed development, the applicant shall submit documentation demonstrating compliance with required proportional upgrades to non-conforming elements utilizing option 1 or 2 in accordance with OCMC 17.58.040.C.2.d. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff recommends that the proposed Site Plan and Design Review and Variance application for a site located at 13986 Fir Street/19224 Molalla Avenue, Oregon City, identified as Clackamas County Map 3-2E-09B, Tax Lots 1500 and 1502, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends the

Planning Commission approve files GLUA-19-00006/SP-19-00125/VAR-19-00001 with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Vicinity Map
2. Applicant's Narrative and Plans (On File)
3. Public Comments
4. Traffic Analysis Letter
5. Letter from John Replinger
6. Site Landscaping Diagram