Community Development – Planning

698 Warner Parrott Road | Oregon City OR 97045
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TYPE III
STAFF REPORT AND NOTICE OF DECISION
June 25, 2019

FILE NUMBER: GLUA-19-00011 (General Land Use Application), CI-19-00001 (Code Interpretation), CU-19-00001 (Conditional Use) SP-19-00037 (Site Plan and Design Review), VAR-19-00002 and VAR-19-00003 (Variances)

HEARING DATE: June 24, 2019 7:00 p.m.
City Hall 625 Center Street
Oregon, City, Oregon 97045

Submitted: March 29, 2019
Complete: April 25, 2019
120 Day Deadline: August 23, 2019
NOD: June 25, 2019

APPLICANT/OWNER: City of Oregon City
PO Box 3040
Oregon City, OR 97045

REQUEST: The applicant requests a Code Interpretation and Conditional Use to construct a new 33,000 square foot one story building to house the Police Station and Municipal Court/Commission Chambers, along with associated parking lots and a public plaza. The application includes Site Plan and Design Review and two Variance requests for building placement and building design. Approval of the demolition of the existing Mt. Pleasant school building has been granted through a separate review.

LOCATION: 1232 Linn Ave and 698 Warner Parrott Rd., Oregon City, Oregon 97045
Clackamas County Map 3-2E-06DB Taxlots 00100, 02000, and 02003

DECISION: On June 24, 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 decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. 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, all issues are addressed. The decision is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

Final Conditions of Approval
Planning File GLUA-19-00011

(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.

Planning Division Conditions of approval (the applicant must demonstrate that conditions are met prior to issuance of a building permit, unless otherwise indicated).

1. The Oregon City School District has requested to retain the school zone on Linn Avenue to serve Gardiner Middle School, which is approximately three blocks to the east of Linn Avenue. The City Engineer has determined that the school zone can remain as a "When Children are Present" or "When flashing" rather than from 7AM to 5PM, as it currently exists. The applicant shall modify the school zone signage on Linn Avenue accordingly. The applicant shall remove school zone signage on Warner Parrott Road. The applicant shall remove the mid-block crossing on Linn Avenue between Williams Street and Hood Street, and shall retain the crosswalk at Williams Street. These changes must be made prior to issuance of a final certificate of occupancy for the building.
2. The applicant shall preserve existing trees to the maximum extent practicable and shall meet the full tree mitigation requirements in Chapter 17.41.
3. The applicant shall increase the window transparency on the front façade as much as possible by adjusting the conference room windows to the pedestrian level and reducing the length of the metal wall panels in between windows, in order to minimize the required variance.
4. The applicant shall add a form of architectural interest to all sections of blank wall that are longer than 30 feet.
5. The applicant shall provide additional hard surface space to meet Trimet's needs for a bench and shall coordinate with Trimet to implement the bus stop relocation.
6. The applicant shall meet all standards for wall mounted mechanical equipment on all facades of the building.
7. The applicant shall add two ramps and striping as needed to connect the walkway on the north side of the building with the parking lot; one shall be at the west end of the walkway, and the other shall be in the central area near the mud room entry or other entry that will be heavily used by staff.
8. The applicant did not indicate if reflective, glazed, mirrored or tinted glass is proposed. Reflective, glazed, mirrored or tinted glass shall be limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.
9. The applicant shall provide a revised photometric plan demonstrating compliance with Table 1-17.62.065 for building entrances and pedestrian accessways/walkways.
10. The applicant shall submit a final determination of the fleet parking needs with details regarding how the final outcome was reached. If the proposed number of parking spaces exceeds the maximum (167 plus fleet parking needs), the applicant shall reduce the number of on-site parking spaces to fall within the minimum and maximum. Any area that is removed from parking lots in conjunction with this provision shall be used for landscaping, pedestrian circulation, stormwater facilities, bicycle parking, or public amenities.

11. The applicant may elect to reduce the parking provided down to the minimum permitted spaces, as calculated with the accurate number of proposed fleet spaces, as a part of any design changes that are made in the next stages of permitting and construction, with no additional land use review required. Any area that is removed from parking lots in conjunction with this provision shall be used for landscaping, pedestrian circulation, stormwater facilities, bicycle parking, or public amenities.
12. The applicant shall provide carpool/vanpool spaces as five percent of the total off-street parking spaces, not including fleet spaces. The carpool spaces shall be distributed between the two parking lots.
13. The secure parking lot has paved space in the SW corner of the parking lot that appear to be not needed for circulation. The applicant shall add landscaping in these areas or demonstrate that the area is, in fact, needed for circulation or maneuvering.
14. The applicant shall ensure that the gate for the Linn Avenue parking lot entry be placed such that vehicles entering or exiting the secured parking area will not block the sidewalk along Linn Avenue while the gate is being operated.
15. Staff finds that there is no guarantee that the trees on the adjacent property to the north will remain, therefore the applicant must plant perimeter parking lot trees per OCMC 17.52.060; one tree is required every 35 feet.
16. The applicant shall revise the buffer landscaping between the building and the north parking lot to provide the required number of trees (9) or provide equivalent quantity of trees elsewhere in the north parking lot area. The applicant may get credit for two additional trees in the interior parking lot landscaping area if those trees are not counted as mitigation trees or used to meet any other standards.
17. The applicant did not include detail regarding the exact shrub and ground cover spacing and species for each landscaped area. Prior to issuance of permits, the applicant shall provide a planting plan prepared by a landscape architect with sufficient detail to demonstrate compliance with groundcover and shrub spacing in OCMC 17.52.060.
18. The applicant may have the option of adding another driveway on Linn Avenue, just south of the proposed plaza, in the existing school parking area. This driveway would be a right turn in only, or a right turn out only, and if it is added, the applicant shall follow the recommendations of the City's transportation consultant in Exhibit 6. Approval of an additional right turn in only or right turn out driveway on Linn Avenue shall require traffic and safety analysis in accordance with the City's Guidelines for Traffic Analysis Letters by the applicant's traffic engineer and final approval by the City Engineer.
19. The applicant may adjust the location of the new driveway proposed on Warner Parrott Road to the east approximately 15 to 20 feet in order to preserve existing trees. Approval of any modifications to the location of the new driveway proposed on Warner Parrot shall require traffic and safety analysis in accordance with the City's Guidelines for Traffic Analysis Letters by the applicant's traffic engineer and final approval by the City Engineer. (DS)
20. The applicant shall be required to dedicate the existing easement area on the gravel driveway as right of way, and shall construct a street to local street standards upon any further development on site over 1000 square feet in size.
    The easement area is currently 30 feet wide. The right of way dedication and street improvement may require an increased width to meet local street standards. The Community Development Director and City Engineer shall determine the final right of way dedication and improvement requirements at the time of further development over 1000 square feet on site.
21. The proposed east-west walkway shall be extended all the way through the property to Marshall Street upon any further development on site over 1000 square feet in size. The walkway shall be at least 8 foot in width with a paved surface and landscaping in accordance with OCMC 12.04.199.
22. The applicant shall submit a shadow plat showing future connections to Marshall Street from

Warner Parrott Road and from the east-west walkway, along with any other potential street connections to the north of the property.

23. The applicant shall revise the lighting plan to ensure both walkways that are serving as pedestrian and bicycle accessways are illuminated in accordance with this section.
24. The applicant has not proposed bollards to block motorized vehicle access from the accessways. If bollards are required by the City Engineer, Community Development Director, or City's traffic consultant to be installed, the applicant shall install bollards to restrict motorized use of the proposed public east-west walkway and north-south walkway.
25. The applicant shall provide a 24-hour public access easement for both of the proposed accessways/walkways. This condition must be met prior to issuance of a final certificate of occupancy for the building.
26. Prior to issuance of a permit associated with the proposed development the applicant shall submit a final plan for street trees in compliance with OCMC 12.08. If the current proposal does not change, the applicant shall pay fee in lieu for 18 street trees prior to issuance of a final certificate of occupancy.
27. The applicant shall submit a revised tree mitigation plan prepared by a certified arborist, horticulturalist, forester or other environmental professional. The proposed mitigation of 43 trees does not provide the required mitigation based on the proposed tree removal; 90 trees are required if the proposed removal plan remains. The applicant shall provide a revised tree removal and mitigation plan that meets this standard. The applicant may utilize fee in lieu of planting if desired.
28. The applicant shall make the following nonconforming upgrades:
    - Add a pedestrian connection from the Community Development building to Warner Parrott Road
    - Add shrubs and ground cover to landscape areas within the existing parking lot.

    The applicant may utilize Option 1 or Option 2 for nonconforming upgrades; the size of the site will allow for up to four years for compliance according to Table 17.58-1.

<u>The applicant shall include the following information with submittal of a public improvement and/or grading permit associated with the proposed application. The information shall be approved prior to issuance.</u>

29. The development shall comply with the current version of the Oregon City Stormwater and Grading Design Standards. (DS)
30. The applicant shall provide construction plans, stamped and signed by a professional engineer licensed in the State of Oregon, containing street, grading, stormwater, sanitary sewer and water infrastructure improvements that conforms to all current Oregon City Public Works standards, specifications, codes, and policies for review and approval by the City. (DS)
31. The applicant shall design flow control facilities so that the duration of peak flow rates from post-development conditions shall be less than or equal to the duration of peak flow rates from pre-development conditions for all peak flows between 42 percent of the 2-year peak flow rate up to the 10-year peak flow rate, in accordance with Chapter 4 of the Oregon City Stormwater and Grading Design Standards. (DS)
32. Due to the inadequate downstream conveyance system, the applicant shall provide additional onsite stormwater flow control measures to reduce contributions to the downstream system or correct downstream drainage conditions so that the proposed stormwater rates do not have to be restricted further, in accordance with Chapter 5 of the Oregon City Stormwater and Grading Design Standards. (DS)

33. The applicant shall dedicate approximately 12 feet of right-of-way along Linn Avenue to the back of the proposed sidewalk. Right-of-way dedication shall be along the entire project frontage along Linn Avenue. (DS)
34. The applicant shall provide engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9.4 of the Public Works Stormwater and Grading Design Standards. (DS)
35. The applicant shall provide street lighting along Linn Avenue and Warner Parrot Road 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. (DS)
36. Unless otherwise approved by the City Engineer, all driveways shall meet minimum driveway spacing standards. (DS)
37. All driveways, proposed and existing, shall be made ADA compliant. (DS)
38. Fire truck turn-around must meet the requirements of and be approved by Clackamas County Fire District No. 1. (DS)
39. The development is required to provide a 10-foot-wide Public Utility Easement (PUE) along all property line frontages. (DS)
40. A 10-inch sanitary sewer exists within Linn Avenue. Connection shall be made to the sanitary sewer in Linn Avenue to remain within the 9th Street Sewer Basin. (DS)
41. If the applicant intends to use an existing sanitary sewer service line, it shall be at least 6-inch in diameter and the applicant shall provide a video inspection report to the City who will determine if the lateral is in usable condition. Otherwise, the development shall install a new 6-inch service lateral. (DS)
42. A 12-inch cast iron water main exists within Linn Avenue. Connection shall be made to the water main in Linn Avenue. An adequately sized water service and meter assembly shall be installed to serve the proposed development. The new service shall use a saddle to connect to the cast iron water main. (DS)

<u>The applicant shall include the following information with submittal of a Building permit associated with the proposed application. The information shall be approved prior to issuance.</u>

<u>Prior to Construction</u>

43. 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)
44. The applicant shall obtain an Erosion Control permit prior to commencement of any earth disturbing activities. (DS)
45. The applicant shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) prior to release of any permit from the City and prior to beginning construction work associated with the project. (DS)
46. 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)
47. The applicant shall submit a performance guarantee which is equal to one hundred twenty percent of the estimated cost of constructing the 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)

48. 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 warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. (DS)
49. The property owner shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property. The applicant shall pay all fees associated with processing and recording the Non-Remonstrance Agreement. (DS)

<u>During construction</u>

50. The workmanship and materials for any work performed under permits issued by Oregon City Public Works 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. (DS)
51. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. (DS)
52. Sidewalk and curb on Linn Avenue and Warner Parrott Road that is missing or in poor condition shall be added/replaced by the applicant. The sidewalk along Warner Parrot Road shall be extended to the western edge of the property line in accordance with Transportation System Plan Project W56 for sidewalk infill along the north side of Warner Parrot Road. The new sidewalk shall be 5.5 foot wide to match existing, with a 5-foot planter area behind the sidewalk. Right of way dedication is required to back of the planter area. Any sidewalk and curb damaged by construction activities will also require replacement by the applicant. (DS)
53. All pavement cuts and restoration shall be performed in accordance with the City of Oregon City Pavement Cut Standards. Pavement cuts and restoration for Linn Avenue and Warner Parrot Road shall be to Full Standard in accordance with the City of Oregon City Pavement Cut Standards. (DS)

<u>The applicant shall include the following information prior to issuance of an occupancy permit associated with the proposed application. The information shall be approved prior to issuance.</u>

54. Overhead utilities along all property frontages, existing and new, shall be placed underground or fee-in-lieu paid. All existing overhead utility lines in vacated Warner Parrot Drive on City property shall be placed underground, except for the PGE high transmission line. The applicant shall make all necessary arrangements with utility companies and other affected parties for the installation of underground lines and facilities including but not limited to electric, communication, telephone, fiberoptic, street lighting and cable television. (DS)
55. The right-of-way necessary for the roundabout will be required to be dedicated at the time of the construction of the roundabout at the intersection of Linn Avenue, Central Point Road, Warner Milne Road, Warner Parrot Road, and Leland Road. No fee-in-lieu will be charged at this time for future improvements; however, the future right-of-way dedication for the roundabout shall be provided without charge. A covenant establishing this agreement will be required as part of this project. (DS)
56. The applicant shall execute a Maintenance Covenant and Access Easement for any private stormwater facilities to be constructed within the development. The Maintenance Covenant and Access Easement shall include an operation and maintenance plan for said stormwater facilities. The Maintenance Covenant and Access Easement shall be recorded by the City as required by the

Public Works Stormwater and Grading Design Standards. The applicant shall pay all fees associated with processing and recording the Maintenance Covenant and Access Easement. (DS)

57. As-Built drawings prepared by a licensed professional engineer or surveyor are required within 90 days of completing the public improvements. (DS)

I. BACKGROUND:

1. Existing Conditions

The site is the home of the former Mt. Pleasant Elementary School which was closed in 2013 due to reduced enrollment. The School District sold the 8.3 acres site to the City in 2015. Marylhurst private school has been operating in the existing 42,000 square foot building and moved out in mid-June 2019 after the last day of school. The Community Development Department operates out of a 6,850 square foot building on the south side of the site with the address of 698 Warner Parrott Road. The building is one story and was built as an annex for the school. The existing parking lot contains 17 spaces south of the Community Development building, used for staff parking, and 17 spaces north of the building. The renovation of the Community Development building was done in conjunction with a zone change (ZC 17-04). Through this zone change, the site was given a trip cap; this means that any new uses are limited by the previous vehicle trip generation associated with the school.

The site is bordered by minor arterial roads Linn Avenue and Warner Parrott Road. There is a traffic signal at this intersection, and future city plans include a roundabout to replace the signal; however, the project has not been scheduled or designed at this time. Linn Avenue includes about 15 on-street parking spaces and a Trimet stop just north of the existing Community Development building. There is no existing on-street parking on Warner Parrott Road. An unimproved street in the neighboring residential neighborhood, Marshall Street, dead ends into the west property line. A gravel driveway on the west edge of the site connects Warner Parrott Road to the unimproved street. On the north edge of the site, a pedestrian walkway runs between a single family property and the apartment complex, connecting Donald Street to the subject property. This pathway is gated and locked; it presumably served the Mt. Pleasant School in the past.

The school building is located on the northeast side of the parcel, with the existing Oregon City Community Development Department building on the southeast corner of the site. The current site has three driveways; one exit only driveway on Linn avenue, and two one-way driveways on Warner Parrott. On the west side of the site is an outdoor play area and an athletic field.

The site is made up of three taxlots and is currently zoned Institutional. There are no environmental overlays on the site. The site is flat and contains several mature trees, mostly south of the existing school building. To the north is an apartment complex in the R-2 Multifamily zoning district, along with single family homes north and west of the site in the R-6 Single Family zoning district. Across the street on Linn Avenue is a church and single family homes in the R-6 single family zoning district. Across Warner Parrott Road is a small commercial building with a deli and a Plaid Pantry convenience store in the Mixed Use Corridor zoning district, and an apartment complex in the R-3.5 Dwelling zoning district.

The school building was built in 1929 and has been deemed potentially eligible for the National Register of Historic Place. The building is not locally designated as a historic landmark and is not listed on the National Register. The applicant is responsible for meeting the requirements of Oregon Revised Statute 358.256 regarding the demolition of the structure. The state statute uses a separate process from local land use review.

Figure 1. Vicinity Map

Figure 2: Existing Conditions – Aerial Image

Transportation System Plan

The Transportation System Plan includes several projects within the site vicinity. These are addressed in the traffic analysis and Chapter 12.04. Conditions of approval have been added where required.

Project Number	Project Name	Funding	Priority
D94	Replace Linn/Leland Warner Parrott/Warner Milne & Warner Parrott/Central Point intersections with roundabout	Likely	Medium Term
D34	Central Point/Warner Parrott Road Operational Enhancement	Not likely	Long Term Phase 4
W56	Sidewalk infill on Warner Parrott Road	Likely	Short Term
W78	Linn Avenue Sidewalk	Likely	Medium Term

2. Project Description

The applicant submitted the following project description:

"The City of Oregon City will be building the Robert Libke Public Safety Building ("Public Safety Building") at site of the former Mt. Pleasant School property 1232 Linn Avenue, Oregon City (Figure 1). The new building will include a modern police headquarters, municipal courtrooms and meeting space, public plaza, and improvements to the open greenspace on the property. The building will serve as a cornerstone of public safety within the community. The Oregon City Police Department

(OCPD) is currently housed in a facility (located at 20 Warner Milne Rd) that is too small and is functionally deficient. The current building is overcrowded and cannot securely and safely meet the needs of the growing community. The current building was built in the 1960s and was never intended to be a permanent space for the police department. It was purchased by the City in the 1980s as a temporary space for City Hall, the police department and municipal court. It does not meet safety requirements for either the public or employees. Due to the building's design, there is not enough separation between those individuals who are visiting for routine business, and those who have committed or have been charged with crimes.

Severe space limitations at the current building have forced the City to house essential services in three double-wide trailers on the back of the property. These trailers accommodate the detective division and patrol sergeants. The storage for evidence in criminal investigations is also a major concern. Because of limited space, the Department must use the basement for storage, which is prone to flooding and creates a risk of mold and other damage to critical evidence.

In addition, state law calls for police and certain emergency buildings to meet new seismic requirements by the year 2022. A functioning police department will play a key role in keeping the community safe following an earthquake or other natural disaster. After an architectural analysis, it was determined that the current school building cannot be safely or efficiently converted into an emergency facility.

Previous approvals for the site were related to the school use of the property and include the following:

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

Following land use review, construction of the new Public Safety Building will begin in the summer of 2019. Project completion is expected by the fall of 2020."

The applicant proposes a code interpretation to consider the use a conditional use in the zone, along with a conditional use review, site plan and design review, and two variances; one for building frontage requirements, and one for architectural design standards. The applicant has already obtained approval for building demolition and tree removal through a Type I site plan review (SP 19-58).

The proposed 33,000 square foot one-story building would be located on the northeast side of the site. The applicant proposes two new parking lots, one 90-space lot secure lot for fleet vehicles and employee parking, and one 72-space parking lot accessible for visitors.

The new building is oriented east-west with a front entry on the southeast corner. South of the building along Linn Avenue the applicant proposes a public plaza of approximately 4,000 square feet and a public lawn of approximately 11,000 square feet. Within the plaza and lawn is public seating, an interpretive display, flag poles, and landscaping. The outdoor play area is proposed to be removed and a large portion of the athletic field on the west side of the site will remain as open space.

One of the two driveways along Warner Parrott Road is proposed to be relocated west to provide direct access to the Public Safety Building's parking areas, the other two existing driveways are

proposed remain, with the one on Warner Parrott Road reconfigured for full-movement. Another driveway is proposed on Linn Avenue north of the proposed building to provide secure access only to employee and fleet vehicles through a secured gate.

Figure 3: Proposed Site Plan

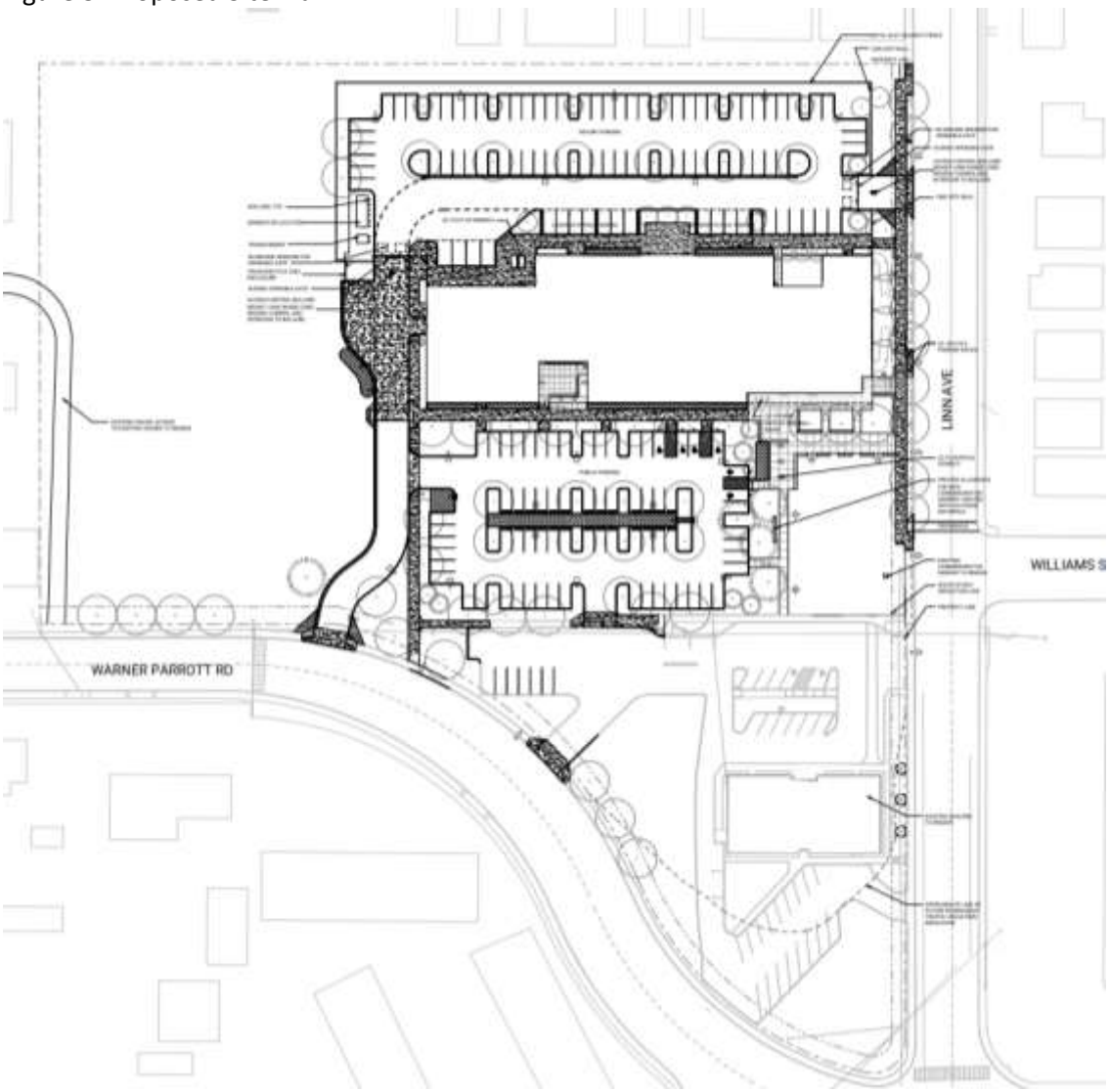
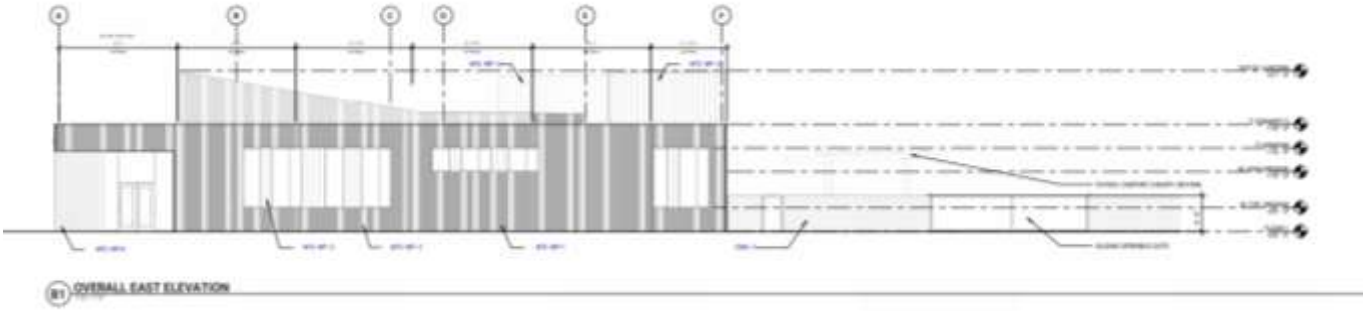
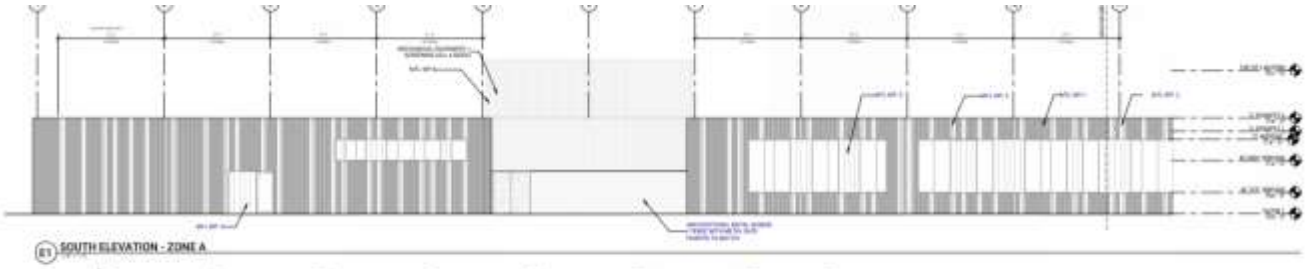


Figure 4: Proposed Building Elevations

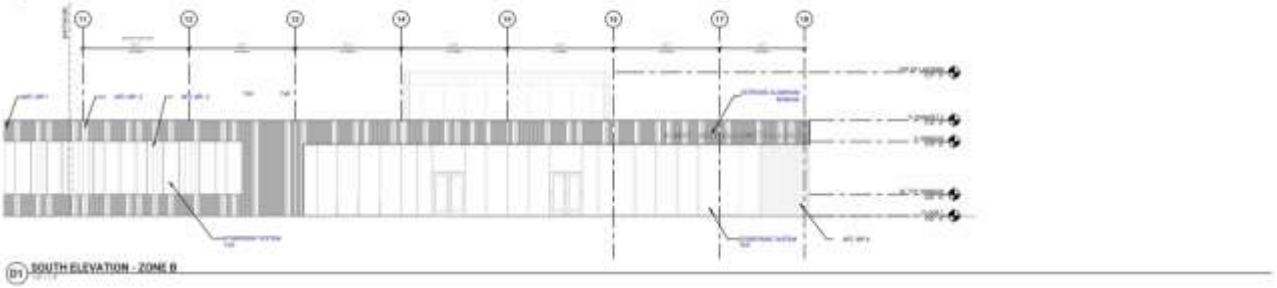
East Elevation (front)



South Elevation (side)

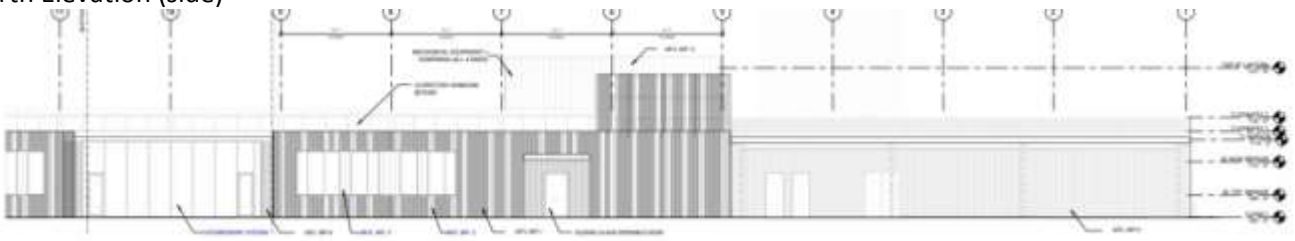


E1 SOUTH ELEVATION - ZONE A

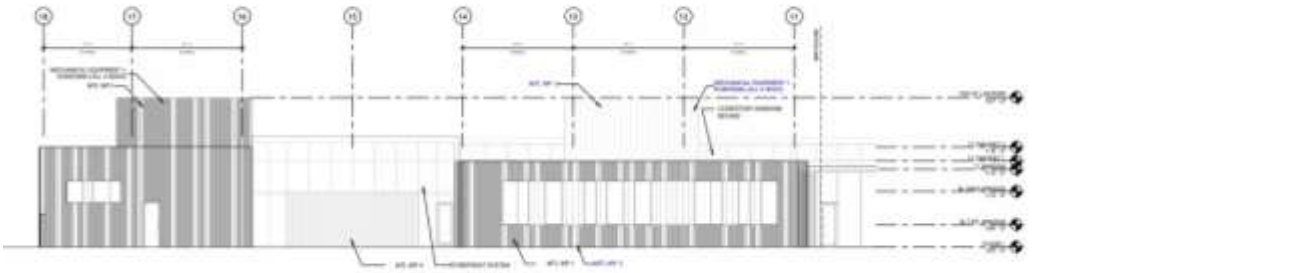


D1 SOUTH ELEVATION - ZONE B

North Elevation (side)



E1 NORTH ELEVATION - ZONE A



D1 NORTH ELEVATION - ZONE B

West Elevation (rear)

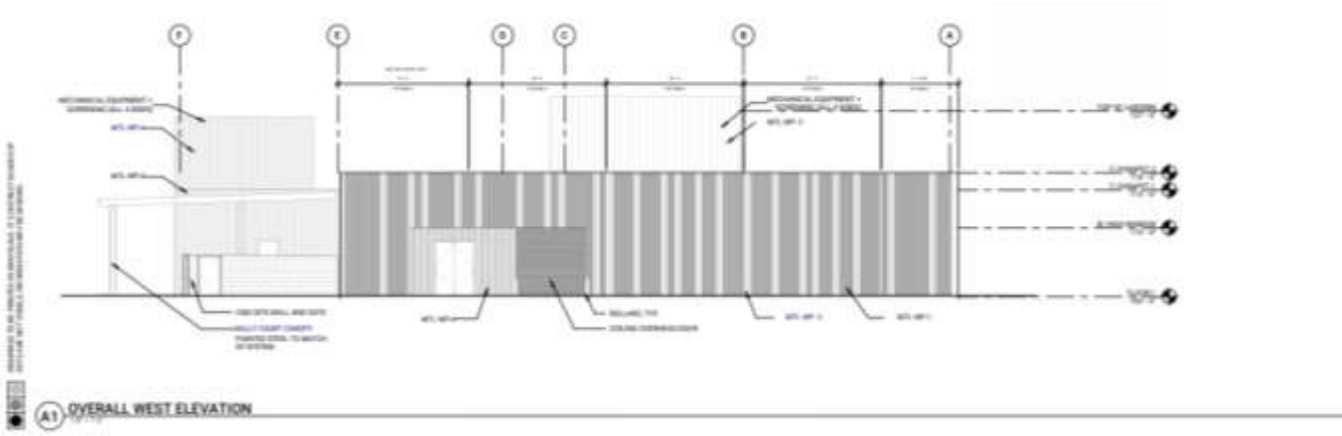


Figure 5: Proposed Landscaping Plan

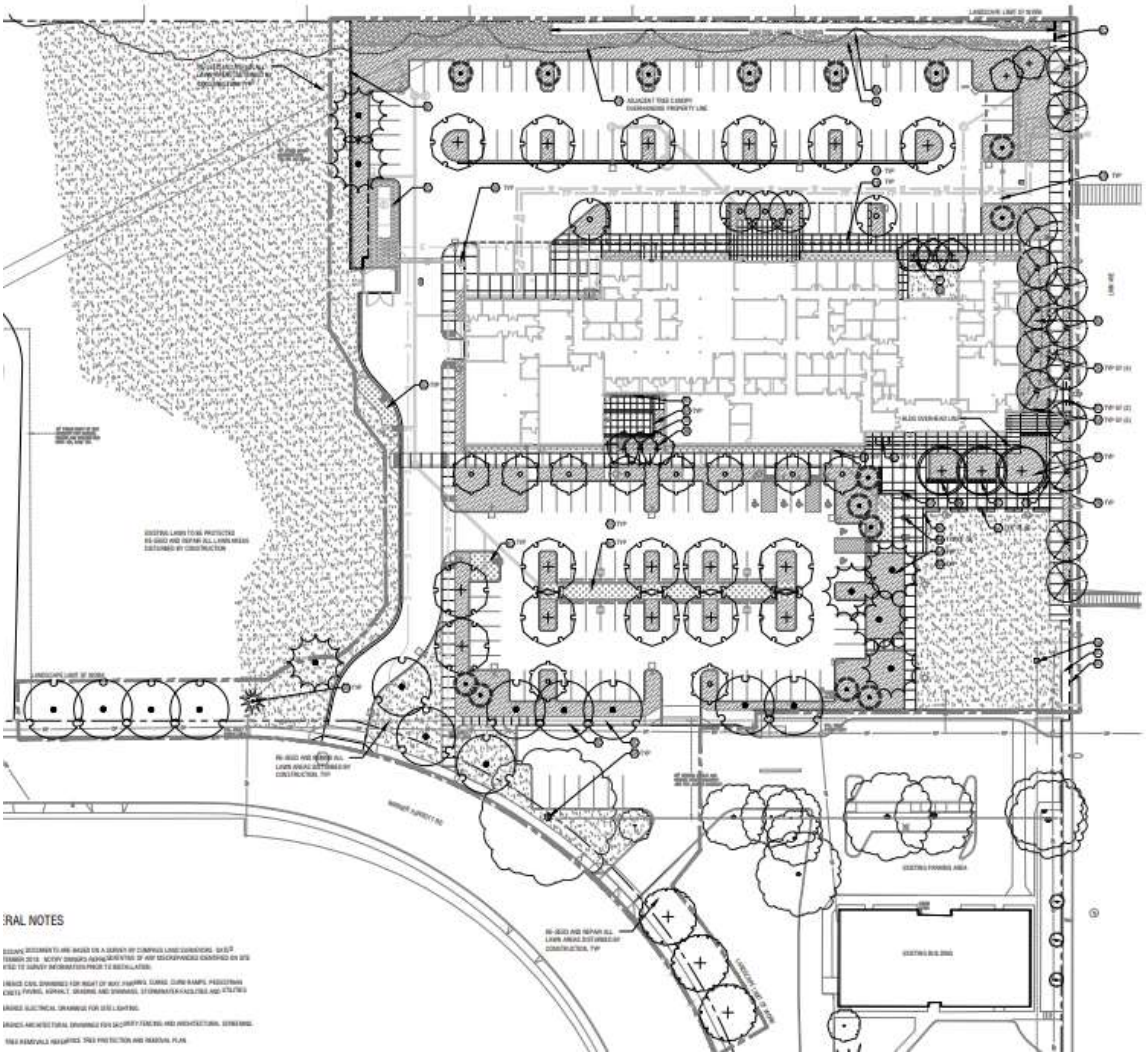


Figure 6: Rendering

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
   17.31 – Institutional District
   17.41 – Tree Protection
   17.47 - Erosion and Sediment Control
   17.50 - Administration and Procedures
   17.52 - Off Street Parking and Loading
   17.54.100 – Fences
   17.56 - Conditional Uses
   17.58 - Nonconforming Uses, Structures, and Lots
   17.62 - Site Plan and Design Review

   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):

Brenda Horyn submitted an email which said:

"I would like to know what kind if activity will be handled at the new facility. The new station will be within the one mile radius of Gardiner Middle School. As you may or may not know, children within a 1 mile radius are required to walk to school.
There are two Trimet bus stops near the entrance and exit of the school grounds which have caused problems for the students in the past. If the new building will be used to deal directly with criminals rather then just traffic citations, I'd like to hear that something will be done to protect the students coming to and from the Middle School. Children will be coming down Warner Parrot Rd., Central Point Rd., LeLand Rd., AV Davis Rd., and of course Linn Ave. All these students will either be walking directly in front of the proposed site or the public transportation stops to and from the site."

Staff response: While the comment does not speak directly to any approval criteria, it does relate to whether the proposed use is suitable for the site and its impact on the surrounding area, which is a criterion for conditional uses. The applicant is required to coordinate with Trimet on relocating the existing Linn Avenue bus stop on the west side of the road as a condition of approval for this staff report. This new location will be closer to the police station entrance, which will increase "eyes on the street," or informal surveillance of the area. In addition, the applicant is providing an 8 foot sidewalk along Linn Avenue with a 5 foot planter strip, which will better serve the children walking to school than the existing 6 foot curb tight sidewalk. The applicant also stated that the police station does not include holding cells.

The City of Oregon City Parks Department returned the land use transmittal indicating the proposal does not conflict with their interests.

The Oregon City School District returned the land use transmittal indicating the proposal does not conflict with their interests. In addition, Wes Rogers of the school district submitted a comment reading the Linn Avenue school zone as it related to Gardiner Middle School. Wes requested that the 20MPH school zone remain in place and that any new crossings or sidewalk upgrades be coordinated with the planned Gardiner Middle School construction.

Michelle Wyffels of Trimet submitted a comment indicating Trimet's desire to relocate the existing Line 33 stop further north along the property frontage, closer to the crosswalk and the building entrance.

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.

I. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:

CHAPTER 17.39 Institutional Zone

17.39.020 - Permitted uses.
Permitted uses in the institutional district are:

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

Finding: Complies as Proposed. The applicant has proposed a police station and municipal court building that will also host City Boards and Commissions meetings. The court and court offices are a permitted use in the Institutional zone. The applicant also proposed a public plaza which is considered a park and is permitted. The police station use is subject to a requested code interpretation to consider it a conditional use in the zone. See findings in 17.39.040.

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

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

Finding: Not applicable. No accessory uses are proposed.

17.39.040 - Conditional uses.
Uses requiring conditional use permit are:

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

Finding: Complies as Proposed. The applicant has proposed a police station and municipal court, and has requested a code interpretation to consider a police station as a similar use to a fire station, which is listed as a conditional use in the Institutional zone. The applicant submitted the following narrative in support of this request:

"Police and fire services are both government facilities that respond to emergency calls as well as providing public safety services on a daily basis. In the case of Oregon City, police services are provided directly by the City. Fire and rescue services are provided by Clackamas Fire District #1 – a public service district. Operationally, there are many similarities between police and fire stations. These similarities include:

- *Time sensitive (emergency) response requirements*
- *24-hour operation*
- *The need to park emergency vehicles and equipment in secured areas*
- *Employee shift changes over the 24-hour period*
- *Administrative office space and secured building space*
- *Controlled public access*

Developing both uses requires similar design considerations to establish a fully operational facility and to minimize potential impacts of the facility and use on neighboring properties. Operationally, both facilities need unrestricted, direct access to the street system, sufficient parking to cover employee parking for shift changes and visitors, secure parking for emergency vehicles and equipment, and secure building space for employees and communication systems. From a potential impacts' perspective, both uses need to be sensitive to noise and lighting impacts on neighboring properties as well as traffic impacts associated with the use.

In addition to the similarities in design considerations and operations, the Oregon City Municipal Code treats police and fire departments as similar uses. All residential districts (both multifamily and single family), Mixed-Use Corridor Districts, General Commercial, and Historic Commercial Districts include "Emergency service facilities (police and fire), excluding correctional facilities" as a permitted conditional use. In addition, Neighborhood Commercial, Willamette Falls Downtown District, and Mixed-Use Downtown District list "emergency and ambulance services" as permitted conditional uses. Mixed Use Employment Districts and General Industrial Districts permit "Emergency service facilities (police and fire), excluding correctional facilities" outright.

Based on these findings, it is appropriate to accept the Code Interpretation that considers a police station as a similar use to a fire station. Because Chapter 17.39 Institutional Zone specifically calls out Oregon City a fire station as a Conditional Use in the zone, it is appropriate to consider a police station and court facility as a similar use from both an operational and potential impact perspective. Therefore, the new one-story, 33,890 sf Public Safety Building and associated site improvements should be reviewed as a Conditional Use in accordance with the provisions and review standards in Chapter 17.39.040 – Conditional uses."

Staff concurs with the applicant and finds that a police station can be considered similar to a fire station and can be reviewed as a conditional use in the institutional zone.

17.39.045 - Prohibited uses.
Prohibited uses in the I district are:

A. *Any use not expressly listed in Section 17.39.020, 17.39.030 or 17.39.040;*
B. *Marijuana businesses.*

Finding: Complies as Proposed. The applicant has proposed a police station and has requested a code interpretation to consider it a conditional use. If the code interpretation is approved, then no prohibited uses are proposed.

17.39.050 - Dimensional standards.
Dimensional standards in the I district are:

A. *Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.*

Finding: Complies as Proposed. The highest point of the proposed building will be twenty-seven (27) feet.

B. *Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.*

Finding: Complies as Proposed. The main entrance of the new building will be facing Linn Avenue to the east. The proposed setback of the building will be approximately 18 feet from the property line after right of way dedication. The applicant has proposed a setback greater than five feet for security purposes - a "stand-off distance" to protect the building users from potential vehicular intrusion. The applicant also states that the setback also allows the building to have an open "forecourt" to the main entry to give the building an entry sequence suited for its purpose. Section 17.62.055 (Institutional and Commercial Building

Standards), allows a greater setback with the provision of additional pedestrian amenities for each additional five feet of setback. Since the setback will be about twenty feet in excess of the maximum of five feet, the applicant has proposed four additional features in the setback area. See findings in 17.6.055.

17.39.060 - Relationship to master plan.

A. A master plan is required for any development within the I district on a site over ten acres in size that:

1. Is for a new development on a vacant property;

2. Is for the redevelopment of a property previously used an a non-institutional use; or

3. Increases the floor area of the existing development by ten thousand square feet over existing conditions

B. Master plan dimensional standards that are less restrictive than those of the Institutional district require adjustments. Adjustments will address the criteria of Section 17.65.70 and will be processed concurrently with the master plan application.

C. Modifications to other development standards in the code may be made as part of the phased master plan adjustment process. All modifications must be in accordance with the requirements of the master plan adjustment process identified in Section 17.65.070.

Finding: Not applicable. The proposed development is under ten acres in size (about 363,604 sf, or 8.3 acres); therefore, no master plan is required.

17.56 Conditional Uses

17.56.010 - Permit—Authorization—Standards—Conditions.

A conditional use listed in this title may be permitted, enlarged or altered upon authorization of the planning commission in accordance with the standards and procedures of this title. A conditional use permit listed in this section may be permitted, enlarged or altered upon authorization of the planning commission in accordance with the standards and procedures of this section. Any expansion to, alteration of, or accessory use to a conditional use shall require planning commission approval of a modification to the original conditional use permit.

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

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

Finding: The applicant has proposed a police station and has requested a code interpretation to consider it a conditional use. See findings in 17.39.040.

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

Finding: Complies with Condition. The site is approximate 8.3 acres and already hosts a civic use. It contains an existing school building, which is proposed to be demolished, and an office building that houses the City's Community Development Department.

The site is centrally located within the City and has easy access to arterial roads on the city's transportation system. It is located near a major intersection in the City which connects the site well to many portions of the City. The zoning of the site is Institutional and it has been home to a school for many decades. The site is flat, is not within any environmental overlay zones, and has ample room for other City amenities and services if any other City facilities are proposed to be added to the site in the future.
The proposed building will be similar in size, shape and location on the site to the existing school which will be removed from the property. The school to be removed is about 42,120 sf in size, and the proposed building will be 33,890 sf in size, about twenty percent smaller than the original building. The site includes the necessary public infrastructure improvements and services to accommodate the proposed building. The site is not currently connected to the city stormwater system. The nearest pipe to connect to is

undersized. The applicant proposes to provide additional detention for the stormwater produced within the neighborhood in order to keep the flow into the existing pipe from exceeding the current flow. The applicant has not adequately sized the underground detention to handle the neighborhood stormwater along with the onsite stormwater. See findings and conditions in OCMC 13.12.090.

6. *Development shall demonstrate compliance with Chapter 12.04, Streets, Sidewalks and Public Places;*
Finding: See findings in Chapter 12.04 of this report.

7. *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;*
Finding: Complies with Condition. The proposed use is both a municipal courthouse and police station. Both uses will provide a public service of safety and security for the surrounding area and City at large.

Overall, this building is proposed to function as the following main uses:

1. Police Station: typical office functions, police lobby, witness interview rooms, conference rooms, break room, patrol report writing, locker room, fitness room, evidence storage, evidence pick-up, and a processing area for suspect interviews. There are no 'holding' or 'detention' cells in this building. The Clackamas County Jail is just down the road from the new police station and will continue to function as the holding area for detainees. There are expected to be 6-8 patrol officers/sergeants operating in three shifts every 24 hours, changing shifts at morning (about 7am), afternoon (about 3pm) and night (about 11pm). In addition to these patrol officers, there will be 25-35 administrators, detectives, police support and court administrators operating in the building during regular business hours of 8am-5pm from Monday through Friday.

2. Municipal Court (courtroom, courts lobby, jury deliberation conf. space, court staff office, break room, judges' chambers). The public lobby will be open from 8am-5pm from Monday- Friday, with Municipal Court in session twice a week.

3. Commission Chambers: the main large room used for the courtroom will also function as Oregon City Commission Chambers. City Commission and other Board and Commission meetings occur in the evenings in the Commission Chambers. There are typically at least two evening meetings each week.

4. Expected nighttime activities: As stated above, most police functions will be limited to daytime, weekday hours. The exception is the patrol officers/sergeant staff, which is comprised of three shifts daily, 24 hours a day. There is the potential for patrol officers to be in the building during nighttime hours, but they also could be out in their patrol fleet vehicles. Shift changes will be at 11pm for the night shift and will occur using the secured parking lot north of the building. City Commission Meetings are also typically in the evenings. On evenings when the Multi-Purpose Room (Court/Commission Chambers) is not used, it could be made available for community event use. These evening meetings will generally end before 10pm and would be scheduled / controlled through the City.

5. Expected noises that may be generated: There is a potential for patrol vehicle sirens, but they will not sound until reaching the street and only if it is necessary to move traffic out of the way, as is typical on all streets. Any public parking general noise during an evening event, will be mitigated by having public parking south of the building, away from the residents north of the site.

Expected impacts to the neighboring residential properties will be limited, as most activities for the site will occur during the daytime or early evening hours, including meetings, court sessions, and much of the

police activity. Some noise may be generated as people exit evening meetings or switch shifts at 11pm, but this will be mitigated by the buffering provided between the secured employee parking area and the properties to the north, and the location of visitor parking area on the south side of the building. Police will not run their sirens near the site except if needed to clear traffic as they exit the site.

Hours of operations for the building will be as follows:

- Court Sessions and daily office operations will occur between the hours of 8:00am and 5:00pm.
- After 5:00pm, the use will be limited to scheduled City Commission and community meetings and police personnel conducting public safety services. These meetings will be scheduled through the City.

Traffic Impacts

The applicant submitted a Traffic Impact Study dated March 28, 2019 prepared under the direction of Christopher Brehmer, PE of Kittelson & Associates. The City's Traffic Consultant, John Replinger, reviewed the study and found the following:

"I find that the TIS provides an adequate basis upon which to assess the impacts of the proposed development. I agree that off-site mitigation for traffic impacts or safety issues is not required."

The traffic study notes the inclusion in the Transportation System Plan of a roundabout at the intersection of Warner Parrot/Warner Milne/Linn/Leland. This is an unfunded project. The applicant will be required to dedicate right of way for this intersection in the future as a condition of approval.

The weekday AM and PM peak hour site trip generation associated with the proposed uses plus the existing Oregon City Building Permit facility result in fewer cumulative site trips than are vested for the property, thus the proposed project complies with the property trip cap established by File PZ 17-01.

Currently, traffic back-ups on Linn Avenue can occur during school hours of pickup and drop-off times at Gardiner Middle School. However, the peak trip demands associated with the proposed Public Safety Building occur outside the peak hours for pick-up and drop off activity at Gardner Middle School, so Linn Avenue school related queuing is not expected to impact peak demand at the site. In addition, the single site driveway proposed on Linn Avenue will be gated and used only by select site employees. Site traffic using the Linn Avenue access should have minimal interaction with peak middle school trips based on time of day use. During the morning school peak hour, trips to the Public Safety Building are expected to add up to approximately 20 trips along Linn Avenue past the school site (11 southbound, 9 northbound).

Trips to and from the site who choose to travel north on Linn Avenue will be subject to the same school zone speed limits and peak school traffic conditions as other drivers are today. Further, alternative access to the site's secure parking area is available via Warner Parrot Road should the Linn Avenue driveway be blocked by school traffic during weekday afternoon peak periods.

In the case of an emergency, police vehicles would use their sirens or speaker system to clear traffic on Linn Avenue. However, looking to the near-term future, Gardiner Middle School will be upgraded and this will likely alter the circulation pattern to the school. These improvements are expected to be completed around the time of the Public Safety Building being completed, thereby minimizing any traffic back-ups on Linn Avenue that would impede police vehicles. Finally, the roundabout on Linn Avenue and Warner Parrott Drive is also expected to reduce traffic back-up on Linn Avenue following its construction. The Applicant expects that the combined improvements to circulation at Gardiner Middle School, coupled with construction of the roundabout, will significantly improve circulation patterns in the vicinity of the new Robert Libke Public Safety Building.

The applicant's engineer recommends the City consider removing the school speed zones and removing or reconfiguring the enhanced School Area pedestrian crossings associated with the former school in conjunction with the proposed site redevelopment.
However, the Oregon City School District has requested to retain the school zone to serve Gardiner Middle School, which is approximately three blocks to the east of Linn Avenue. The City Engineer has determined that the school zone can remain as a "When Children are Present" or "When flashing" rather than from 7AM to 5PM, as it currently exists. The applicant shall modify the school zone signage on Linn Avenue accordingly. The applicant shall remove school zone signage on Warner Parrott Road. The applicant shall remove the mid-block crossing on Linn Avenue between Williams Street and Hood Street, and shall retain the crosswalk at Williams Street.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

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

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

Goal 1.1 Citizen Involvement Program *Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decision making process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.*
Policy 1.1.1 - *Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.*
Policy 1.2.1 - Encourage citizens to participate in appropriate government functions and land-use planning.
Policy 1.4.1 - *Notify citizens about community involvement opportunities when they occur.*
Finding: Complies as proposed. The applicant met with the neighborhood association prior to submittal of a complete application. Furthermore, the application was posted on the City's website, posted in a local newspaper and signs were posted on the subject site informing the public. In addition, notice of the proposal was mailed to all property owners within 300 feet of the site and emailed to a variety of agencies, as well as each Citizen Involvement Committee member and each neighborhood association chair. Each of the notifications informed the public of the proposal and invited applicants to comment on the proposal. Lastly, the agenda for each Planning Commission hearing is posted at a variety of City facilities and emailed to the public.

Goal 2.4 *Neighborhood Livability - Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.*
Policy 2.4.2 *Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.*
Finding: Complies as proposed. The proposed development will be located adjacent to a Tri-met bus stop for the #33 bus line. The building will have a distinct aesthetic quality which identifies it as a public building and will include open glass façade around the entrance and wooden paneling. The applicant also proposes a public plaza, bench seating, and other public amenities on site. The use of the site will provide an increased sense of safety for the neighboring properties and provide a convenient location for neighbors to attend Commission hearings. The single-story building is

proposed at a residential scale in a similar location to the existing structure.

Goal 5.3: *Historic Resources*
Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.
Finding: Complies as proposed. The Mt. Pleasant school building is proposed to be demolished. Although it is over 50 years old, it is not a locally designated structure. The applicant proposes that images of the building will be recorded for historic records and that some of the building elements and materials be salvaged and used in the proposed public plaza. The plan for remembering the existing school structure was approved by the State Historic Preservation Office (SHPO).

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-occupant vehicles and increases the opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.
Policy 6.1.2 Ensure that development practices comply with or exceed regional, state, and federal standards for air quality.
Policy 6.1.3 Set an example through City operations to employ and demonstrate practices and technologies that reduce air pollution and protect air quality.
Policy 6.1.4 Encourage the planting and maintenance of the city's tree canopy to allow natural systems to improve air quality.
Finding: Complies with Condition. The site aligns with the surrounding neighborhood and is easily accessible via walking, bicycling, and transit. The site is shared with a similar public service use (Community Development Department). Parking will be shared between the two public service uses. All buildings on-site will be owned and operated by the City. The new building is designed to be built and operated in a way that is environmentally sensitive through the use of materials and site design. The applicant states that carpooling will be encouraged to reduce the need for single-occupancy vehicles. The applicant states that the site will be landscaped with a large tree canopy where feasible, with lush plantings around the entirety of the site within the scope of the project. The applicant proposes tree removal onsite and has proposed mitigation plantings. The applicant shall preserve existing trees to the maximum extent practicable and shall meet the full tree mitigation requirements in Chapter 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Goal 6.2: Water Quality
Control erosion and sedimentation associated with construction and development activities to protect water quality.
Policy 6.2.1 Prevent erosion and restrict the discharge of sediments into surface or groundwater by requiring erosion prevention measures and sediment control practices.
Policy 6.2.2 Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.
Finding: Complies as proposed. As shown on the Storm Drainage Plan (Exhibit 1, Sheet C-500), the site has been designed to reduce and treat on-site the stormwater through catch basins and storm drains around the building perimeter and parking and circulation areas. Around all these impervious areas will be landscaping to reduce water discharge and improve the stormwater quality. As discussed in Chapter 17.47 of the original narrative, the applicant is in the process of acquiring a City Erosion Control Permit and Oregon DEQ 1200-C Permit, which will require erosion

prevention measures and sediment control practices of the contractor during construction. Per provided Civil Engineering drawings, the site will consist of many vegetated drainage ways (both rain garden and stormwater planter) to improve water quality (see also Exhibit 6: Preliminary Stormwater Calculations).

Goal 6.3 *Nightlighting Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while providing for nightlighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, to reduce light trespass onto neighboring properties, to conserve energy, and to reduce light pollution via use of night-friendly lighting.*
Policy 6.3.1 - *Minimize light pollution and reduce glare from reaching the sky and trespassing onto adjacent properties.*
Finding: Complies as proposed. The development submitted a photometric plan which demonstrated that no more than 0.5 foot-candles would be cast on adjacent properties. The applicant states that all attempts have been made to limit the light trespass levels, and no upward directed lighting will be used on the site. As the site is operating on a 24-hour schedule, lighting will be used for site circulation and security. Screening along the northern property line will be used to prevent light trespass into the adjacent residential properties. Lighting will be energy efficient LEDs and will be focused on areas where security and / or access requires it. Lighting will be directed to reduce glare and light pollution and to focus on the immediate site. As safety is the main purpose of the Public Safety Building, lighting will be used to provide a secure building and site which ensures the safety for visitors and employees. Proposed streetlights meet City standards.

Goal 6.4 Noise- *Prevent excessive noise that may jeopardize the health, welfare, and safety of the citizens or degrade the quality of life.*
Policy 6.4.1- Provide *for noise abatement features such as sound-walls, soil berms, vegetation, and setbacks, to buffer neighborhoods from vehicular noise and industrial uses.*
Finding: Complies as proposed. The building is sufficiently set back from all property lines and the street(s). Along with this physical separation, there are also several other buffering techniques in use: coniferous trees to the east of the public parking lot, soil berms to the east of the building along Linn Ave, and existing vegetated buffer along with 6' solid metal panel fence to the north of the secure parking lot.
With the help of operational regulations (when officers start sirens), this building will create minimal noise impact on the surrounding community. As the building will be operational on a 24-hour schedule, activities occurring after normal business hours will be related to police officers accessing their vehicles to respond to an emergency call. Responses to calls are not expected to generate excess sound – sirens will not be used unless traffic is blocking the police from responding to a call and the officer needs to clear traffic, or there is an incident on or adjacent to the site. This situation is most likely to occur during the peak traffic hours on Linn Avenue and during drop-off and pick-up times for Gardiner Middle School. Other noise and activity that could occur on the site will be associated with visitors and employees of the site during main business hours. These activities will access the site from the south, away from the residential areas to the north of the property. No holding cells will be located in the building, but secure interview room will be used to conduct police business.

Goal 11.1: *Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.*
Policy 11.1.3: Confine urban public facilities and services to the city limits except where allowed for

safety and health reasons in accordance with state land-use planning goals and regulations. Facilities that serve the public will be centrally located and accessible, preferably by multiple modes of transportation.
Policy 11.1.3 Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.
Policy 11.1.4 - Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.
Finding: Complies as proposed. The applicant is proposing to redevelopment of an existing site served by public facilities.

Goal 11.11 *Civic Facilities: Strategically locate civic facilities to provide efficient, cost-effective, accessible, and customer friendly service to Oregon City residents.*
Policy 11.11.1 Locate City facilities in a way that ensures customer service and provides easy access to the majority of residents. Access should be provided for the physically impaired and for those traveling by transit, bicycle, or foot.
Policy 11.11.3 Implement measures to maximize and leverage resources and increase services to the public.
Policy 11.11.4 Incorporate measures to meet long-term rising demand for services. Provide for future needs of increased staff, space and storage when purchasing or building new city facilities.
Finding: Complies as proposed. The police station is proposed to be located on an arterial street to provide optimal access to serve the public. The purpose of the building will be a Public Safety Center, which will include the police station and a courthouse. This directly provides the public service of safety and education in the center of Oregon City. The building will be located within access to transit, bicycle facilities, and pedestrian access, as well as have public parking for visitors. The building is located in the center of two arterial streets near the center of town and close to other public service buildings (the Planning Department shares a lot with the proposed building). Since the lot is already owned by the City, the reuse of the lot for another public service expands existing City resources without incurring the cost of procuring additional land.

Goal 13.1: Energy Conservation
Policy 13.1.4 Wherever possible, design and develop public facilities to take advantage of solar energy, develop co-generation, and conserve energy in operations and public access.
Finding: Complies as proposed. In a desire to provide clean, local energy to the site, the Applicant has dedicated 1.5% of the construction costs to go towards solar energy panels, which will be located north of the site on carport canopies.

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.*
Finding: Complies as proposed. The applicant is proposing redevelopment of an existing site within the urban growth boundary and on a major roadway within the City.

Policy 14.2.1 *- Maximize public investment in existing public facilities and services by encouraging redevelopment as appropriate.*
Finding: Complies as proposed. The applicant is proposing to redevelopment of an existing site within the urban growth boundary and on a major roadway within the City.

Policy 14.2.2 *- Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.*
Finding: Complies as proposed. The applicant is proposing redevelopment of an existing site served by public facilities. The proposed redevelopment is requesting variances to better accommodate the building on the site in relationship to how the site is going to be used.

Policy 14.3.1 - *Maximize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.*
Finding: Complies as proposed. The applicant is proposing redevelopment of an existing site served by public facilities.

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

Finding: Complies with Conditions. Staff recommends conditions of approval described in this report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Please refer to the analyses within this report.

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

Finding: Complies as Proposed. A conditional Use was not previously identified for the site. The applicant submitted this conditional use application for a new use.

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

Finding: Not applicable. The applicant has not identified future expansion of the proposed police station.

17.56.020 - Permit—Application.

A. A property owner or authorized agent shall initiate a request for a conditional use by filing an application with the city recorder. The applicant shall submit a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The application shall be accompanied by the filing fee listed in Section 17.50.[0]80 to defray the costs of publication, investigation and processing.

Finding: Complies as Proposed. The Oregon City Police Department has initiated the request for a conditional use by filing the appropriate land use application, including site plan and filing fees.

B. Before the planning commission may act on a conditional use application, it shall hold a public hearing thereon, following procedure as established in Chapter 17.50.

Finding: Complies as Proposed. The application is being processed as a Type III land use review process, including public notices, and a public hearing before the Oregon City Planning Commission.

17.56.025 - Minor modifications to legal conditional uses.

Minor modifications to an approved conditional use permit may be permitted. If permitted, the modification shall be reviewed as a minor site plan and design review. A minor modification to an approved conditional use permit is

considered one of the following:
Finding: Not Applicable. No major modification to a conditional use is proposed.

B. The unfulfilled condition is substantially related to the issuance of the conditional use permit.
Finding: Not Applicable. The applicant has applied for a new Conditional Use permit.

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

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

Finding: Complies as Proposed. No building opening is proposed within fifty feet of the residential properties north of the site, as the building is about 150 feet from the northern property line.

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

Finding: Additional right of way is required along Linn Avenue. See findings in Chapter 12.04 of this report.

17.56.040.C Public Utility or Communication Facility. Such facilities as a utility substation, water storage tank, radio or television transmitter, tower, tank, power transformer, pumping station and similar structures shall be located, designed and installed with suitable regard for aesthetic values. The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure. Hydroelectric generation facilities shall not exceed ninety megawatts of generation capacity.
Finding: Not Applicable. No such facilities are proposed or required with this development application.

17.56.040.D Schools. The site must be located to best serve the intended area, must be in conformance with the city plan, must have adequate access, and must be in accordance with appropriate State standards.
Finding: Not Applicable. The applicant has not proposed a school use.

17.56.040.E Helipad Landing Facility. In evaluating a conditional use application for a helipad, the planning commission shall consider such matters as the following:
Finding: Not Applicable. The applicant has not proposed a helicopter landing facility with this development.

17.56.040.F Residential Care Facilities.
1. In addition to the general provisions of Section 17.56.020, any application shall include a description of the proposed use, including the number of residents and the nature of the condition or circumstances for which care, or a planned treatment or training program will be provided, the number of staff and the estimated length of stay per resident and the name of the agency responsible for regulating or sponsoring the use.
Finding: Not Applicable. The applicant has not proposed a resident care facility.

17.56.040.G Bed and Breakfast Inns.
Finding: Not Applicable. The proposed use if for an Emergency Service Facility

17.56.060 Revocation of conditional use permits.
The Planning Commission or the City Commission may initiate administrative action under Chapter 17.50 to revoke any conditional use permit previously issued by the city or, with regard to lands annexed by the city, those such permits issued by the county. The Planning Commission or, on review, the City Commission, may revoke such permit upon determining:
A. One or more conditions attached to the grant of the conditional use permit have not been fulfilled; and

Finding: Not Applicable. The applicant has applied for a new Conditional Use permit. An existing Conditional Use could not be identified.

17.56.070 Periodic review of conditional use permits.

A. The City Commission may provide for the periodic review of some or all of the conditional use permits previously issued by the city, or, with regard to lands annexed by the city, those such permits issued by the county. In providing for such review, the City Commission may designate classes of such previously issued permits for which periodic review shall be undertaken.

B. Such review shall be accomplished as an administrative action under Chapter 17.50 and shall be limited to the question of whether additional conditions should be imposed on a conditional use in the light of changing circumstances and more efficient implementation of the city's comprehensive plan.

C. Notwithstanding the provisions of Chapter 17.58, any additional conditions shall be met as a requirement for continued operation of the conditional use.

Finding: Not applicable. This is a new application for conditional use approval and the applicant has indicated they recognize any conditions that may be placed on the proposed development through the review process.

CHAPTER 17.60 - VARIANCES

<u>The applicant has submitted the following request for variances:</u>

Variance related to Building Frontage on Linn Avenue
Variance to allow the building to be oriented east-west with less street frontage than required by code.

Variances to the following criteria are proposed:

- OCMC 17.62.055.C.5. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of Section 17.62.055D. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line unless a greater setback is accepted under the provisions of Section 17.62.055D.

As the applicant meets the requirements for a larger setback in 17.62.055.D, the variance is only required for the building frontage percentage. The property frontage along Linn Avenue will be about 498 feet once the roundabout is placed at the intersection of Warner Parrott Road and Linn Avenue. The building frontages between the Public Safety Building and the Planning Department combined will be 174 feet. Therefore, the percent of the building frontage within the maximum setback as defined in 17.62.055.D (25 feet) from Linn Avenue will be 35%. This does not meet the requirement to have 60% of the building frontage within the maximum setback area.

Variance related to Building Design.
Variance to allow an alternative façade articulation and designs.

Variances to the following criteria are proposed:

- OCMC 17.62.055.D.2. The front most architecturally significant facade shall be oriented toward the street and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
- OCMC 17.62.055.H.1 Facades shall add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. No wall that faces a street or connecting

walkway shall have a blank, uninterrupted length exceeding thirty feet without including, but not be limited to, at least two of the following:

i. Change in plane,
ii. Change in texture or masonry pattern or color,
iii. Windows, treillage with landscaping appropriate for establishment on a trellis.
iv. An equivalent element that subdivides the wall into human scale proportions.

- OCMC 17.62.055.H.2. Facades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least twenty percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred horizontal feet.
- OCMC 17.62.055.H.6. Facades shall have at least one of elements subsections H.4. or H.5. of this section repeat horizontally. All elements shall repeat at intervals of no more than thirty feet, either horizontally or vertically. Elements of H4 or H5 include:
    - Color change
    - Texture change
    - Material module change
    - A change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib
- OCMC 17.62.055.I The main front elevation shall provide at least sixty percent windows or transparency at the pedestrian level, and related standard 17.62.055.H.3. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length.

The most architecturally significant façade is proposed to be the south façade, which is not the façade that faces Linn Avenue.
The south façade also contains a section of 36 feet of blank wall and 53 feet of blank wall where the fitness yard is proposed. The west façade has a section of blank wall of 53 feet.
The south façade lacks wall plane projections or recessions for 123 feet of wall length. The east façade, which faces Linn Avenue, has a wall plane recession that extends less than 20% of the length of the façade.
The east façade, which is the front of the building facing Linn Avenue, contains 31% transparency at the pedestrian level, which is less than the required 60%. The applicant explains that "because of the nature of the building, security measures and the type of rooms next to the Linn Avenue street frontage (restrooms and jury rooms fewer windows are required in an effort to preserve the sense of privacy and security that is needed in the building.

The variation to the building articulation and design standards is related the design decisions which were deemed necessary to highlight the building entrance and downplay the more secure police areas of the building. Related to Variance #1(Building Orientation), the main entrance is situated near the public plaza and faces generally more south towards the plaza and visitor parking area, allowing the entrance to draw in visitors along both Linn Avenue and through the parking area.
By being oriented this way, the southeast-facing entrance will provide guidance to visitors along Linn Avenue to appropriate parking and prevent visitors from trying to use the secure driveway north of the site.

Variances - Grounds
17.60.030. A variance may be granted only in the event that all of the following conditions exist:
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 requested site variances will not impact adjacent properties by

reducing light, air, safe access or other desirable or necessary qualities. Surrounding residential uses will not be adversely impacted due to the proposed variances.

Variance related to Building Frontage on Linn Avenue

The building frontage within the maximum setback from Linn Avenue will be 35%. This does not meet the requirement to have 60% of the building frontage within the maximum setback area. The proposed variance is required to allow for a public entry plaza to the building, to create the potential for a future 'civic court' with the police station/municipal court while allowing for future development onsite (between the Public Safety and Community Development buildings) and for security purposes for the Public Safety Building (less frontage is more secure for police officers who are sometimes the target of serious threats). Additionally, in terms of sustainable planning practices, the orientation of the building is most ideal for proper daylighting control without the excess use of electric lighting. This 'long east-west' orientation for the northern hemisphere takes advantage of the solar strategy of using low winter sun to aid with heating in the winter months, and high summer sun shading to keep the building cool.

Variance related to Building Design.

The Variance related to building design involved several standards:

- While the most architecturally significant façade does not face the street, it will face the proposed public plaza. The façade that faces the street has less architectural detail but does have pedestrian amenities such as bench seating, berms, pedestrian scale lighting, and landscaping. This design will still provide an attractive view from the street.
- The south façade also contains a section of 36 feet of blank wall and 53 feet of blank wall where the fitness yard is proposed. These portions of the building will have limited visibility from the public right of way.
- The south façade lacks wall plane projections or recessions for 123 feet of wall length.
- The east façade, which faces Linn Avenue, has a wall plane recession that extends less than 20% of the length of the façade, and has 31% transparency at the pedestrian level.

These factors will not adversely impact any neighboring properties.

B. That the request is the minimum variance that would alleviate the hardship;

Finding: Complies with Condition.

Variance related to Building Frontage on Linn Avenue

The building frontage within the maximum setback from Linn Avenue will be 35%. This does not meet the requirement to have 60% of the building frontage within the maximum setback area. The applicant states that the building alignment will allow for separation between the secure employee and fleet parking to the north and the public area to the south of the site. The nature of the police department and public safety uses of the site requires that a large portion of the site be separated securely but also accessible by vehicle and through the building. The proposed building provides the most efficient way of providing the separation. Therefore, the requested building placement variance is the minimum needed.

The applicant does not claim a hardship, but has made a design decision to orient the building east/west for the reasons stated above. The property frontage along Linn Avenue will be about 498 feet once the roundabout is placed at the intersection of Warner Parrott Road and Linn Avenue. The building frontages between the Public Safety Building and the Planning Department combined will be 174 feet, or about 35% of the frontage. An additional length of 125 feet would be needed in order to comply with this standard. The plaza is approximately 167 feet in length along Linn Avenue, which in some ways serves to take the place of a building frontage along the

street. While the plaza does not have a defining edge such as a wall, along Linn Avenue, it will be landscaped and contain hardscape and lawn elements for the public to utilize.

As a City-owned property, it is possible and likely that future City facilities will be located on the site. The existing parking lot that serves the school and the Community Development Building could be utilized for future City facilities, which would likely bring the site closer to compliance with this standard. A new building placed between the proposed police station and the existing Community Development office would increase the building frontage percentage along Linn Avenue.

The subject site is more than 8 acres and will be largely undeveloped with the removal of the school facility. The applicant proposed to place the structure and associated plaza along the Linn Avenue frontage rather than along the western portion of the site where the fields are located, which also minimizes the extent of the variance.

Variance related to Building Design.

The most architecturally significant façade is proposed to be the south façade, which is not the façade that faces Linn Avenue. The entryway is on the corner of the south and east facades, which serves to connect the most architecturally significant part of the building to the front corner and to the street.

Code requires no blank walls longer than 30 feet in length. The south façade contains a section of 36 feet of blank wall and 53 feet of blank wall where the fitness yard is proposed. These portions of the building will have limited visibility from the public right of way.

Code requires wall plane modulation for facades over 100 feet in length. The south façade lacks wall plane projections or recessions for 123 feet of wall length.

The east façade, which faces Linn Avenue, has a wall plane recession that extends less than the required 20% of the length of the façade. The façade is 113 feet in length and has a recession of 20 feet in length, which is 17.7%.

The transparency proposed on the east façade is 31%. The proposed banks of windows include a pattern of windows and metal wall panels. There is a bank of windows in a conference room that are not at the pedestrian level. Restrooms and equipment rooms do not have windows, which staff finds to be appropriate.

The applicant explains that “because of the nature of the building, security measures and the type of rooms next to the Linn Avenue street frontage (restrooms and jury rooms fewer windows are required in an effort to preserve the sense of privacy and security that is needed in the building.” Staff finds that indoor window coverings can be used for security where necessary, and that the applicant has not proposed the minimum variance; additional transparency could be achieved by adjusting the conference room windows to the pedestrian level and reducing the length of the metal wall panels in between windows. The applicant shall increase the window transparency on the front façade as much as possible in order to minimize the required variance.

The applicant does not claim a hardship, but has made a design decision which was deemed necessary to highlight the building entrance and downplay the more secure police areas of the building. The main entrance is situated near the public plaza and faces generally more south towards the plaza and visitor parking area, allowing the entrance to draw in visitors along both Linn Avenue and through the parking area. By being oriented this way, the southeast-facing entrance will provide guidance to visitors along Linn Avenue to appropriate parking and prevent visitors from trying to use the secure driveway north of the site.

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

C. Granting the variance will equal or exceed the purpose of the regulation to be modified.
Finding: Complies with Condition.

Variance related to Building Frontage on Linn Avenue
The building frontage within the maximum setback from Linn Avenue will be 35%. This does not meet the requirement to have 60% of the building frontage within the maximum setback area. The purpose of standard is to ensure that building placement supports convenient and safe pedestrian access from public streets, and promotes architectural interest and human scale to the street facing façade, and to:
"… 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."
Granting the variance meets the purpose of the regulation to be modified, as the Applicant will be providing a public plaza of 6,000 sf along the frontage of Linn Avenue, with an adjacent open green space (seeded lawn) directly south of the plaza. The plaza will allow employees and visitors to sit and enjoy a park-like setting in between visits to these public buildings while leaving a space for future buildings onsite along the Linn Avenue frontage as the site is developed over time.
The Public Safety Building entrance is oriented toward both Linn Avenue and the public plaza area. The open area between the Planning Department and Public Safety Building will have an enclosed feeling because it is between these two building entrances, with a variety of landscaping and hardscape. The plaza will extend the public space into the site, inviting pedestrians to stop and enter what would otherwise feel like a private space.

An additional building length of 125 feet would be needed in order to comply with this standard. The plaza and lawn is approximately 167 feet in length along Linn Avenue, which serves to take the place of a building frontage along the street. While the plaza does not have a defining edge such as a wall, along Linn Avenue, it will be landscaped and contain hardscape and lawn elements for the public to utilize.

Variance related to Building Design.
The transparency proposed on the east façade is 31%, and no mitigation to. The banks of windows include a pattern of windows and metal wall panels. There is a bank of windows in a conference room that are not at the pedestrian level. Staff finds that additional transparency could be achieved by adjusting the conference room windows to the pedestrian level and reducing the length of the metal wall panels in between windows. The applicant shall increase the window transparency on the front façade as much as possible in order to minimize the required variance.

The variance is to allow an alternative façade articulation and designs. The purpose of the standard is to ensure that building design promotes architectural interest and human scale to the street facing façade, and to provide architectural interest along all sides of the building. The applicant states that " the variance is proposed allow for an elegant and smooth building façade with the carving out at the entrance used to draw in visitors and celebrate the most public entrance" and that "the building has been designed to balance the necessary safety requirements for the building (including secure and confidential courtroom proceedings, jury deliberations, and police department activities) with the desire to provide a welcoming public building which is inviting to pedestrians. To balance these needs, the building façade has large floor-to-ceiling windows at the welcome area and a public plaza adjacent to Linn Avenue. A number of pedestrian

features have been added around the building, including enhanced landscaping, pedestrian-scale lighting, and public seating. This additional effort was made to meet the intent of the building standards while recognizing that certain rooms, including jury and police evidence rooms—are not able to have large enough windows to meet the standard."

Staff concurs with the applicant's explanation regarding the plaza and floor-to ceiling windows at the entry and finds that with the conditions, the proposal will equal the purpose of the regulation.

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

D. Any impacts resulting from the adjustment are mitigated.

Complies with condition.

Variance related to Building Frontage on Linn Avenue

The building frontage within the maximum setback from Linn Avenue will be 35%. This does not meet the requirement to have 60% of the building frontage within the maximum setback area. Mitigation for the additional open space will be provided by the use of a public plaza between the Planning Department and Public Safety Building. The plaza will include a historic marker of the original building (Mt Pleasant School), which is a building of historic character. The plaza will provide a gathering place and a place to rest for those visiting or employed at these public buildings. The proposed plaza and lawn are approximately 167 feet in length along Linn Avenue, which in some ways serves to take the place of a building frontage along the street. While the plaza does not have a defining edge such as a wall, along Linn Avenue, it will be landscaped and contain hardscape and lawn elements for the public to utilize.

Variance related to Building Design.

The impacts of the proposed variance are that the building provides less architectural interest, and results in a decrease in "eyes on the street".

The requested variance would result in a plainer façade design along the sidewalk. The applicant has proposed a public plaza adjacent to the building, and pedestrian amenities in the building setback area, which will serve to mitigate for the lack of architectural detail on the building. The plaza is approximately 167 feet in length along Linn Avenue and approximately 15,000 square feet in size

The blank walls on the south façade will have an impact on architectural interest from the east-west walking that crosses the property.

The applicant has not proposed mitigation for the lack of architectural interest due to the long blank wall sections. The applicant shall add a form of architectural interest to all sections of blank wall that are longer than 30 feet.

Staff finds that, with conditions, the impacts of the requested variances will be mitigated.

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

E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance.

Finding: Complies with Conditions.

Variance related to Building Frontage on Linn Avenue

Given the site size and orientation, as well as the requirements for the proposed building to minimize impacts on the residential properties to the north, provide a secure space for police and

public safety activity, and provide a building which is welcoming to the public has resulted in the proposed building orientation. No practical alternatives have been identified that would not require a variance.

Variance related to Building Design.
The applicant states that all alternatives which would not require a variance would result in a building which is more cluttered and disjointed, and which confuses the more public area of the building from the secure spaces of the building. The applicant did not specifically discuss alternatives to the blank walls longer than 30 feet.
The transparency proposed on the east façade is 31%, and no mitigation to. The banks of windows include a pattern of windows and metal wall panels. There is a bank of windows in a conference room that are not at the pedestrian level. Staff finds that additional transparency could be achieved by adjusting the conference room windows to the pedestrian level and reducing the length of the metal wall panels in between windows. The applicant shall increase the window transparency on the front façade as much as possible in order to minimize the required variance.

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

F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.
Finding: Complies with Conditions. The proposal conforms to the Comprehensive Plan findings, with conditions, listed earlier in the staff report. The intent of the standards have been discussed within the findings for Chapter 17.60.

Goal 2.4 *Neighborhood Livability - Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.*
Policy 2.4.2 *Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.*
The building will have a distinct aesthetic quality which identifies it as a public building and will include open glass façade around the entrance and wooden paneling. The applicant also proposes a public plaza, bench seating, and other public amenities on site. The building façade has large floor-to-ceiling windows at the welcome area and a public plaza adjacent to Linn Avenue. A number of pedestrian features have been added around the building, including enhanced landscaping, pedestrian-scale lighting, and public seating. The use of the site will provide an increased sense of safety for the neighboring properties and provide a convenient location for neighbors to attend Commission hearings. The single-story building is proposed at a residential scale in a similar location to the existing structure. Staff finds that, with conditions, the impacts of the requested variances will meet the goals and policies of the Comprehensive Plan.

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

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:

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

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.*

Finding: Complies as Proposed. The applicant has requested a variance for building materials; however the request is being treated as a modification that meets the intent of the standard.

The request is to utilize metal siding without the required corner molding and trim, and without the use of masonry along the bottom of the building. The applicant has proposed a unique and high quality building siding that meets the intent of the special material standards, which is to have aesthetically pleasing buildings with a minimum level of architectural detail. The building, as proposed, is a modern design and will be aesthetically pleasing.

The applicant describes the proposed siding as "box-rib metal paneling in a repeating pattern along the façade in the color of "Timeless Bronze", with a lighter tone revealed at large carves in the building. The building aesthetic intent is to create a clean palate to insert large glazed openings at key moments in the façade. The bronze material compliments the interior wood paneling, in appreciation of the Pacific Northwest aesthetic. As additional materials or superfluous trim and molding would clutter the clean diagram of the building's elevation and detract from the story of the "carving" of the building, a variance to the corn molding and trim near the ground level is requested."

Again, a variance is not necessary for this request because the proposal results in a development that better meets the guidelines. Staff concurs with the applicant's characterization of the proposed building materials.

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: Please refer to the findings in Section 17.50.050 of this report.

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 has proposed development in the "I" Institutional District, therefore, Chapter 17.62 is applicable.

17.62.035 - Minor site plan and design review.

Finding: Complies as Proposed. The proposed development does not qualify for a Minor Site 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: Complies as Proposed. The proposed development is on a lot about 363,604 sf in size. There is a total landscaped area, excluding the interior parking lot, of 162,012 sf or 45% of the site. The applicant indicated that no plants listed on the Oregon City Nuisance Plant List will be on the site once final occupancy permit is requested.

a. Except as allowed elsewhere in the zoning and land division chapters of this Code, all areas to be credited towards landscaping must be installed with growing plant materials. A reduction of up to twenty-five percent of the overall required landscaping may be approved by the community development director if the same or greater amount of pervious material is incorporated in the non-parking lot portion of the site plan (pervious material within parking lots are regulated in OCMC 17.52.070).
Finding: Complies as Proposed. All areas credited towards the 15% site landscaping are proposed to be installed with growing plant material. No reduction is requested.

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

c. The landscaping plan shall be prepared by a registered landscape architect and include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the Landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.
Finding: Complies as Proposed. The landscape plan was prepared by registered landscape architect Mayer/Reed, Inc. Landscaping on the site provides a visual variety of plants, shrubs and trees, with trees surrounding the building perimeter alternating with lower shrubs and grasses. The western half of the lot has an existing lawn, which will be restored and re-seeded following construction. The plan includes a mix of vertical and horizontal elements.

d. For properties within the Downtown Design District, or for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the ten percent requirement.
Finding: 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. The applicant has proposed landscaping that is visible from public thoroughfares to the extent practicable.

f. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum, unless otherwise permitted by the dimensional standards of the underlying zone district.
Finding: Complies as Proposed. The applicant has not proposed to count interior parking lot landscaping towards the fifteen percent requirement.

2. Vehicular Access and Connectivity.
a. Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.
Finding: Complies as Proposed. The applicant proposed two parking lots, one on the north side of the building, and one on the south side of the building. These parking lots are not in front of the building. The front is considered the Linn Avenue frontage.

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

Finding: Complies as Proposed. The parking area on the south side of the building will be available for public use and for visitors, with 73 parking spaces. This will be accessible primarily through a two-way driveway on Warner Parrott Road. In addition, the new parking lot will be accessible through the two existing driveways on Warner Parrott Road and Linn Avenue which directly go to the existing parking areas used for the Community Development Department. Another existing driveway for the Community Development Department, between the two driveways on Warner Parrott Road, will be removed and landscaped.

The parking area to the north of the Public Safety Building will be secured behind a gate for police vehicle and employee parking, with 90 spaces. Access to the employee parking area will be available through a two-way gated driveway along Linn Avenue. Another gate will provide access for employees on the northwestern side of the new building and is accessible from the main public driveway on Warner Parrott Road.

Fire services access will be provided from the driveway along Warner Parrott Road and egress through Linn Avenue. Both driveways will be accessible for emergency services.

Upon future installation of a roundabout at the Linn Ave/Warner Parrott intersection, the existing egress driveway between the Community Development building and the intersection will be removed.

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

Finding: Complies as Proposed. The subject site abuts an existing street, and the applicant has proposed vehicular access to the site via the existing street. The proposed development is not located in a R-2, MUC-1, MUC-2, MUD or NC zone. No alleys or vehicle access easements are proposed.

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

Finding: Not applicable. The development property is not adjacent to an existing alley.

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

Finding: Not Applicable. The applicant has proposed to gain access via the existing street and proposes one driveway.

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

Finding: Complies as Proposed. The Linn Avenue driveway and westernmost Warner Parrott Road driveways are proposed to be 26 feet wide. All others, including the reconstructed driveway, are proposed to be 24 feet wide. The 26 foot wide driveways are not aligned with existing or planned streets. There are no existing or planned streets south of Warner Parrott Road other than Central Point Road. A driveway cannot align with Central Point due to the location of the Community Development building and the minimum intersection spacing standards.

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. The site is adjacent to residential uses; therefore no connections are required.

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. No streets or easements to replace streets are required.

i. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.
Finding: Not applicable. The site is adjacent to residential uses; therefore no easement connection are required.

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. Dead-end stub streets that will connect to streets on adjacent sites are not proposed or required for this 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: The subject site is larger than three acres; it is over 8 acres in size. See findings in Chapter 12.04.199 and 12.04.195.

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 has not been proposed as part of 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 has not been proposed as part of 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 will be built to provide a clean, open looking building which is inviting to the surrounding community. It will include bronze colored building materials with lighter colored cutouts. All sides of the building will be the same material. The Public Safety Building is not located in the McLoughlin Conservation District, Canemah National Register District, or the Downtown

Design District, nor is it located in a historic area. However, the building being removed has been recorded for historic purposes (see SHPO letter: Exhibit 5), and the new site will include a salvaged portion of the front entrance window and surrounding masonry to act as a 'site relic' and commemorative marker on the site to celebrate the history of the school's presence. As demonstrated within this report, the proposed design will comply with applicable criteria with variances.

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 subject property is not within the 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/See findings in 17.58. The existing system for the Community development building is nonconforming due to a lack of connection from the building to Warner Parrott Rd. See findings in Chapter 17.58 for nonconforming upgrades. The proposed new building includes connections to the street and all other parts of the site.

b. The pedestrian circulation system shall connect all main entrances on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard. Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.
Finding: Complies as proposed. The proposed new building has connections to the street and all other parts of the site. The applicant proposes an 8 foot wide walkway that crosses the west driveway to access the field. The main entrance for the site will be facing Linn Avenue to the east. An employee entrance will also be provided along the northwest corner of the building for police and authorized personnel. The main entrance to the building will be part of a pedestrian circulation system, with paved paths leading from parking areas and the streets to the entrances. The secure entrance will be accessible from the employee parking area via paved pedestrian paths and the street via a locked gate.

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. No elevated external stairways or walkways are proposed.

d. The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.
Finding: Complies as Proposed. The public sidewalk will connect the two main entrances for the police station and the existing Community Development building.

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 public sidewalk will connect the building to adjacent buildings.

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/See findings in 17.58. The existing system is nonconforming due to some walkways that are 3 to 4 feet wide rather than the required 5 feet width. See findings in Chapter 17.58 for nonconforming upgrades. The new proposed on-site pedestrian walkways will be at least seven feet wide, paved, and graded to drain into the surrounding landscaping or drainage. As shown on the Site Plan (Exhibit 1, Sheet C-300), the walkways bordering the parking area and be raised and landscaped to provide protection from vehicles. Both vertical (curb) and/or landscaped buffers are used throughout site. Driveways and associated walkways are concrete, where parking areas are asphalt, providing contrast. A concrete crosswalk has been proposed at pedestrian crossings of parking aisles. The pedestrian connections to the north secured parking lot do not include ramps. The applicant shall add two ramps and striping as needed to connect the walkway with the parking lot; one shall be at the east end of the walkway, and the other shall in in the central area near the mud room entry or other entry that will be heavily used by staff. **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 identified that the City, as the property owner, will provide maintenance and necessary normal repair and replacement.

11. Site planning shall conform to the requirements of OCMC Chapter 17.41 Tree Protection.
Finding: Please refer to the findings 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: Not Applicable. The subject site is not located within the Natural Resource Overlay District, therefore, OCMC Chapter 17.49 is not applicable.

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 that the development proposal will comply with all applicable federal, state and city standards. The applicant stated that "Police sirens will only be used after the vehicle has left the site. Police vehicles responding to an emergency will egress the area through both driveways, but mainly through the Linn Avenue driveway to prevent mixing with the public driveway. Construction will occur during normal business hours and mitigation will be used to prevent any impacts to the neighboring residences."

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 with Condition. A 10-inch sanitary sewer exists within Linn Avenue. Connection shall be made to the sanitary sewer in Linn Avenue to remain within the 9th Street Sewer Basin. If the applicant intends to use an existing sanitary sewer service line, it shall be at least 6-inch in diameter and the applicant shall provide a video inspection report to the City who will determine if the lateral is in usable condition. Otherwise, the development shall install a new 6-inch service lateral. A 12-inch water main exists within Linn Avenue. Connection shall be made to the water main in Linn Avenue. An adequately sized water service and meter assembly shall be installed to serve the proposed development. The new service shall use a saddle to connect to the cast iron water main. **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 with Condition. See findings from section 12.04 of this report. The applicant shall provide street lighting along Linn Avenue and Warner Parrot Road 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. **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 Line 33.

Michelle Wyffels of Trimet submitted a comment indicating Trimet's desire to relocate the existing Line 33 stop further north along the property frontage, closer to the crosswalk and the building entrance. Michelle requested that the applicant provide space for a bench at the stop, and Trimet would manage the relocation of the signage and installation of the bench. The applicant shall provide extra hard surface space to meet Trimet's needs for a bench and shall coordinate with Trimet to implement the stop relocation.

17. All utility lines shall be placed underground.

Finding: Complies with Condition. Overhead utilities along all property frontages, existing and new, shall be placed underground. All existing overhead utility lines in vacated Warner Parrot Drive on City property shall be placed underground, except for the PGE high transmission line. In accordance with OCMC 13.34.090, the City does not require undergrounding of transmission lines in excess of thirty-five thousand volts. The applicant shall make all necessary arrangements with utility companies and other affected parties for the installation of underground lines and facilities including but not limited to electric, communication, telephone, fiberoptic, street lighting and cable television. The development is required to provide a 10-foot-wide Public Utility Easement (PUE) along all property line frontages. **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 proposal is compliant with applicable ADA requirements. 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. No residential uses are proposed.

20. Screening of Mechanical Equipment:

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

Finding: Complies as Proposed. As shown on the Roof Plan (Exhibit 1, Sheet A-104a and A-104b), all rooftop mechanical equipment will be stored in the center of the east side of the property and be screened on all four sides. The materials used for screening will be similar to the building façade, a box-rib metal panel.

b. Wall-mounted mechanical equipment shall not be placed on the front facade of a building or on a facade that faces

a right-of-way. Wall-mounted mechanical equipment, including air conditioning or HVAC equipment and groups of multiple utility meters, that extends six inches or more from the outer building wall shall be screened from view from streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building.

Finding: Complies with condition. The applicant states that no wall-mounted mechanical equipment will be placed on the east or southern facades of the building, but did not indicate whether wall mounted equipment would be placed on the north or west façade. The applicant shall meet all standards for wall mounted mechanical equipment on all facades 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.**

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

Finding: Complies as Proposed. In the southwest corner of the fenced secure parking area will be a generator. It will be obscured from the public view by both the building and trash enclosure directly adjacent to it, as well as fenced on two sides to completely screen it from public view.

d. All mechanical equipment shall comply with the standards in this section. If mechanical equipment is installed outside of the site plan and design review process, planning staff shall review the plans to determine if additional screening is required. If the proposed screening meets this section, no additional planning review is required.
e. This section shall not apply to the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.

Finding: Complies as Proposed. Solar panels are proposed on the carport canopies.

21. Building Materials.
a. Preferred building materials. Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the city's desired traditional character are as follows:
i. Brick.
Ii. Basalt stone or basalt veneer.
iii. Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.
iv. Board and baton siding.
v. Other materials subject to approval by the community development director.
vi. Plywood with battens or fiber/composite panels with concealed fasteners and contagious 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.
b. Prohibited materials. The following materials shall be prohibited in visible locations unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.
i. Vinyl or plywood siding (including T-111 or similar plywood).
Ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.
iii. Corrugated fiberglass.
iv. Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).
[v.] Crushed colored rock/crushed tumbled glass.
[vi.] Non-corrugated and highly reflective sheet metal.
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 toweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.
4. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.

Finding: Complies as Proposed/The applicant has proposed a modification to building materials; see Section 17.62.015. The proposed building will be made of box rib metal panel in a repeating pattern along the façade. The main color will be 'Timeless Bronze', with a lighter tone revealed at the large 'carves' in the building. No prohibited materials have been identified within the applicant's submittal. A CMU wall is proposed, but is not subject to the special material standards since it is not on the building façade.
The site has several existing chain link fences. The applicant proposes to remove some of the chain link fences on the east and south sides of the site, and to retain the fence on the west and north edges of the site.

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

Finding: Complies with Condition. The property owner shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property. The applicant shall pay all fees associated with processing and recording the Non-Remonstrance Agreement. The applicant shall submit a performance guarantee which is equal to one hundred twenty percent of the estimated cost of constructing the 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. 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 warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: The proposed building is an institutional building; therefore, these standards apply.

C. Relationship between zoning district design standards and requirements of this section.
1. Building design shall contribute to the uniqueness of the underlying zoning district by applying appropriate materials, elements, features, color range and activity areas tailored specifically to the site and its context.
Finding: Complies with conditions. The structures comply with the standards in the Oregon City Municipal Code with the conditions of approval.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

2. A standardized prototype or franchise design shall be modified if necessary to meet the provisions of this section.
Finding: Complies with conditions. No prototype buildings are proposed. The structures comply with the standards in the Oregon City Municipal Code with the conditions of approval.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

3. In the case of a multiple building development, each individual building shall include predominant characteristics, architectural vocabulary and massing shared by all buildings in the development so that the development forms a cohesive place within the underlying zoning district or community.
Finding: Complies as proposed. There is an existing building on site, the Community development building, which is a rectangular building with a low pitch gable roof, recently remodeled with a modern aesthetic and larger windows. While the police station will utilize different building materials and a flat roof, its modern design and large windows are compatible with the existing building.

4. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.
Finding: Not applicable. A conflict has not arisen.

5. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of Section 17.62.055D. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line unless a greater setback is accepted under the provisions of Section 17.62.055D.
Finding: The applicant is requesting a variance to this standard for the new building. Refer to Site Variance responses provided in Section 17.60. The site will have two buildings: the existing Planning Department building and the proposed Police Station and Municipal Courthouse. The Planning Department is set back over five feet from the frontage of Linn Avenue. Because it is an existing building the applicant has not addressed this building's site frontage as a part of this application.

D. Relationship of Buildings to Streets and Parking.
1. Buildings shall be placed no farther than five feet from the front property line. A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:
a. Tables, benches or other approved seating area.
b. Cobbled, patterned or paved stone or enhanced concrete.
c. Pedestrian scale lighting.
d. Sculpture/public art.
e. Fountains/Water feature.

f. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.
g. Outdoor café.
h. Enhanced landscaping or additional landscaping.
i. Other elements, as approved by the community development director, that can meet the intent of this section.
Finding: Complies as proposed. The proposed building will be set back approximately 18 feet from the east property line. Included within the front yard setback are one element from the list for every five feet of additional setback over the 5' maximum setback. Elements from this list that are included in the Landscape Plan (Exhibit 1, Sheet L-003) are as follows:
1. Seatwall benches along an 8' wide sidewalk. The seatwall extends to the west, joining the building frontage to the entry courtyard as a sequence of spaces.
2. Enhanced concrete scoring extending from the building entry into the right-of-way, providing a pedestrian wayfinding element from the ground plane
3. Pedestrian scale light bollards.
4. Enhanced landscaping will be created with bermed planting areas, a native and native-like plant palette, and additional tree plantings to heighten the pedestrian experience and provide a civic scale street presence to the community.

The applicant has provided four elements, allowing the structure to be placed 25 feet from the Linn Avenue frontage, though the building is proposed 18 feet from the frontage. The site is large enough to accommodate additional structures in the future if deemed necessary along the Warner Parrott frontage.

2. The front most architecturally significant facade shall be oriented toward the street and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
Finding: The applicant is requesting a variance to this standard for the new building. The entranceway is recessed to provide weather protection. **Refer to Site Variance responses provided in Section 17.60.**

3. Entryways. The primary entranceway for each commercial or retail establishment shall face the major street. The entrance may be recessed behind the property line a maximum of five feet unless a larger setback is approved pursuant to Section 17.62.055.D.1 and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined, highly visible and recessed or framed by a sheltering element including at least four of the following elements, listed below.
a. Canopies or porticos;
b. Overhangs;
c. Recesses/projections;
d. Arcades;
e. Raised corniced parapets over the door;
f. Peaked roof forms;
g. Arches;
h. Outdoor patios;
i. Display windows;
j. Architectural details such as tile work and moldings which are integrated into the building structure and design;
k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
l. Planter boxes and street furniture placed in the right-of-way shall be approved for use according to materials, scale and type.
Finding: Not applicable. The proposed use is not a commercial or retail establishment. Therefore, this standard does not apply.

4. Where additional stores will be located in the large retail establishment, each such store shall have at least one exterior customer entrance, which shall conform to the same requirements.

Finding: Not Applicable. No retail is proposed.

5. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk. Awnings shall be no longer than a single storefront.

Finding: Not applicable. The applicant has not proposed a trellis, canopy or awning in the public right-of-way.

E. Corner Lots.

For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:

1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.

2. Chamfer the corner of the building (i.e. cut the corner at a forty-five-degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.

Finding: Not Applicable. Although the full property is located on the corner of Linn Avenue and Warner Milne Road, the building is not placed at the corner due to the existing development on site. Therefore, this section does not apply.

F. Commercial First Floor Frontage.

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

Finding: Not Applicable. The site is not within a mixed use or neighborhood retail district.

G. Variation in Massing.

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

Finding: Complies with Conditions. The proposed development will provide adequate massing to avoid a single, large dominant building mass. The scale of the surrounding neighborhood is that of one and two-story buildings. As such, the Public Safety Building seeks to integrate its larger scale with a lower profile one-story building. Along the façade, many large glazed openings break-up the repeating pattern of texture metal panels. At celebrated locations (main public entry, fitness courtyard, courtroom courtyard), the building's mass is 'carved away' to bring in light. The mass of the building is visually segmented by windows, building recesses, landscaping, and covered parking.

Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with all of the Conditions of Approval.

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

Finding: Complies as Proposed.

- North Façade- The facade length is approximately 342 feet, the height at the tallest point is 27 feet but the top of parapet height for the majority of the building is 18 feet; so the ratio exceeds 1:3. The building includes substantial recessions to break up the massing, and at the roof monitor over the courtroom/meeting space, the roofline is elevated to act as a "lantern" in the heart of the building.

- East Façade- The façade length is approximately 113 feet and the height is 18 feet, with the 27 foot "lantern." The height:width ratio exceeds 1:3. The southeast corner of the building is recessed.
- South Façade- The facade length is approximately 342 feet, the height at the tallest point is 27 feet but the top of parapet height for the majority of the building is 18 feet; so the ratio exceeds 1:3. The building includes substantial recessions to break up the massing, and at the roof monitor over the courtroom/meeting space, the roofline is elevated to act as a "lantern" in the heart of the building.
- West Façade- The façade length is approximately 113 feet and the height is 18 feet, with the 27 foot "lantern." The height:width ratio exceeds 1:3. The southeast corner of the building is recessed.

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

Finding: Complies as Proposed. The applicant has indicated the changes in mass reflect the interior space uses and their layout. The main change in mass for the building is the building entrance and two courtyards provided for the building. All other changes in mass are due to the interior space organization and none are for cosmetic effect. Additional changes in mass are at the north clerestory where the roof form slopes up to bring in light to the heart of the building.

H. Minimum Wall Articulation.

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

i. Change in plane,

ii Change in texture or masonry pattern or color,

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

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

Finding: Complies as Proposed/See variance findings. The applicant has requested a variance to this standard for the South façade. See findings in 17.60. The north and west façades do not face the street or a connecting walkway. The east façade, which faces Linn Avenue, meets this standard through the use of windows and change in color/texture due to the use of different metal wall panel designs.

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

Finding: Complies as Proposed/See Variance findings. This standard applies to each of the facades.

- North Façade- The building length is 342 feet, requiring 10.25 feet of recess/projection for a length of 68 feet. The total length of recession is over 100 feet and the depth is approximately 23 feet.

- East Façade- The building length is 113 feet, requiring 3.4 feet of recess/projection for a length of 22.5 feet. The applicant has requested a variance to this standard for a recession that is less than 22.5 feet in width.

- South Façade- The building length is 342 feet, requiring 10.25 feet of recess/projection for a length of 68 feet. The façade is proposed with two recessions, one of which is 30 feet deep (10%) and one which is eight feet deep. The eight-foot deep recession is for the entrance and is about 95 feet in length (30%). The courtyard, which is about 30 feet deep, is about 40 feet in length. Therefore, the 3% depth and 20% length of variation standard will be met.

- West Façade- The building length is 113 feet, requiring 3.4 feet of recess/projection for a length of 22.5 feet. The recession is 23 feet wide and 82 feet deep.

3. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length.
Finding: Complies as Proposed/See variance findings. The east façade faces Linn Avenue. The applicant has proposed windows/doors that encompass 31% of the length. The applicant has not requested a variance to this specific standard for the South façade, but a variance is needed to approve the project as proposed.

4. Building facades must include a repeating pattern that includes any one or more of the following elements:
a. Color change;
b. Texture change;
c. Material module change.
Finding: Complies as proposed. The building's facades will have a consistent pattern of vertical paneling and large glazed openings. The facade will be differentiated at the entrances and courtyard, which will have large glass walls with wooden beams at regular intervals to provide a clean, welcoming look. Color changes will occur at strategic carved out areas, including the main entrance and the courthouse courtyard.

5. Facades shall have an expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib.
Finding: Complies as Proposed. The building will have changes in plane at the previously mentioned cut-out areas, including the main entrance and courtyard. Both of these areas which include changes in plane will be over 12 inches in width.

6. Facades shall have at least one of elements subsections H.4. or H.5. of this section repeat horizontally. All elements shall repeat at intervals of no more than thirty feet, either horizontally or vertically.
Finding: Complies as proposed/see variance findings. The building will have changes in the texture change repeat horizontally, with glazing and paneling repeating throughout the public-facing façade. In addition, the cutouts for the
courtyard and building entrance will provide variation in colors and textures.

- North Façade- Texture and material change is included at least every 30 feet.

- East Façade- Texture and material change is included at least every 30 feet.

- South Façade- There are sections of blank wall with none of the required elements. A variance is requested. See findings in chapter 17.60.

- West Façade- The west façade has a 53 foot wide section of blank wall with none of the required elements. A variance is requested. See findings in chapter 17.60.

I. Facade Transparency.
1. Transparent windows or doors facing the street are required. The main front elevation shall provide at least sixty percent windows or transparency at the pedestrian level. Facades on corner lots shall provide at least sixty percent windows or transparency on all corner-side facades. All other side elevations shall provide at least thirty percent transparency. The transparency is measured in lineal fashion. For example, a one hundred-foot long building elevation shall have at least sixty feet (sixty percent of one hundred feet) of transparency in length. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any

glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.

Finding: Complies with condition/See variance findings. The applicant has designed the building using windows placed as the human scale and has emphasized the transparency along the south side of the proposed building, which faces the plaza, rather than the east side, which faces Linn Avenue. The applicant does not meet the 60% transparency on the front of the building. See variance findings in 17.60. The proposed transparency is as follows:

Façade	Façade Length	Min. Transparency Reqd.	Transparency Proposed
Front (East)	113’	60%	31%
Rear (West)	113’	0%	N/A
Side (North)	342’	30%	30%
Side (South)	342’	30%	52%

The applicant did not indicate if reflective, glazed, mirrored or tinted glass is proposed. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.

Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with all of the Conditions of Approval.

2. Side or rear walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.

Finding: Not applicable. The proposed building does not include any false windows or doors.

J. Roof Treatments.
1. All facades shall have a recognizable "top" consisting of, but not limited to:
a. Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials; or
b. Sloping roof with overhangs and brackets; or
c. Stepped parapets;
d. Special architectural features, such as bay windows, decorative roofs and entry features may project up to three feet into street rights-of-way, provided that they are not less than nine feet above the sidewalk.
2. Mixed use buildings: For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall). The maximum length of any continuous roofline shall be seventy-five feet.
3. Other roof forms consistent with the design standards herein may satisfy this standard if the individual segments of the roof with no change in slope or discontinuity are less than forty feet in width (measured horizontally).

Finding: Complies as proposed. The proposed building meets the standards of the section; the building will have a flat roof (‘low slope’) with clerestory windows and multiple tiers of parapets to provide a multidimensional aesthetic. It will have internal sloped roofs which projects out of the center of the building (see Exterior Elevations, Exhibit 1, Sheet A-201 and A-202) with large south-facing windows to allow natural light into the building where there are no windows.

K. Drive-through facilities shall:
1. Be located at the side or rear of the building.
2. Be designed to maximize queue storage on site.

Finding: Not applicable. The proposal does not include a drive thru.

17.62.056 - Additional standards for large retail establishments.
Finding: Not Applicable. No retail has be proposed.

17.62.057 - Multi-family standards.
Finding: Not Applicable. No multi-family has been proposed.

17.62.059 - Cottage housing.
Finding: Not applicable. The application does not include cottage housing.

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

2. Lighting Plan Requirement.
All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan must be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.
Finding: Complies as proposed. The applicant submitted a photometric plan indicating proposed lighting levels in foot-candles along with manufacturer specification sheets for each of the lighting features to be installed on the site.

3. Excepted Lighting.
The following types of lighting are excepted from the requirements of this section.
a. Residential lighting for single-family attached and detached homes, and duplexes.
b. Public street and right-of-way lighting.
c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.
d. Temporary lighting for emergency or nighttime work and construction.
e. Temporary lighting for theatrical, television, and performance areas, or for special public events.
f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
g. Lighting required and regulated by the Federal Aviation Administration.
Finding: Not applicable. None of the proposed lighting is exempt lighting.

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: Complies as Proposed. The applicant has indicated the lighting will meet the operation and security needs of the proposed fire station without adversely affecting the surrounding properties.

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

exterior lighting shall meet the following design standards:
Finding: Complies as proposed. The development application included a photometric plan which demonstrated compliance with this standard. The on-site lighting is no more than 0.5 foot-candles at the property line.

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 as proposed. The maximum height will not exceed 25 feet.

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*	*.05*	

Finding: Complies with condition. The applicant provided a lighting plan with no more than 0.5 foot-candles at the abutting property, and a minimum of 3 foot-candles at bicycle parking. The footcandle levels provided for building entrances and walkways are not in compliance with this standard. Prior to issuance of a building permit the applicant shall provide a revised photometric plan demonstrating compliance with Table 1-17.62.065 for building entrances and pedestrian accessways/walkways. **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. Lamps shall include a high-pressure sodium bulb with an unbreakable lens.
Finding: Not Applicable. A pedestrian accessway is not proposed.

5. Floodlights shall not be utilized to light all or any portion of a building facade between ten p.m. and six a.m.
Finding: Not Applicable. No floodlights have been proposed.

6. Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.
Finding: Complies as Proposed. The applicant has indicated all lights will be recessed

7. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
Finding: Complies as Proposed. The applicant has indicated the proposed police station is a 24-hour emergency service use. Light fixtures related to security and emergency response services will remain on during 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.
Finding: Complies as Proposed. The applicant has indicated the flagpoles will be lit from the top and will direct the light to the flag only.

9. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
Finding: Complies as Proposed. The applicant has indicated no upward directional lighting is proposed.

10. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
Finding: Complies as Proposed. No flickering or flashing has been proposed.

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: Applicable. The proposed application includes construction adjacent to Linn Avenue, which has service by Tri-Met.

C. Development Standards.
1. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.
Finding: Complies as Proposed. The main entrance is on the corner of the building and is oriented to Linn Avenue.

a. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.
Finding: Not Applicable. The site only abuts one transit street.

b. For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.
Finding: Not Applicable. The proposed building does not exceed 300 feet.

2. Main building entrances shall be well lighted and visible from the transit street. The minimum lighting level for building entries shall be three foot-candles. Lighting shall be a pedestrian scale with the source light shielded to reduce glare.
Finding: Complies as Proposed. The main entrance will be lit along the pedestrian path from the transit stop on Linn Avenue. The lighting level will be more than three foot-candles and be shielded to reduce glare to the street and residential properties to the north.

3. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.
Finding: Not applicable. No conflicts have arisen.

D. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection C. of this section:
1. Heavy equipment sales;
2. Motor vehicle service stations, including convenience stores associated therewith;
3. Solid waste transfer stations; and
4. Truck stops, including convenience stores, eating or drinking establishments, overnight accommodations or other

similar services associated therewith. A use found by the community development director to be similar to the exempt uses above.

Finding: Not Applicable. No exemption have been requested.

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: Complies as proposed. An enclosed recycling and refuse enclosure will be stored on the west side of the employee parking area. It will be screened and located in a hard surfaced, accessible area for solid waste and recycling collection, with appropriate draining to avoid runoff or ponding.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

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.
1. Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed.

3. Where calculation in accordance with the 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.

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 with Condition.
Thirty-six existing parking spaces exist on site that currently serve the community development building and the school, which is scheduled to close in June 2019. The applicant proposed to retain the existing parking spaces and construct two new parking lots, one secured lot for employee and fleet vehicles, and another for public and visitor parking.

The off-street parking is proposed as follows:

PROPOSED PARKING*	Number of Spaces
Public	72
Secure	90
School (Existing Public Parking; applicant proposes 2 additional)	19

Community Development (Existing staff and public parking)	17
TOTAL	**198**

Approximately 15 spaces are provided on-street along Linn Avenue. The applicant does not propose to count these toward the parking requirement.

The existing 17 spaces that serve the community development department are likely to be removed in the future for the construction of a planned roundabout at the intersection of Linn Avenue and Warner Parrot Road. The 17 spaces currently utilized by the school will be available to the Community Development Department before and after the roundabout is constructed, and all public parking areas will be shared between both buildings. The applicant proposes two additional spaces in the existing school parking lot where striping allows. There will be no distinction for the public between the parking areas; they will be able to park in whatever area they wish, expect for in the secured parking lot north of the Public Safety Building.

The applicant submitted the following details regarding parking needs for the site:

Secured Parking –

1. *The police department currently utilizes about 45 spaces for fleet parking. This includes patrol cars, code enforcement vehicles, old patrol vehicles utilized for emergency driving training, an evidence van, training trailers, and staff cars. This does not include detective vehicles, which are take-home vehicles for detectives. Some of the fleet vehicles will be out on patrol during the course of a normal shift, but those vehicles will park during duty hours when officers are writing police reports or doing other business in the building.*

2. *On a normal workday, there are about 30 city employees working for police, code enforcement, and the municipal court. All employees will park in secure parking in the new facility. Because of the types of public interaction that police and court employees have on a daily basis, they feel much safer parking and accessing the building from the secure lot. Before police fenced the parking lot, police had individuals videotaping and documenting employee license plates. Police also experienced vandalism to fleet vehicles prior to fencing the parking lot.*

3. *There are approximately 16 extra spaces to accommodate future growth of the police department.*

Public Parking –

1. *The municipal court requires the largest number of parking spaces. Tuesdays are the heaviest court days and have a regular number of visitors that total 75-100 people at once. This generally lasts for 2-3 hours in the mornings. Wednesdays are criminal arraignments and the number of visitors average 25-30. Thursdays are trials and there are generally around one dozen visitors.*

The current police and court building parking lot has about 50 parking spaces. The lot is usually completely full on Tuesdays during court. Visitors park in the commercial Danielson's lot next door to the building.

2. *During those court hours, code enforcement and police have people visiting to do regular business. At any given time during the day, it is common to have 1-4 people in the front lobby waiting to get help from code or police.*

3. *The public parking lot will also accommodate the Oregon City Planning Department building. With the addition of the roundabout in front of that building, planning will lose 17 parking spaces. That loss will be made up utilizing parking in the public parking lot of the police and court building. The planning building has 6,850 square feet of office space that is visited by customers.*

4. *The City Commission and Planning Commission meetings will be held at the new police and court facility. The current City Hall parking lot holds 40 vehicles. During the majority of commission meetings, the lot is at or near capacity.*

5. *The community has made clear that priority be given to maintain the greenspace that now includes a baseball field at the new site. The parking lot will serve members of the parking lot that come to the site to utilize that space during the daytime and evening hours.*

Parking Ratio

The minimum and maximum parking is calculated to include the full site, including the police station and the existing Community development Department building. The community development building is considered an office use and is 6,850 square feet in size.

The proposed development does not have an identified land use within Table 17.52.020. The most closely related uses are office, assembly space, and storage. Staff finds that the combination of uses is appropriate to use for the purposes of calculating the parking minimum and maximum for the building. The police station has 25,855 square feet of office space, and 113-seat assembly space, and 3,735 square feet of storage space. Detailed calculations are shown in Exhibit 8.

Use	**Building square Feet/Seats**	**Minimum per 1000 sf/seat**	**Maximum Per 1000 sf/seat**
Office	32705	2.7	3.33
Assembly	113 seats	0.25	0.5
Storage	3735	0.3	0.4

Using the ratios in the table above results in a parking ratio of 118 minimum to 167 maximum number of parking spaces.

Fleet Storage

The applicant could treat fleet storage separately and build a storage area for the fleet, but has instead proposed to provide the additional space in the parking lot. Section 4 of this standard states "*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.*" The applicant has provided the minimum parking and is proposing additional spaces to store the fleet. The code is not explicit about whether fleet can be counted in addition to or as a part of the maximum parking. Staff could not find an example of when an applicant has requested to provide fleet parking above and beyond the required parking ratio; past applicants have stored fleet vehicles in parking lots that are within the maximum required parking for the use. The police station, however, has larger fleet needs than many other uses.

The number of fleet parking spaces in the applicant's submittal is not consistent. In the application narrative, the applicant states that 24 fleet spaces are needed; however, in an additional letter submitted later, the applicant states that 45 fleet spaces are needed. The applicant shall submit a final determination of the fleet parking needs with details regarding how the final outcome was reached.

. The proposed number of parking spaces is 198, not including on-street spaces. If spaces are lost to the future roundabout construction, then the total onsite parking would be reduced to 181. The applicant shall ensure that final off-street parking is within the following ratio: Minimum 118 + fleet needs and maximum 167 + fleet needs. With 198 proposed spaces (181 with roundabout accounted for), staff is confident that the applicant will meet the minimum parking requirements. The number of fleet spaces would have to be 70 or higher to result in a proposal that does not meet the minimum. If the proposed number of parking spaces exceeds the maximum (167 plus fleet parking needs), the applicant shall reduce the number of on-site parking spaces to fall within the minimum and maximum.

Staff and the applicant also examined other jurisdictions for parking ratios for a police station (see Exhibit 9). While many jurisdictions also do not have a ratio for this use, a few offered something closely related. To compare to other jurisdictions, the total square footage of the community development building and the police station is used, which is 40,330 square feet.

Other Jurisdiction Comparisons - Maximum Parking Based on 40,330 sf total*	
Tigard - Emergency Services (max 4.5 per 1000)	181
Tigard - Community Services (max 4 per 1000)	161
Beaverton - Public Buildings (max 4.1 per 1000)	165

The comparison ratios result in a lower maximum than the ratio proposed through the combination of office, assembly space, and storage, and fleet. The proposed 198 spaces exceeds the maximums allowed by other jurisdictions; however, it is not clear if other jurisdictions include fleet parking or not.

The applicant may elect to reduce the parking provided down to the minimum 163 spaces, as a part of any design changes that are made in the next stages of permitting and construction, with no additional land use review required. Any area that is removed from parking lots in conjunction with this provision shall be used for landscaping, pedestrian circulation, stormwater facilities, bicycle parking, or public amenities.

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

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 applicant has not proposed to change the use of an existing building.

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: Not applicable. The parking ratio is based on the mix of uses as previously discussed. The applicant has not proposed to utilize existing on-street parking or shared parking.

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).
Finding: Not Applicable. The applicant has not requested to utilize the transit oriented development parking reduction.

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.
Finding: Not Applicable. The applicant has not requested to utilize the tree preservation parking reduction.

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:
Finding: Not Applicable. The applicant has requested to utilize the Transportation Demand Management parking reduction.

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 with Condition. The applicant proposes two driveways on for the parking area on Warner Parrott Road, with a gated entrance for the employee parking area located north of the building along Linn Avenue. The City's traffic engineer, John Replinger, reviewed the driveway proposals and found that the proposed accesses are appropriate, but that details about the gated access were not provided. He recommended that the gate be placed such that vehicles entering or exiting the secured parking area will not block the sidewalk along Linn Avenue while the gate is being operated. The applicant shall ensure that the gate for the Linn Avenue parking lot entry be placed such that vehicles entering or exiting the secured parking area will not block the sidewalk along Linn Avenue while the gate is being operated.

The parking space will be clustered in lots separate from the driveway and have circulation areas to allow backing movements and maneuvering without entering the public right-of-way. All driveways will have a slope of 10 percent or less.
The applicant has discussed with staff the possibility of adding another driveway on Linn Avenue, and adjusting the location of the new Warner Parrott driveway. See findings and conditions in Chapter 12.04.025
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

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 paved surfaces for all off-street parking spaces and access aisles.

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 findings 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*
90 degrees	*Standard* *Compact*	*9'* *8'*	*19.0'* *16.0'*	*24'* *22'*	*9'* *8'*	*1.5*

Finding: Complies as proposed. No compact stalls are currently proposed. The minimum stall size is 9 feet in width and 19 feet in length. The width of stalls in the sally port and covered areas is 11 feet and 10 feet in some places. No angled stalls are proposed. All aisle widths are 24 feet minimum. Where overhang from stalls protrudes into walkways, the walkway will be a minimum 7 feet wide, and will be 10 feet wide on north face.

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

Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

Finding: Complies with Condition. The proposed development is a new government office (police station and courthouse). The applicant has proposed four carpool spaces; however, that does not constitute five percent of the parking spaces. The applicant shall provide carpool/vanpool spaces as five percent of the total spaces, not including fleet spaces. The carpool spaces shall be distributed between the two parking lots. The applicant shall install the correct number of carpool spaces prior to final city approval of public improvements associated with the new parking lot. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: Complies as Proposed. Bicycle parking is proposed adjacent to the main entrances for the buildings. The public bicycle parking will be located under the building overhang south of the main entrance and have three secure racks (space for six bicycles), with two additional racks (space for four bicycles) east of the main entrance. Existing racks for the Community Development Department will remain, with one rack (two spaces) at both the north and the south entrance to the building.

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 BICYCLE PARKING*	*MINIMUM BICYCLE PARKING - COVERED*
Office and Retail	*1 per 20 auto spaces (minimum of two)*	*50% (minimum of two)*
Public Parking lots	*1 per 10 auto spaces (minimum of 2)*	*50% (minimum of one)*

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

Finding: Complies as Proposed. There are two ways this requirement could be calculated: as the office use (198 spaces total, 1 per 20 auto spaces), or a combination of office (55 secured spaces, 1 per 20 auto spaces required) and public parking lot (110 spaces, 1 per 10 auto spaces required). Ten bicycle spaces will be required using the first option, and 14 would be required using the second option. The applicant has proposed 14 spaces outside. Six of these will be available south of the main entrance for the Public Safety Building (covered), four are currently provided at the Community Development Department, and four are provided along Linn Avenue between the sidewalk and the main entrance, for a total of fourteen public bicycle spaces. The applicant also proposed to provide bicycle parking for employees in the Public Safety Building in the Bicycle Storage room, which will also store police bicycles.

C. Security of Bicycle Parking. Bicycle parking facilities shall be secured. Acceptable secured bicycle parking area shall be in the form of a lockable enclosure onsite, secure room in a building onsite, a covered or uncovered rack onsite, bicycle parking within the adjacent right-of-way or another form of secure parking where the bicycle can be stored, as

approved by the decision maker. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue inconvenience and, when in the right-of-way shall comply with clearance and ADA requirements.

Finding: Complies as Proposed. The applicant's narrative identified that the proposed bicycle parking rack will be anchored to the concrete and will be secured.

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.

Finding: Complies as Proposed. The bicycle parking is located in convenient areas and is distributed between the two buildings.

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

Finding: Complies as Proposed. The bicycle parking that is inside the building is for employees only, and it is provided above and beyond the minimum required number of spaces. Thus, no signage is required.

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

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

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

Finding: Complies as Proposed. The proposed bicycle parking location is separated from motor vehicle parking and maneuvering areas, and does not interfere with pedestrian or motor vehicle movement.

***17.52.040.D.4**. Accessibility.*

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

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

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

Finding: Complies as Proposed. The proposed spaces are located near entrances and are closer to the building than the vehicle parking.

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 proposed landscaping throughout the parking lot is uniformly distributed.

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

Finding: Complies with condition/See Nonconforming Chapter 17.58. All areas in the newly proposed public parking lot not used for parking, maneuvering, or circulation are landscaped. The secure parking lot has paved space in the SW corner of the parking lot that appear to be not needed for circulation. The applicant shall increase the landscaping in these areas or demonstrate that the area is, in fact, needed for circulation or maneuvering. The existing parking lot serving the school, which will be used for the Community Development Department once the school closes, has paved areas that are not used for parking, maneuvering, or circulation. See Chapter 17.58 for nonconforming upgrades. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 cedar and fir trees among a variety of deciduous species.

4. Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List;
Finding: Complies as proposed. The landscape plan identifies 2" caliper minimum trees.

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 project proposes an automatic 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 identified within the parking lot landscaping area. 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 proposed parking lot landscaping does not obstruct lines of sight for safe traffic operation or otherwise interfere with vehicular circulation.

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: Complies as Proposed. The landscaping plan includes a 5-foot wide landscape buffer along all perimeter areas.

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 with Condition. The perimeter parking lot landscaping includes trees spaced a maximum of 35 feet apart, and includes a tree on either side of the parking lot entryway. The north property line has existing photinia hedge, which the applicant proposes to retain to provide screening. The applicant has requested not to plant trees along this perimeter area because the trees would create canopy conflict with existing mature trees on the other side of the property line. Staff finds that there is no guarantee that the trees on the adjacent property will remain, therefore the applicant must plant perimeter trees as required every 35 feet. The existing trees are north of the site, so they will not completely block sunlight from reaching the new trees. **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 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 applicant did not include detail regarding the exact shrub and ground cover spacing and species for each landscaped area. Prior to issuance of permits, the applicant shall provide a planting plan with sufficient detail to demonstrate compliance with groundcover and shrub spacing. **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 with Condition. The applicant did not include detail regarding the exact shrub and ground cover spacing and species for each landscaped area. Prior to issuance of permits, the applicant shall provide a planting plan with sufficient detail to demonstrate compliance with groundcover and shrub spacing. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

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

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

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

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

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

Finding: Complies with Condition. The landscaping plan includes an 8-foot wide landscape buffer along the south side of the building. It is planted with trees spaced 35 feet apart. The applicant did not include detail regarding the exact shrub and ground cover spacing and species for each landscaped area. Prior to issuance of permits, the applicant shall provide a planting plan with sufficient detail to demonstrate compliance with groundcover and shrub spacing.

The north parking lot is separated from the building with a 5 foot wide landscaping buffer in some portions of the building. A portion of the area has a canopy cover over the walkway and parking spaces. The back portion of the north façade is a sally port; no perimeter landscaping is proposed in this area.

The applicant has not proposed trees in this area. Overall, the required trees at one per 35 feet would result in nine trees; the applicant has proposed three. The applicant included two additional interior parking lot trees beyond the minimum required. The applicant shall revise the buffer landscaping to

provide the required number of trees (9) or provide equivalent quantity of trees elsewhere in the north parking lot area.
The rear of the building is a loading area and not a parking lot. No buffer landscaping is required. The applicant has proposed 5 feet of landscaped buffer with shrubs and groundcover only. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. Interior Parking Lot Landscaping. Surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site landscaping required by Section 17.62.050(1) unless otherwise permitted by the dimensional standards of the underlying zone district. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Interior parking lot landscaping shall include:
a. A minimum of one tree per six parking spaces.
b. Ground cover, such as wild flowers, spaced a maximum of sixteen-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees
c. Shrubs spaced no more than four feet apart on average.
Finding: Complies with Condition. The applicant has included 10% of the secure parking lot as landscaping, and 17% of the public parking lot as landscaping. 164 parking spaces are proposed, requiring a minimum of 28 interior parking lot trees. Thirty (30) trees are proposed on the plan – the two extra are in the north parking lot. Shrubs and groundcover are provided as required. The applicant did not include detail regarding the exact shrub and ground cover spacing and species for each landscaped area. Prior to issuance of permits, the applicant shall provide a planting plan with sufficient detail to demonstrate compliance with groundcover and shrub spacing. **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 parking lot includes no more than eight spaces in a row.

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 interior parking area, therefore, this standard is not applicable.

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 that all landscaping will be installed according to American Nurseryman standards. The applicant has proposed an irrigation system for all landscaped areas.

17.52.070 - Alternative landscaping plan.
Finding: Not Applicable. The applicant has not proposed an alternative parking lot 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 that the landscaped areas will be maintained by the owner.

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 site is not expected to have service or delivery truck visits with a forty-foot or longer wheelbase.

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 applicant applied for a conditional use and a site plan and design review. Therefore, this chapter 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 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 application, the applicant has acknowledged the City's jurisdiction and management of the public right-of-way. All work within the right-of-way will be done with proper permitting and approval of the City.

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: Complies as Proposed. The existing road sections for Linn Avenue and Warner Parrot Road do not meet the maximum design standards found in the Transportation System Plan. Neither the street section for Linn Avenue nor the street section for Warner Parrot Road meet the maximum street sections set forth in the Transportation System Plan. The modifications to the maximum street sections are based on the existing development patterns in the area and projected future buildout of the site. They provide for safe and efficient movement of pedestrian, motor vehicles, bicyclists, and freight, and they meet the intent of the standard, with conditions. See findings and conditions in 12.04.180.

<u>Linn Avenue</u>
Linn Avenue is functionally classified as a minor arterial road. The existing street section has a ROW width of approximately 62 feet. The street section includes a road width of approximately 46 feet, a curb-tight sidewalk of approximately 6.5 feet, a 6-foot-wide bike lane, 9-foot-wide street parking and two 11-foot-wide travel lanes.
The City has an adopted Corridor plan for Linn Avenue, the Linn/Leland/Meyers Corridor Plan. This plan calls for the following:

The east side of Linn Avenue is fully-developed with sidewalk and bike lanes throughout Segment 2. The City determined that the addition of a landscaping strip to provide stormwater treatment (as proposed by Alternative A) would be preferable, though it may not be feasible in some locations due to homeowner's private use of public right-of-way, and other considerations. The selected alternative was Alternative B (the addition of a curb-tight sidewalk and bike lanes), with an option to incorporate a landscaping strip and curb-detached sidewalk where feasible. The existing roadway would remain unaltered where developed with sidewalk and bike lanes.

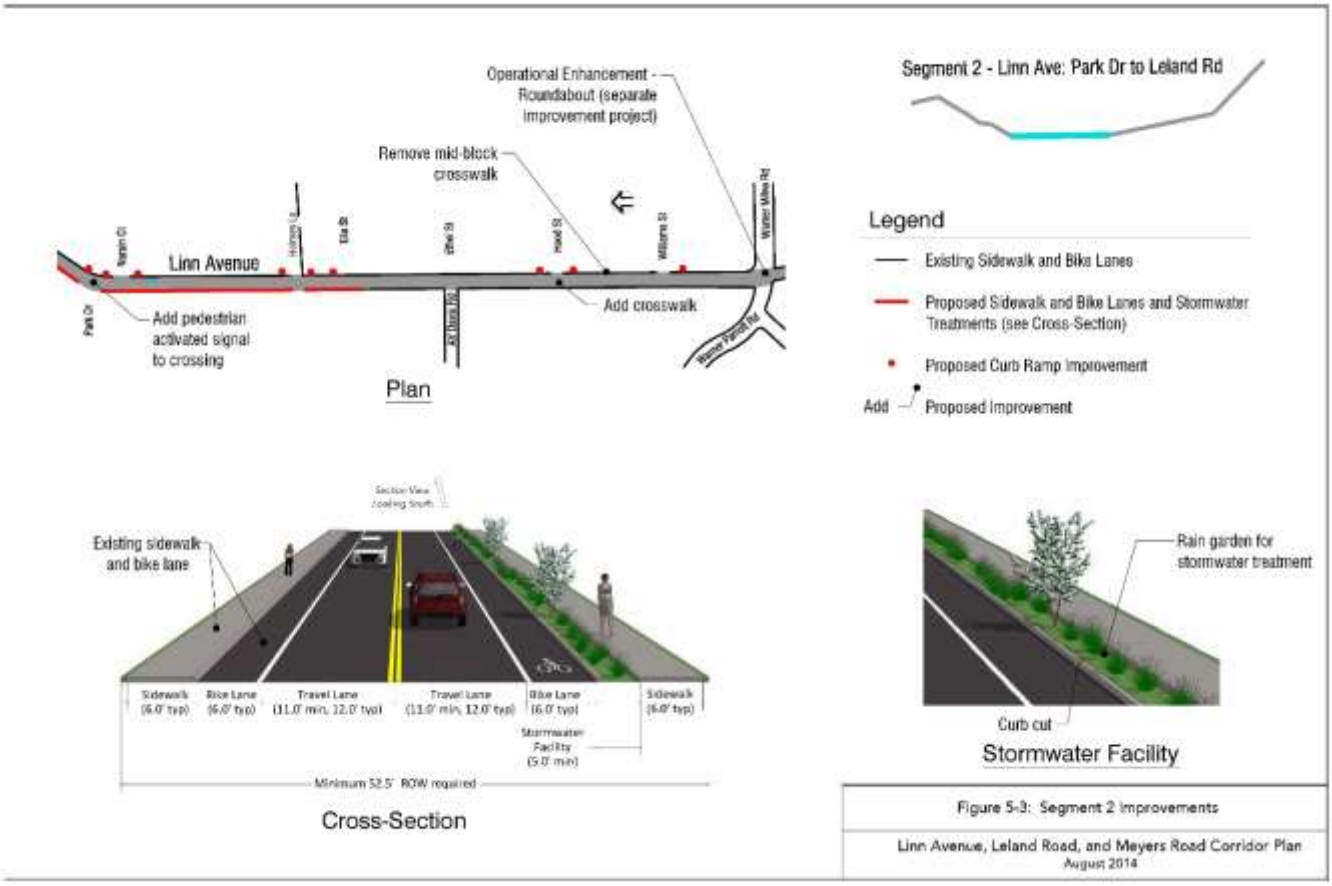


Figure 5-3: Segment 2 Improvements

Linn Avenue, Leland Road, and Meyers Road Corridor Plan
August 2014

The applicant's proposal for a 5 foot planter strip and an 8 foot sidewalk is consistent with this plan. While the proposed planter strip is not a stormwater facility, the applicant is managing stormwater effectively onsite. The proposed 8 foot sidewalk exceeds what the plan recommends, and staff finds that the additional width is appropriate.

The applicant does not propose to improve the street frontage south of the Williams Street crosswalk. An existing high voltage power pole and guy wires are in the area where the new sidewalk would be located, if it were continued south. Due to the presence of these obstructions, staff finds that it is not practicable or proportional to extend the street frontage improvements past the Williams Street crosswalk. The existing sidewalk is 6 foot curb tight in this location, and will likely be modified if and when the future roundabout is constructed at Linn Avenue and Warner Parrott Rd. Furthermore, the bus stop relocation ensures that the bus stop will have an 8 foot sidewalk rather than the existing 6 foot sidewalk. Future development on site may require improvement to the Linn Avenue frontage south of Williams Street.

<u>Warner Parrott Road</u>

Warner Parrot Road is functionally classified as a minor arterial road. The existing street section has a ROW width of approximately 70 feet. The street section includes a road width of approximately 60 feet, a curb-tight sidewalk of approximately 5.5 feet, a 6-foot-wide bike lane and two 11-foot-wide travel lanes.

There is no approved corridor plan for Warner Parrott Road.
The proposed or potential modifications include:
Warner Parrott sidewalk: Code requires a 10-foot sidewalk with tree wells. The existing sidewalk on Warner Parrott is 5.5 feet wide. There is no planter strip. Street trees will be placed behind the sidewalk, and where

the sidewalk is missing, a 5.5 foot wide sidewalk to match the existing sidewalk will be required The modification meets the intent of the standard which is to provide sidewalk and street trees.

When an existing street is substandard to the city code, the City views the TSP, then looks at what has been built in the area, then looks at what is reasonably possible for future development or redevelopment. The TSP states that infill sidewalk should be placed on the north side of Warner Parrott Road. Warner Parrott Road contains existing sidewalk, curb tight, 5 feet in width on the entire south side of the road and small portions of the north side. It has also been determined that future development or redevelopment is unlikely in the majority of the corridor; therefore, the appropriate sidewalk required by the TSP and based on existing layout is to provide curb tight sidewalk with plantings behind the sidewalk.

The modification will provide safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight by ensuring pedestrians have a place to walk. It is not necessarily safer to not have curb tight sidewalk in this situation. Since some areas have no other option of curb tight sidewalk when other infill sidewalk occurs, meandering sidewalk along a roadway is not safe for the user. Pedestrians anticipate walking in a straight line and users of Warner Parrott are used to curb tight sidewalk which makes this area of the City not to be a hazard by using curb tight sidewalk.

The modification is consistent with an adopted plan as the TSP requires some type of sidewalk along Warner Parrott Road.

By keeping the sidewalk curb tight, the modification is complementary to the surrounding street design.

<u>Linn/Leland/Warner Parrott/Warner Milne Road Operational Enhancement (roundabout)</u>
The adopted Linn/Leland/Meyers Corridor Plan calls for a roundabout at the intersection to replace the signal and the Central Point Road junction. As the applicant is not increasing trip generation beyond the traffic resulting from the school use, the applicant is not required to complete this project or contribute a proportional fair share towards its cost. The right of way for the roundabout is required to be dedicated when needed as a condition of approval.

<u>Driveway Modifications</u>
The applicant may use a modification to driveway spacing. See findings and conditions in 12.04.025.

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: Complies with Condition. See section 12.040.180 for findings.

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.
12.04.025.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.
12.04.025.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*
Non Residential or Multi-Family Residential Driveway Access	*15 feet*	*40 feet*

The driveway width abutting the street pavement may be extended 3 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).
12.04.025.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.*

12.04.025.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.
12.04.025.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: Complies with Condition. The applicant has proposed one new driveway on Linn Avenue, an expansion of an existing driveway on Warner Parrott Rd from one way to two-way traffic, closure of one existing driveway on Warner Parrot Road, and a new driveway on Warner Parrott Road. The proposed driveways will have a width between 24 to 26 feet with 7 feet concrete wings on either side, which is between 15 to 40 feet as required for nonresidential driveways. The driveway on Linn Avenue will be a secure gated driveway and the driveway on Warner Parrot Road will be a public driveway. The City's traffic engineer, John Replinger, reviewed the driveway proposals and found that the proposed accesses

are appropriate, but that details about the gated access were not provided. He recommended that the gate be placed such that vehicles entering or exiting the secured parking area will not block the sidewalk along Linn Avenue while the gate is being operated. The applicant shall ensure that the gate for the Linn Avenue parking lot entry be placed such that vehicles entering or exiting the secured parking area will not block the sidewalk along Linn Avenue while the gate is being operated.

The applicant has discussed with staff the possibility of adding another driveway on Linn Avenue, just south of the proposed plaza, in the existing school parking area. This driveway would be a right turn in only, or a right turn out only. The purpose of adding this driveway would be to add convenient access for users from Linn avenue, to provide an access on the street where the building is addressed to avoid confusions for users who may not know to enter from Warner Parrott Road, and to reduce traffic through the major intersection at Linn and Warner Parrott by allowing entry through Linn Avenue.

This proposal has been reviewed by the City's traffic consultant, who has deemed it to be safe with several recommendations on signage and design (Exhibit 6 Approval of any modifications to the location of the new driveway proposed on Warner Parrot shall require traffic and safety analysis in accordance with the City's Guidelines for Traffic Analysis Letters by the applicant's traffic engineer and final approval by the City Engineer. The applicant has also discussed with staff the possibility of adjusting the location of the new driveway proposed on Warner Parrott Road to the east approximately 15-20 feet. This adjustment would allow for preservation of some existing trees, and it would reduce the curvature of the driveway as well. This potential adjustment has been reviewed by the city's traffic consultant, who has deemed it to be safe, even thought it would result in driveway spacing that is slightly substandard. Approval of any modifications to the location of the new driveway proposed on Warner Parrot shall require traffic and safety analysis in accordance with the City's Guidelines for Traffic Analysis Letters by the applicant's traffic engineer and final approval by the City Engineer. All driveways, proposed and existing, shall be made ADA compliant. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.030 Maintenance and repair.
The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.
Finding: Applicable. The applicant is responsible for maintaining said sidewalk and abutting curb.

12.04.031 Liability for sidewalk injuries.
A. The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.
B. If the city is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty that this ordinance imposes, the person shall compensate the city for the amount of the damages paid. The city may maintain an action in a court of competent jurisdiction to enforce this section.
Finding: Not Applicable. This is not a criterion for 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: Complies with Condition. Sidewalk on Linn Avenue and Warner Parrott Road that is missing or in poor condition shall be added/replaced by the applicant. Any sidewalk damaged by construction activities will also require replacement by the applicant. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.033 City may do work.
If repair of the sidewalk is not completed within ninety days after the service of notice, the public works director shall carry out the needed work on the sidewalk. Upon completion of the work, the public works director shall submit an itemized statement of the cost of the work to the finance director. The city may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the public works director for the health, safety and general welfare of the residents of the city.
Finding: Not Applicable. This is not a criterion for this development all sidewalk work will be completed by the applicant.

12.04.034 Assessment of costs.
Upon receipt of the report, the finance director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.
Finding: Not Applicable. This is not a criterion for this development all sidewalk work will be completed by the applicant.

12.04.040 Streets--Enforcement.
Any person whose duty it is to maintain and repair any sidewalk, as provided by this chapter, and who fails to do so shall be subject to the enforcement procedures of Chapters 1.16, 1.20 and 1.24. Failure to comply with the provisions of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
Finding: Not Applicable. This is not a criterion for this development all sidewalk work will be completed by the applicant.

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

Table 12.04.045		
STREET DESIGN STANDARDS FOR LOCAL CONSTRAINED STREETS		
	Minimum	*Required*
Type of Street	*Right-of-way*	*Pavement Width*
Constrained local street	*20 to 40*	*20 to less than 32 feet*

Finding: Not Applicable. The applicant has not proposed a constrained 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. Applicant is not proposing construction of a retaining wall.

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. Applicant is not proposing construction of a retaining wall.

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. Applicant will be permitted for excavations 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. Applicant will be permitted for excavations 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 cut and restoration shall be performed in accordance with the City of Oregon City Pavement Cut Standards. Pavement cuts and restoration for Linn Avenue and Warner Parrot Road shall be to Full Standard 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.**

12.04.110 Excavations--Nuisance--Penalty.
Any excavation in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
Finding: Not Applicable. This is not a criterion for this development.

12.04.120 Obstructions – Permit Required
Finding: Not Applicable. No permanent obstructions are proposed with this development; therefore this is not a criterion for this development.

12.04.130 Obstructions--Sidewalk sales.
A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.
B. The city commission may, in its discretion, designate certain areas of the city to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided.
Finding: Not Applicable. This is not a criterion for this development.

12.04.140 Obstructions--Nuisance--Penalty.
Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
Finding: Not Applicable. This is not a criterion for this development.

12.04.150 - Street and alley vacations—Cost.
At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by city commission resolution shall be paid to the city.
Finding: Not Applicable. The applicant has not proposed a street or alley vacation with this application.

12.04.160 Street vacations--Restrictions.
The commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.
Finding: Not Applicable. The applicant has not proposed a street or alley vacation with this application.

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. **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, 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 section 12.04 shall be required to preserve the objectives of street extensions.

Finding: Not applicable. No new streets are proposed with 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 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 Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Major Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.

Road	Comprehensive	Right-	Pavemen	Public	Sidewal	Landscape	Bike	Street	Travel	Median

Classificatio n	Plan Designation	of-Way Width	t Width	Acces s	k	Strip	Lane	Parking	Lanes	
Collector	Mixed Use,- Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A
	Industrial	88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 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 Classificatio n	Comprehensive Plan Designation	Right-of-Way Width	Pavemen t Width	Public Acces s	Sidewal k	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.x5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Shared Space			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 20 feet and a minimum pavement width of 16 feet. If alleys are provided, garage access shall be provided from the alley.

Finding: Complies with Condition.

Linn Avenue

Linn Avenue is functionally classified as a minor arterial road. The existing street section has a ROW width of approximately 62 feet. The street section includes a road width of approximately 46 feet, a sidewalk and landscape strip of approximately 6.5 feet, a 6-foot-wide bike lane, 9-foot-wide street parking and two 11-foot-wide travel lanes.

The applicant proposes a 5 foot planter strip and an 8 foot sidewalk, and retention of the existing pavement width, on-street parking, bike lane, and curb. The applicant shall dedicate approximately 12 feet of right-of-way along Linn Avenue to the back of the proposed sidewalk.

The applicant does not propose to improve the street frontage south of the Williams Street crosswalk. An existing high voltage power pole and guy wires are in the area where the new sidewalk would be located, if it were continued south. Due to the presence of these obstructions, staff finds that it is not practicable or proportional to extend the street frontage improvements past the Williams Street crosswalk. The existing sidewalk is 6 foot curb tight in this location, and will likely be modified if and when the future roundabout is constructed at Linn Avenue and Warner Parrott Rd. Furthermore, the bus stop relocation ensures that the bus stop will have an 8 foot sidewalk rather than the existing 6 foot sidewalk. Future development on site may require improvement to the Linn Avenue frontage south of Williams Street.

Warner Parrott Road

Warner Parrot Road is functionally classified as a minor arterial road. The existing street section has a ROW width of approximately 70 feet. The street section includes a road width of approximately 60 feet, a sidewalk and landscape strip of approximately 6.5 feet, a 6-foot-wide bike lane and two 11-foot-wide travel lanes. Neither the street section for Linn Avenue nor the street section for Warner Parrot Road meet

the maximum street sections set forth in the Transportation System Plan. Based on the development patterns and projected future buildout, the following shall be required.

Sidewalk and curb on Linn Avenue and Warner Parrott Road that is missing or in poor condition shall be added/replaced by the applicant. The curb-tight sidewalk along Warner Parrot Road shall be extended to the western edge of the property line in accordance with Transportation System Plan Project W56 for sidewalk infill along the north side of Warner Parrot Road. The new sidewalk shall be 5.5 foot wide to match existing, with a 5-foot planter area behind the sidewalk. Right of way dedication is required to back of the planter area. Any sidewalk and curb damaged by construction activities will also require replacement by the applicant.

<u>Connection to Marshall Street</u>
The applicant shall be required to dedicate the existing easement area on the gravel driveway as right of way, and shall construct a street to local street standards upon any further development on site over 1000 square feet in size.
The easement area is currently 30 feet wide. The right of way dedication and street improvement may require an increased width to meet local street standards. The Community Development Director and City Engineer shall determine the right of way dedication and improvement requirements at the time of one of the actions listed above.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

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 streets that end at the boundary of the development are proposed or required for this development.

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. The existing street alignments meet the City requirements. This standard is met.

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 with this development.

12.04.195 Spacing Standards.
12.04.195.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 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every 330 feet. The spacing standards within this section do not apply to alleys.

Finding: Complies with Condition. The site is over 8 acres and existing block lengths are larger than 530 feet, which does not comply with this standard. The total site frontage on Linn Avenue is approximately 760 feet. The total frontage on Warner Parrott is approximately 800 feet. The surrounding area is already developed and no street connections are possible to the north of the site. To the west of the site, a future connection is possible to Marshall Street, which is currently unimproved and 30 feet in width. In addition, an existing gravel driveway on the west edge of the property connects to unimproved Marshall Street. This driveway has an access easement for the benefit of property owners of two properties on Marshall Street. The applicant has not proposed any new streets. Instead, the applicant proposes walkways to serve as a pedestrian accessways. The applicant does not propose these walkways to be dedicated as right of way, but they will be city-owned because the city owns the underlying property.

One walkway extends from Linn Avenue along the south side of the proposed building, crossing the western driveway and ending at the existing grass field. The spacing created by this proposed walkway is 283 feet to the north property line, and approximately 470 feet to the intersection to the south. The 470 foot distance will be reduced if the planned roundabout is constructed at the intersection. Another walkway connects the east-west walkway to Warner Parrott Road. It runs north-south. This walkway creates block spacing of 480 feet from the Linn Avenue intersection to the walkway, and 310 feet from the west property line to the walkway. The 480 foot distance will be reduced if the planned roundabout is constructed at the intersection.

The applicant shall be required to dedicate the existing easement area on the gravel driveway as right of way, and shall construct a street to local street standards upon any further development on site over 1000 square feet in size.
The easement area is currently 30 feet wide. The right of way dedication and street improvement may require an increased width to meet local street standards. The Community Development Director and City Engineer shall determine the right of way dedication and improvement requirements at the time of one of the actions listed above.

The east-west walkway shall be extended all the way through the property to Marshall Street upon any further development on site over 1000 square feet in size.
The walkway shall be at least 8 foot in width with a paved surface. Landscaping is not required unless the project is done in conjunction with onsite development.
The applicant shall submit a shadow plat showing these future connections to Marshall Street, along with any other potential street connections.
The applicant shall provide a 24-hour public access easement for both of the proposed walkways.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

12.04.195.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

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*	*175 ft.*

Table 12.04.195.B Minimum Driveway Spacing Standards		
Street Functional Classification	***Minimum Driveway Spacing Standards***	***Distance***
	than single and two-family dwellings	
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: Complies with Condition. The applicant proposed two new driveways and enlargement of one existing driveway. All driveways proposed are at least 175 apart and 175 feet from intersections. The applicant has discussed with staff the possibility of adding another driveway on Linn Avenue, just south of the proposed plaza, in the existing school parking area. This driveway would be a right turn in only, or a right turn out only. The purpose of adding this driveway would be to add convenient access for users from Linn avenue, to provide an access on the street where the building is addressed to avoid confusions for users who may not know to enter from Warner Parrott Road, and to reduce traffic through the major intersection at Linn and Warner Parrott by allowing entry through Linn Avenue.

This proposal has been reviewed by the City's traffic consultant, who has deemed it to be safe with several recommendations on signage and design (Exhibit 6). Approval of any modifications to the location of the new driveway proposed on Warner Parrot shall require traffic and safety analysis in accordance with the City's Guidelines for Traffic Analysis Letters by the applicant's traffic engineer and final approval by the City Engineer. The applicant has also discussed with staff the possibility of adjusting the location of the new driveway proposed on Warner Parrott Road to the east approximately 15-20 feet. This adjustment would allow for preservation of some existing trees, and it would reduce the curvature of the driveway as well. This potential adjustment has been reviewed by the city's traffic consultant, who has deemed it to be safe, even thought it would result in driveway spacing that is slightly substandard. Approval of any modifications to the location of the new driveway proposed on Warner Parrot shall require traffic and safety analysis in accordance with the City's Guidelines for Traffic Analysis Letters by the applicant's traffic engineer and final approval 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.**

12.04.199 Pedestrian and Bicycle Accessways
Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding three-hundred-and-thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or

bicycle trips.
12.04.199.A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.
12.04.199.B. Accessways shall be free of horizontal obstructions and have a nine-foot, six-inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:

1. *Accessways shall have a fifteen-foot-wide right-of-way with a seven-foot wide paved surface between a five foot planter strip and a three foot planter strip.*
2. *If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-three feet wide with a fifteen-foot paved surface a five foot planter strip and a three foot planter strip.*

12.04.199.C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.
2.04.199.D. To enhance pedestrian and bicycle safety, accessways 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.
12.04.199.E. Accessways shall comply with Americans with Disabilities Act (ADA).
12.04.199.F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:

1. *Within the three foot planter strip, an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average;*
2. *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;*
3. *Within the five foot planter strip, two-inch minimum caliper trees with a maximum of thirty-five feet of separation between the trees to increase the tree canopy over the accessway;*
4. *In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.*

12.04.199.G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.
12.04.199.H. Accessway surfaces shall be paved with all-weather materials as approved by the city. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.
12.04.199.I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.
12.04.199.J. The Community Development Director may approve an alternative accessway design due to existing site constraints through the modification process set forth in Section 12.04.007.
12.04.199.K. Ownership, liability and maintenance of accessways.
To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the hearings body shall require one of the following:

1. *Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or*
2. *The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.*

Finding: Complies with conditions. Accessways are required from this development. The block lengths in the area do not comply with this Chapter. The applicant proposes walkways to serve as a pedestrian accessways. The applicant does not propose these walkways to be dedicated as right of way, but they will be city-owned because the city owns the underlying property. One walkway extends from Linn Avenue along the south side of the proposed building, crossing the western driveway and ending at the existing grass field. The spacing created by this proposed walkway is 283 feet to the north property line, and approximately 470 feet to the intersection to the south. The 470 foot distance will be reduced if the planned roundabout is constructed at the intersection. The east-west walkway shall be extended all the way through to Marshall Street upon the following actions:

1. Any further development on site over 1000 sf in size
2. Improvement of Marshall Street by other development or capital projects

Another walkway connects the east-west walkway to Warner Parrott Road. It runs north-south. This walkways created block spacing of 480 feet from the Linn Avenue intersection to the walkway, and 310 feet from the west property line to the walkway. The 480 foot distance will be reduced if the planned roundabout is constructed at the intersection.

Both walkways are proposed to be 8 feet in width, with adjoining landscaping of at least five feet on each side.

The proposed average footcandle level is 1.28 for the north-south walkway and 1.94 for the east-west walkway. The applicant shall revise the lighting plan to ensure both walkways that are serving as pedestrian and bicycle accessways are illuminated in accordance with this section.

The applicant has not proposed bollards to block motorized vehicle access. If bollards are determined by the City Engineer, Community Development Director, or City's traffic consultant to be installed, the applicant shall install bollards to restrict motorized use of these 8 foot walkways.

The applicant shall provide a 24-hour public access easement for both of the proposed walkways. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 20 vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than 20 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 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 Impact Study dated March 28 2019 prepared under the direction of Christopher Brehmer, PE of Kittelson & Associates. A key factor related to the site is the trip cap that was established in connection with the rezoning of the entire property. The rezoning (PZ17-01) established a trip cap for the campus based on the prior elementary school use.

The City's Traffic Consultant, John Replinger, reviewed the study and found the following:

"The combination of the existing city offices and the new public safety building were calculated to fall below the trip cap established for the AM and PM peak hours under the provisions of PZ17-01. The total predicted trip generation for the city development is 142 in the AM peak hour and 129 in the PM peak hour. These values are below the 238 AM peak hour and 143 PM peak hour trips established with the trip cap. The trip generation is within allowable limits.

According to the analysis, all study area intersections are predicted to meet city performance standards in 2020 under total traffic conditions with the new facility. The performance of the intersection of Warner Parrot/Warner Milne/Linn/Leland and the intersection of Warner Parrott/S Leland Road are expected to deteriorate slightly, but both will meet standards. The northbound left turn from S Central Point Road to westbound Warner Parrott Road will experience increased delays especially during the PM peak hour. However, adopted city code has no performance standards for movements from this approach to the intersection. The long-term plan is to eliminate left turns at this location in connection with a planned roundabout at the intersection of Warner Parrot/Warner Milne/Linn/Leland.

I find that the TIS provides an adequate basis upon which to assess the impacts of the proposed development. I agree that off-site mitigation for traffic impacts or safety issues is not required."

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 streets are proposed with this development.

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: Complies with Condition. The applicant submitted a Traffic Impact Study dated March 28, 2019 prepared under the direction of Christopher Brehmer, PE of Kittelson & Associates. The City's Traffic Consultant, John Replinger, reviewed the study and found the following:

"I find that the TIS provides an adequate basis upon which to assess the impacts of the proposed development. I agree that off-site mitigation for traffic impacts or safety issues is not required.

The TIS notes the inclusion in the TSP of a roundabout at the intersection of Warner Parrot/Warner Milne/Linn/Leland. This is an unfunded project. "

The right-of-way necessary for the roundabout will be required to be dedicated at the time of the construction of the roundabout at the intersection of Linn Avenue, Central Point Road, Warner Milne Road, Warner Parrot Road, and Leland Road. No fee-in-lieu will be charged at this time for future improvements; however, the future right-of-way dedication for the roundabout shall be provided without charge. A covenant establishing this agreement will be required as part of this project. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 streets are proposed with this application.

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 25 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-sac or dead-end streets are proposed with this development.

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 proposed or required for this development.

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 proposed or required for this development.

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: Complies as Proposed. The applicant proposes access control for the development.

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: Complies as Proposed. Current bicycle and pedestrian safety amenities will continue to be provided, including the crosswalk on Linn Avenue and bike lanes on both Linn Avenue and Warner Parrot Road.

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. No alleys are proposed with this development.

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 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: Complies as Proposed. Transit improvements along Linn Avenue are expected to be a part of future roundabout improvements.

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 10 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 five-foot-wide planter strip adjacent to Linn Avenue.

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 "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, 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: Complies with Condition. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. The workmanship and materials for any work performed under permits issued by Oregon City Public Works 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. As-Built drawings prepared by a licensed professional engineer or surveyor are required within 90 days of completing the public improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.280 Violation--Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Not Applicable. No violations have been identified.

CHAPTER 12.08 - PUBLIC AND STREET TREES

12.08.015 - Street tree planting and maintenance requirements.

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

trees shall be placed within the front yard setback, exclusive of any utility easement.
A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.
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.
C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.
12.08.020 - Street tree species selection.
The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.
Finding: Complies with Condition. The applicant submitted a street tree plan with their submittal. For 1571 total feet of frontage, 45 street trees are required.
Linn Avenue: the existing sidewalk is curb tight. Existing street trees are behind the sidewalk on the south end of the site. The applicant proposes to retain five existing trees that are located behind the sidewalk. The applicant proposes to plant 9 new street trees in a five foot wide planter strip beginning at the south edge of the plaza and extending to the north property line.
Warner Parrot Rd: The existing sidewalk is curb tight and the site has four existing trees behind the sidewalk that could be considered street trees. The applicant proposes to retain the four existing trees, and to plant 9 additional street trees. The new trees proposed are behind the sidewalk; Warner Parrott sidewalk will remain existing curb tight.
The applicant proposes 18 total new trees, retention of 9 existing street trees, and fee in lieu for the remaining required street trees. Staff finds that fee in lieu is acceptable due to the planned future roundabout; trees in the vicinity of the roundabout will be removed if the roundabout is constructed. Under the current proposal, the applicant would owe fee in lieu for 18 street trees.
The spacing proposed complies with this standard and the size is proposed as 2" caliper. Proposed tree species are Skymaster Oak on Linn Avenue, and Linden and Zelkova on Warner Parrott Rd.
Prior to issuance of a permit associated with the proposed development the applicant shall submit a final plan for street trees in compliance with OCMC 12.08. **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 does not propose to remove any existing street trees.

CHAPTER 13.12 - STORMWATER MANAGEMENT

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 Co

de. Those exempted facilities shall be reviewed by the building official.

Finding: Applicable. The stormwater from the site is subject to performance standards for stormwater conveyance, quantity and quality.

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: Applicable. The applicant has provided a site plan which creates or replaces more than five thousand square feet of impervious surface; therefore, the standards of this chapter apply.

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 applicant has not proposed any exemptions to the stormwater management requirements.

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.

13.12.080 - Submittal requirements.

A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.

B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.

Finding: Complies with Condition. The development shall comply with the current version of the Oregon City Stormwater and Grading Design Standards. The applicant shall provide an engineered drainage plan, signed by a professional engineer in the State of Oregon, for review and approval to fully address all applicable Stormwater and Grading Design Standards. The applicant's engineer shall submit a completed Site Assessment and Planning Checklist, found in Appendix B of the Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.090 - Approval criteria for engineered drainage plans and drainage report.
An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:
A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.
B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020.
C. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.
D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.
E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.
Finding: Complies with Condition. The applicant proposes water quality treatment in the form of raingardens, planters, and underground cartridges. The planters and raingardens are proposed within and bordering the parking lot areas. The applicant proposes water quantity management through underground detention chambers underneath the north parking lot. The site is not currently connected to the city stormwater system. The nearest pipe to connect to is undersized. The applicant proposes to provide additional detention for the stormwater produced within the neighborhood in order to keep the flow into the existing pipe from exceeding the current flow. The applicant has not adequately sized the underground detention to handle the neighborhood stormwater along with the onsite stormwater.
The development shall comply with the current version of the Oregon City Stormwater and Grading Design Standards. Flow control facilities shall be designed so that the duration of peak flow rates from post-development conditions shall be less than or equal to the duration of peak flow rates from pre-development conditions for all peak flows between 42 percent of the 2-year peak flow rate up to the 10-year peak flow rate, per Chapter 4 of the Oregon City Stormwater and Grading Design Standards. The applicant's submittal does not address the City's flow control requirement. The applicant is required to use one of the design methods found in Section 4.3, the BMP Sizing Tool Method or the Engineered Method, for sizing stormwater management facilities for flow control. A hydrologic/hydraulic analytical model capable of performing a continuous simulation of peak flow rates from local long-term rainfall data must be used to determine the peak flow rates, recurrence intervals and durations. Due to the inadequate downstream conveyance system, the applicant shall provide additional onsite stormwater flow control measures to reduce contributions to the downstream system or correct downstream drainage conditions so that the proposed stormwater rates do not have to be restricted further, per Chapter 5 of the Oregon City Stormwater and Grading Design Standards. The applicant shall execute a Maintenance Covenant and Access Easement for any private stormwater facilities to be constructed within the development. The Maintenance Covenant and Access Easement shall include an operation and maintenance plan for said stormwater facilities. The Maintenance Covenant and Access Easement shall be recorded by the City as required by the Public Works Stormwater and Grading Design Standards. The applicant shall pay all fees associated with processing and recording the Maintenance Covenant and Access Easement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.100 - Alternative materials, alternative design and methods of construction.
The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the Public Works Stormwater and Grading Design Standards, provided any alternate has been approved and its use authorized by the city engineer. The city engineer may approve any such alternate, provided that the city engineer finds that the proposed design is satisfactory and complies with the intent of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The city engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the city files.
Finding: Not Applicable. The applicant has not proposed alternative design methods requiring special approval by the City Engineer. However, should the applicant propose such methods with the public facilities construction plan submittal, the proposal will be reviewed and approved by the City Engineer as required.

13.12.120 - Standard construction specifications.

The workmanship and materials shall be in accordance with the 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, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.

Finding: Complies as Proposed. The applicant has noted the requirement to follow city standards which are developed in compliance with the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application.

13.12.170 - Permits from other jurisdictions.

A.The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES 1200-C permits for projects that cover areas of one acre or greater. No permit shall be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing its own permits; however, if city personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the city will bring such conditions to the attention of the appropriate DEQ representatives.

Finding: Complies with Condition. The applicant shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) prior to release of any permit from the City and 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.**

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

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

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

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

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

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

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

Finding: Applicable. The development proposes grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet.

15.48.090 Submittal requirements.

An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.

A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:

1. No portion of the proposed site is within the flood management area overlay district pursuant to Chapter 17.42, the unstable soils and hillside constraints overlay district pursuant to Chapter 17.44, or a water quality resource area pursuant to Chapter 17.49; and

2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.

B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.
C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:
1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;
2. When an embankment for a stormwater pond is created by the placement of fill;
3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.
D .Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.
Finding: Complies with Condition. The applicant will produce an engineered grading plan in accordance with the City's Stormwater and Grading Design Standards. A preliminary engineered grading plan demonstrating general compliance with the City's Public Works requirements for grading standards has been provided. 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 seeks approval of an application for land use which requires construction that may cause visible or measurable erosion

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 Control permit prior to commencement of any earth disturbing activities. **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.**

CHAPTER 17.41 - TREE PROTECTION STANDARDS

17.41.020 - Tree protection—Applicability.

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

2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.

3. Tree canopy removal greater than twenty-five percent on sites greater than twenty-five percent slope, unless exempted under Section 17.41.040, shall be subject to these standards.

4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter shall be subject to the standards of this section.

Finding: Applicable. The applicant has submitted a Site Plan and Design Review application, therefore, compliance with Chapter 17.41 is required.

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.

17.410 - 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 as Proposed. The applicant has already obtained approval for tree removal and mitigation through Type I review (SP 19-58). The Type I approval was for removal of 12 trees; replanting of 35 trees, and fee in lieu of $17,316. This application will amend the Type I site plan approval. The applicant has proposed to remove 12 trees onsite. The applicant has proposed to utilize Option 1, mitigation.

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*	*Column 2*

	Number of trees to be planted. (If removed Outside of construction area)	*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.

Finding: Complies with Condition.

The applicant's plans did not consider that some of the trees proposed to be removed are outside of the construction area. Staff has made a determination, based on the definition of construction area in 17.04.230, of which trees are within the construction area, and which trees are outside of the construction area. Tree removal is proposed according to the following table:

Tree #	**In/Out of construction area**	**Size (Inches DBH)**	**Mitigation trees required**
1	out	6	3
2	out	22	9
3	out	14	6
5	out	20	9
6	out	26	12
7	out	18	9
8	out	25	12
9	out	10	3
12	out	22	9
13	out	2.5	0
25	out	22	9
26	out	21	9
TOTAL			**90**

*The applicant states that tree #1 is diseased, but has not provided an arborist report. If the applicant demonstrates with an arborist report that the tree is diseased or dying, no mitigation will be required.

The applicant has proposed the following as mitigation:

Upsized street trees credit (nine 4" street trees are proposed)	9
Mitigation trees on site	25
Oversized mitigation trees credit	6
Dogwoods (unless used for variance mitigation)	3
TOTAL	43

The proposed mitigation of 43 trees does not provide the required mitigation based on the proposed tree removal; 90 trees are required if the proposed removal plan remains. The applicant shall provide a revised tree removal and mitigation plan that meets this standard. The applicant may utilize fee in lieu of planting if desired.

This standard requires the tree mitigation plan report be prepared by a certified arborist, horticulturalist, forester or other environmental professionals with experience and academic credentials in forestry or arboriculture. The plan was prepared by the firm Mayer Reed, but it is not clear who prepared the plan and their credentials. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised tree mitigation plan prepared by a certified arborist, horticulturalist, forester or other environmental professional. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 proposed mitigation trees will be planted onsite, and upsizing of street trees along Linn Avenue is also proposed as the equivalent of 9 mitigation trees. No off-site mitigation is proposed. The proposed mitigation of 43 trees does not provide the required mitigation based on the proposed tree removal; 90 trees are required if the proposed removal plan remains. The applicant shall provide a revised tree removal and mitigation plan that meets this standard. The applicant may utilize fee in lieu of planting if desired.
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. The applicant has not proposed a subdivision or partition, therefore, this mitigation option 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 to Section above shall be protected with a restrictive covenant in a format to be approved by the community development director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the community development director, are determined to be diseased or hazardous.
Finding: Complies with Condition. The applicant has chosen to utilize option 1, however, a revised mitigation plan is required. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised mitigation plan utilizing any of the mitigation options in Chapter 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.120 - 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 chosen to utilize option 1, however, a revised mitigation plan is required. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised mitigation plan utilizing any of the mitigation options in Chapter 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 chosen to utilize option 1, however, a revised mitigation plan is required. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised mitigation plan utilizing any of the mitigation options in Chapter 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 as Proposed. The applicant proposed to protect several existing trees on site during construction and indicates that they will comply with tree protection measures during construction. The tree protection plan includes 5' chain link fencing around all preserved trees and contains all the required language found in the standard. Modifications to the tree protection fencing may be permitted to allow for parking access and circulation for the community development building.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

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

Finding: Complies as Proposed. The proposed application is being reviewed pursuant to the Type III process. Notice was posted onsite, online, in a newspaper of general circulation, and mailed to property owners within 300 feet of the proposed development site.

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 (file PA 19-01) on January 29, 2019. The land use application was submitted within 6 months of the pre-application conference. The application was deemed complete on April 23, 2019.

17.50.055 Neighborhood Association Meeting

A. Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.
   1. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, planning commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.
   2. The applicant shall send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the citizen involvement committee describing the proposed project. Other communication methods may be used if approved by the neighborhood association.
   3. A meeting shall be scheduled within thirty days of the notice. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall hold their own meeting after six p.m. or on the weekend, with notice to the neighborhood association, citizen involvement

committee, and all property owners within three hundred feet. If the applicant holds their own meeting, a copy of the certified letter requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a city facility.

4. If the neighborhood association is not currently recognized by the city, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.
5. To show compliance with this section, the applicant shall submit a sign-in sheet of meeting attendees, a summary of issues discussed, and letter from the neighborhood association or citizen involvement committee indicating that a neighborhood meeting was held. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, a sign in sheet of attendees and a summary of issues discussed.

Finding: Complies as Proposed. The project is located within the Rivercrest Neighborhood Association. The project was discussed at the March 21st agenda of the Neighborhood Association. The applicant included notes and a sign in sheet from the meeting.

17.50.060 Application Requirements.

Finding: Complies as Proposed. All application materials required are submitted with this narrative. The applicant has provided full-size and two reduced size sets of plans to accompany the submittal items.

17.50.070 Completeness Review and 120-day Rule.

Finding: Complies as Proposed. This land use application was submitted on March 29, 2019. The application was deemed complete on April 25, 2019. The City has until August 23, 2019 to make a final determination.

17.50.090 Public Notices.

Finding: Complies as Proposed. Staff provided public notice within 300' of the site via mail, newspaper, the site was posted with multiple Land Use Notices and posted on the Oregon City website. Staff provided email transmittal of 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 applicant provided a signed affidavit that the site was posted with the notice for at least 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 submit a performance guarantee which is equal to one hundred twenty percent of the estimated cost of constructing the 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 all improvements have been constructed and are accepted by the city.

The applicant shall provide a Maintenance Bond in the amount of 15% of the Final Cost Estimate of all public improvements constructed 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.

<u>CHAPTER 17.54.100 – FENCES</u>

A. Generally. Fence, hedge, or wall.

1. *Fences and walls—Fences and walls over forty-two inches shall not be located in front of the front façade or within forty feet of the public right-of-way, whichever is less. All other fences (including fences along the side and rear of a property) shall not exceed six feet in total height unless as permitted [in] Section 17.54.100.B.*
2. *Hedges shall not be more than forty-two inches in the underlying front yard setback. Individual plants and trees taller than forty-two inches tall may be permitted provided there is at least one foot clearance between each plant.*
3. *Property owners shall ensure compliance with the traffic sight obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.*
4. *It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city manager.*

B. Exception. Fence, hedge, wall, or other obstructing vegetation on retaining wall. When a fence, hedge, wall, or other obstructing vegetation is built on a retaining wall or an artificial berm that is not adjacent to or abutting a public right-of-way, the following standards shall apply:

1. *When the retaining wall or artificial berm is thirty inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.*

2. *When the retaining wall or earth berm is greater than thirty inches in height, the combined height of the retaining wall and fence or, wall from finished grade shall not exceed eight and one-half feet.*
3. *Fences, hedges or walls located on top of retaining walls or earth berms in excess of eight and one-half feet in height shall be set back a minimum of two feet from the edge of the retaining wall or earth berm below and shall not exceed a combined height of eight and one-half feet.*
4. *An alternative height or location requirement may be approved within a land use process for all non-single-family and two-family residential properties. The fence, hedge or wall shall be compatible with the adjacent neighborhood and achieve the same intent of the zoning designation and applicable site plan and design review process. In no case may the fence, hedge or wall exceed eight feet in height without approval of a variance.*

Finding: Complies as Proposed. The applicant proposes to remove the existing chainlink fence along the east property line and south property line. A new bronze-colored steel panel fence is proposed around the secured parking lot. The proposed fence is 6 feet in height with a gate at the driveway on Linn Avenue. The proposed fence is at the building line and is not within the front yard or front setback area.

CHAPTER 17.58 LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS

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

Finding: Complies as Proposed. The subject site has been upgraded pursuant to this chapter through the Community development building renovation; however, it is still nonconforming for a variety of reasons including pedestrian circulation and landscaping. This chapter is applicable.

17.58.040 Lawful nonconforming structure
A structure that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered a lawful nonconforming structure. Notwithstanding development standard requirements in this Code, minor repairs and routing maintenance of a lawful nonconforming structure are permitted. The continuation of a lawful nonconforming structure is subject to the following:
A. Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.
B. Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.

Finding: Not applicable. This standard is not applicable. The applicant proposes to remove the Mt. Pleasant building but does not proposed to rebuild it.

C. Expansion. An expansion of a lawful nonconforming structure may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.
1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it must be found that the criteria identified in Section 17.58.060 have either been met, can be met by observance of conditions, or are not applicable.
2. An expansion of a nonconforming structure with alterations that exceed the threshold of subparagraph C.2.a. below shall comply with the development standards listed in subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.
a. Thresholds triggering compliance. The standards of subparagraph C.2.b. below shall be met when the value of the proposed exterior alterations or additions to the site, as determined by the community development director, is more 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.

Finding: Applicable. The application is for a new building on a nonconforming site. The applicant did not provide the exterior improvement costs, but as the proposal is for a new 33,000 sf building exceeding $75,000.

b. Standards that shall be met. Developments not complying with the development standards listed below shall be brought into conformance.
1. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;
2. Minimum perimeter parking lot landscaping;
3. Minimum interior parking lot landscaping;
4. Minimum site landscaping requirements;
5. Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with Chapter 17.52—Off-Street Parking and Loading;
6. Screening; and
7. Paving of surface parking and exterior storage and display areas.

Finding: Complies with Condition. The site currently does not comply with the pedestrian circulation and parking lot landscaping standards.
In 2017, the Community Development Department improved the site with the following upgrades:
Pedestrian circulation:
- New pedestrian accessway from the front of the annex to Linn Avenue
- Removing the fencing to allow the pedestrian accessway to extend from the rear of the building to Linn Avenue.

Minimum perimeter parking lot landscaping
- Installation of bushes, trees, shrubs, groundcover and irrigation

Bicycle parking standards
- Installation of two bicycle parking facilities which each hold 2 bikes, for a total of 4 bicycle parking stalls.

The site is still out of compliance with pedestrian circulation due to the lack of connection between the Community Development building and Warner Parrott Road. The interior parking lot landscaping is out of compliance in the existing school parking lot. The landscaped areas lack ground cover and shrubs.
The proposal does not include nonconforming upgrades. The applicant shall make the following nonconforming upgrades:

1. Add a pedestrian connection form the Community development building to warner Parrott Road
2. Add shrubs and ground cover to landscape areas within the existing parking lot.

It is expected that these upgrades will have minimal cost and will not exceed the ten percent limit. The applicant is not required to submit documentation regarding costs, because these upgrades will bring the site into full compliance with this section.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

c. Area of required improvements.
1. Generally. Except as provided in C.2.c.2. below, required improvements shall be made for the entire site.
2. Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the

ground lease will be considered as a separate site for purposes of required improvements. The applicant shall meet the following:
i. The signed ground lease — or excerpts from the lease document satisfactory to the city attorney — shall be submitted to the community development director. The portions of the lease shall include the following:
•The term of the lease. In all cases, there must be at least one year remaining on the ground lease; and
•A legal description of the boundaries of the lease.
ii. The boundaries of the ground lease shall be shown on the site plan submitted with the application. The area of the lease shall include all existing and any proposed development that is required for, or is used exclusively by, those uses within the area of the lease; and
iii. Screening shall not be required along the boundaries of ground leases that are interior to the site.
Finding: Complies as Proposed. The entire site has been analyzed and the existing nonconforming items are limited to the pedestrian circulation and landscaping, which are required to be upgraded. There are no ground leases associated with this 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 Table 17.58 — 1.
ii. The nonconforming development identified in the Nonconforming Development Assessment shall be brought into full compliance with the requirements of this Title within the following compliance periods. The compliance period begins when a building permit is issued for alterations to the site of more than seventy-five thousand dollars. The compliance periods are based on the size of the site (see Table 17.58—1 below).
iii. By the end of the compliance period, the applicant or owner shall request that the site 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.

3. 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 shall make the following nonconforming upgrades:

1. Add a pedestrian connection form the Community development building to warner Parrott Road

2. Add shrubs and ground cover to landscape areas within the existing parking lot.

It is expected that these upgrades will have minimal cost and will not exceed the ten percent limit. The applicant is not required to submit documentation regarding costs, because these upgrades will bring the site into full compliance with this section. The applicant may utilize Option 1 or Option 2 for nonconforming upgrades; the size of the site will allow for up to four years for compliance according to Table 17.58-1.

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

CONCLUSION AND DECISION:

Based on the analysis and findings as described above, Staff concludes that the proposed development located at 1232 Linn Ave and 698 Warner Parrott Rd., Oregon City, Oregon 97045, identified as Clackamas County Map 3-2E-06DB Tax lots 00100, 02000, and 02003, 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 approval 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. Email from John Replinger regarding driveway changes
7. PZ 17-01, ZC 17-04, SP 17-114 Notice of Decision
8. Parking calculations
9. Parking code of neighboring jurisdictions