



GARDINER MIDDLE SCHOOL
180 ETHEL STREET | OREGON CITY

CONDITIONAL USE | SITE PLAN AND DESIGN REVIEW | MASTER PLAN
(GLUA-19-00025, CU-19-00002, MAS-19-00003, MAS-19-00006)

SEPTEMBER 24, 2019

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I. GENERAL INFORMATION

Property Owner and Applicant:

Oregon City School District

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Oregon City, OR 97045
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Planning Consultant:

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Architect:

BRIC Architecture

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Portland, OR 97209
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Applicant's Legal Representative:

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Portland, OR 97204
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II. SITE INFORMATION

Address:

180 Ethel Street

Parcel Number:

32E06AD07800 (one lot)

Size:

18.0 acres

Site Zoning Designation:

R-6

Existing Site Use:

Gardiner Middle School

Surrounding Zoning:

The properties to the north and east are zoned R-6. The properties to the west are zoned R-6 and R-2. The properties to the south are zoned R-2 and MUC-1.

Surrounding Uses:

The Site is abutted by single-family homes to the north and west. To the east, the Site is abutted by single-family homes and residential properties and the St. John the Apostle Cemetery. To the south, the Site is abutted by a Portland General Electric property and the First Presbyterian Church.

III. INTRODUCTION

A. APPLICANT'S REQUEST

The Oregon City School District ("School District") proposes to construct a replacement middle school on the existing site of Gardiner Middle School and seeks concurrent approval of a Conditional Use Application, a Site Plan and Design Review Application, and a Master Plan Concept Development Plan and Detailed Development. This narrative describes the proposed development and demonstrates compliance with the relevant approval standards of Oregon City Municipal Code ("OCMC") Title 17, "Zoning" and Chapters "17.12 R-6 Single Family Dwelling District", "17.56 Conditional Uses", "17.62 Site Plan and Design Review", "17.65 Master Plans", "17.52 Off-Street Parking and Loading", "17.47 Erosion and Sediment Control", "17.41 Tree Protection Standards", "17.54 Supplemental Zoning Regulations and Exceptions", Title 12 "Streets, Sidewalks, and Public Places" Chapter "12.04 Street, Sidewalks and Public Places", "12.08 Public and Street Trees", Title 13 "Public Services" Chapter "13.12 Stormwater Management" and Title 15 "Buildings and Construction" Chapter "15.48 Grading, Filling and Excavating". The relevant standards in effect on July 31, 2019 [ORS 227.178(3)].

A Conditional Use application, a Site Plan and Design Review application, and a Master Plan Concept Development Plan and Detailed Development Plan is evaluated under the Type III quasi-judicial decision process. The City's Planning Commission will render the Type III decision after a public hearing on the application is held.

B. SITE DESCRIPTION AND SURROUNDING LAND USES

Gardiner Middle School is located at 180 Ethel Street within the City of Oregon City (the "City"). The development Site consists of one tax lot. The Site contains 18.0 acres and is zoned R-6. The Site is generally flat but slopes to the east.



Figure A: Site Aerial

The existing single-story school was built in 1954 and contains 100,370 square-feet. The main school building is in the northwest corner of the Site. A transportable classroom is located south of the main school building. The main parking lot and bus drop-off loop is located in front of the building between the western property line. Additional parking for staff is located south of the building. The Site has a total of 79 parking spaces, including four accessible spaces. Athletic fields are located along the eastern and southern areas of the school property, with hard-scape play areas and play structures located south of the school building.

Vehicle and bus access to the existing Site is from the west at an ingress only extension from Hood Street, a local classification street. Vehicles and buses exit the site to the north on to Ethel Street, a local classification street. An unimproved right-of-way extension of Williams Street, a local classification street, stubs to the site to the south. Hood Street, Ethel Street, and Williams Street connect the site to Leonard Street and Johnson Street, both local streets, and Linn Avenue, a minor arterial classification street. A four-way intersection southwest of the site connections Linn Avenue, Leland Road, Warner Milne Road, Warner Parrot Road, all minor arterial classification streets. Pedestrian connections to the site exist at the terminus of Laurel Lane, a local classification street, Rilance Lane, a local classification street, and Haley Court, a local classification street.

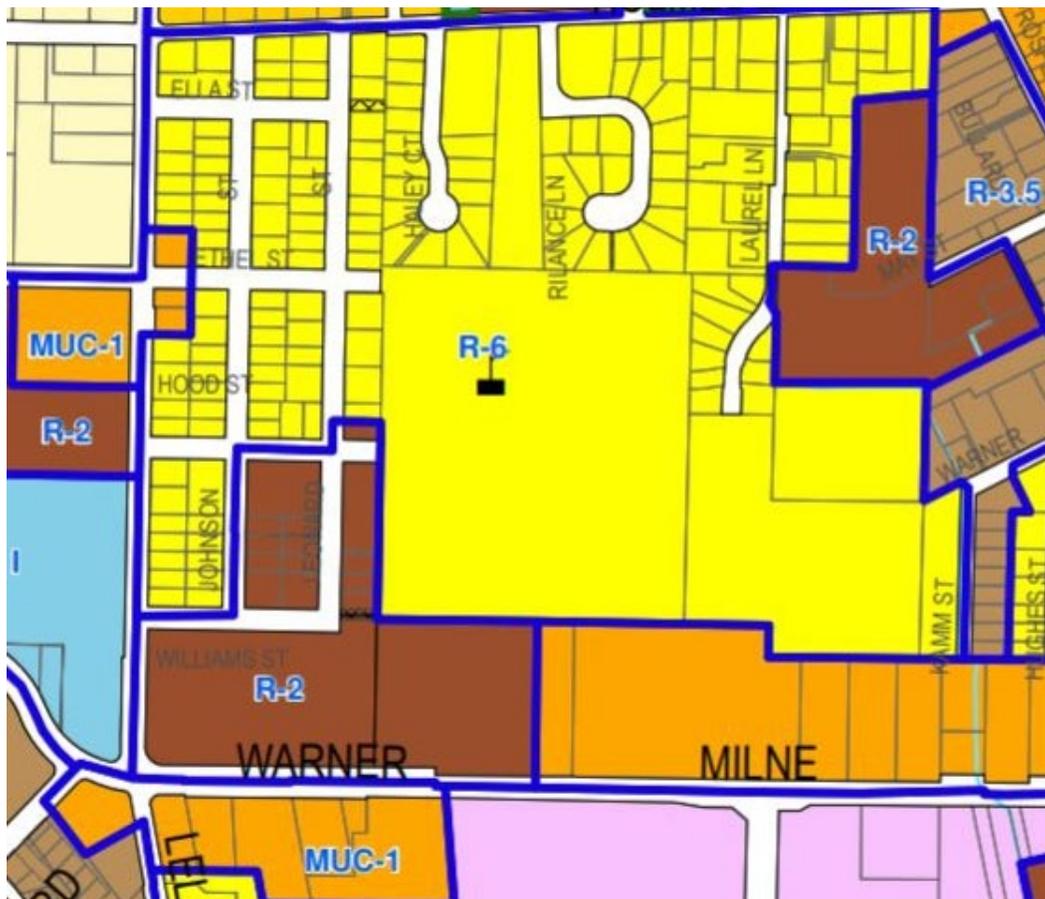


Figure B: Zoning Map

The properties to the north and east are zoned R-6 Single Family Dwelling District. The properties to the west are zoned R-6 Single Family Dwelling District and R-2 Multi-Family Dwelling District. The

properties to the south are zoned R-2 Multi-Family Dwelling District and MUC-1 Mixed Use Corridor District.

The Site is abutted by single-family homes to the north and west. To the east, the Site is abutted by single-family homes and the St. John the Apostle Cemetery. To the south, the Site is abutted by a Portland General Electric property and the First Presbyterian Church.

The new school building has been sited to provide minimal impact to the surrounding neighborhood. The overall operation of the school on the site will not change. The existing access pattern for vehicles entering the site from the west will be maintained. Primary vehicle access has been moved south away from the residential neighborhood onto Williams Street. The existing bus access from Hood Street will be utilized and adapted to two-way bus traffic. The main parking lot will remain between the building and the western property line, providing a buffer between the building and the adjacent residential homes along the property line. The existing pedestrian access points to the site have been maintained.

C. SCHOOL SECURITY AS GUIDING DESIGN

The safety and security of the students is a major guiding principle in the design of the new middle school and surrounding Site. The District's goal is to provide a design that is welcoming and engaging for students and the community, while providing the best possible security for the students. The District has utilized the design principles provided for schools in several publications including; Council of Educational Facilities Planners International Safe School Guide, Crime Prevention Through Environmental Design School Assessment (CPTED), Department of Homeland Security- K-12 School Security, and Partner Alliance for Safer Schools (PASS).

The Site has been designed to provide layers of protection for students, consistent with the guidelines described in the Partner Alliance for Safer Schools (PASS) Safety and Security Guidelines for K-12 Schools. The layers of protection have been described below and are identified as district-wide, property perimeter, parking lot perimeter, building perimeter and classroom/interior perimeter safety. A description of each layer has been extracted from the Partner Alliance for Safer Schools (PASS) Safety and Security Guidelines for K-12 Schools and provided below.

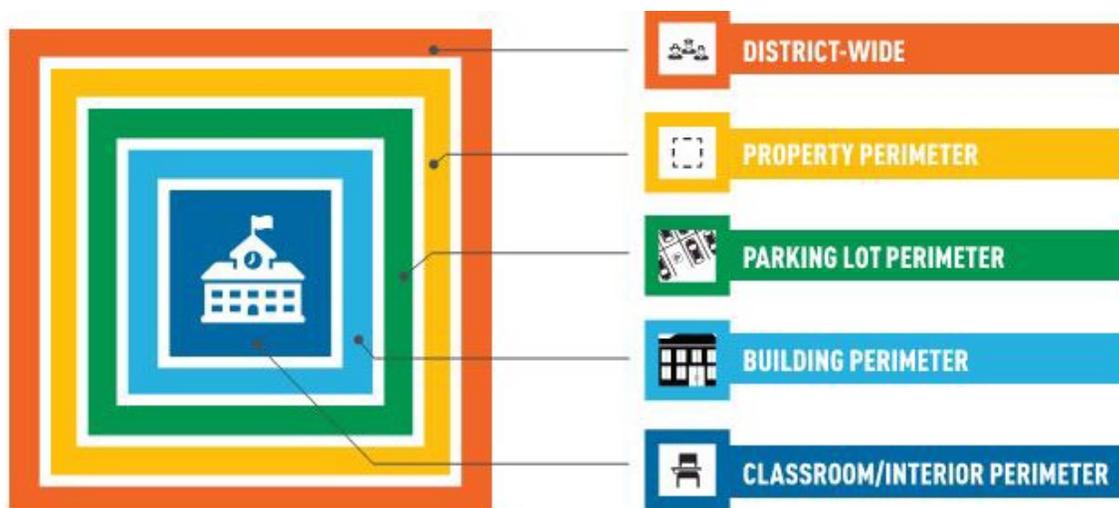


Figure C: PASS Layers of Protection

District-Wide: Leadership and coordination at the district level are integral to the successful development and adoption of school safety processes, plans, technologies and procedures (*Partner Alliance for Safer Schools (PASS) Safety and Security Guidelines for K-12 Schools*).

Property Perimeter: The physical security of a school facility begins at the property perimeter. The boundary should be clear to the public and provide visible notice of the rules and responsibilities for the individuals entering the school property (*Partner Alliance for Safer Schools (PASS) Safety and Security Guidelines for K-12 Schools*).

Parking Lot Perimeter: Within the parking lot perimeter, staff, students and visitors park their vehicles or arrive and depart by bus or other means. Just like the property perimeter layer, the parking lot perimeter should always be clearly defined. In many cases, this area is where schools experience the most safety issues (*Partner Alliance for Safer Schools (PASS) Safety and Security Guidelines for K-12 Schools*).

Building Perimeter: The building perimeter layer begins with school grounds adjacent to the exterior structure of a building and consists of the perimeter of a building itself, including the exterior doors and windows of a school. Securing a building perimeter can range from simple to complex, especially for middle schools or high schools with multiple buildings/open campuses. Key safety and security functions take place within this layer, as it encompasses all areas where people enter an exit a school building (*Partner Alliance for Safer Schools (PASS) Safety and Security Guidelines for K-12 Schools*).

Classroom Perimeter: The classroom/interior perimeter layer consists of a school's entire interior. This is both the last layer of defense against external threats and, often, the first protection against internal threats to students, staff and visitor safety (*Partner Alliance for Safer Schools (PASS) Safety and Security Guidelines for K-12 Schools*).

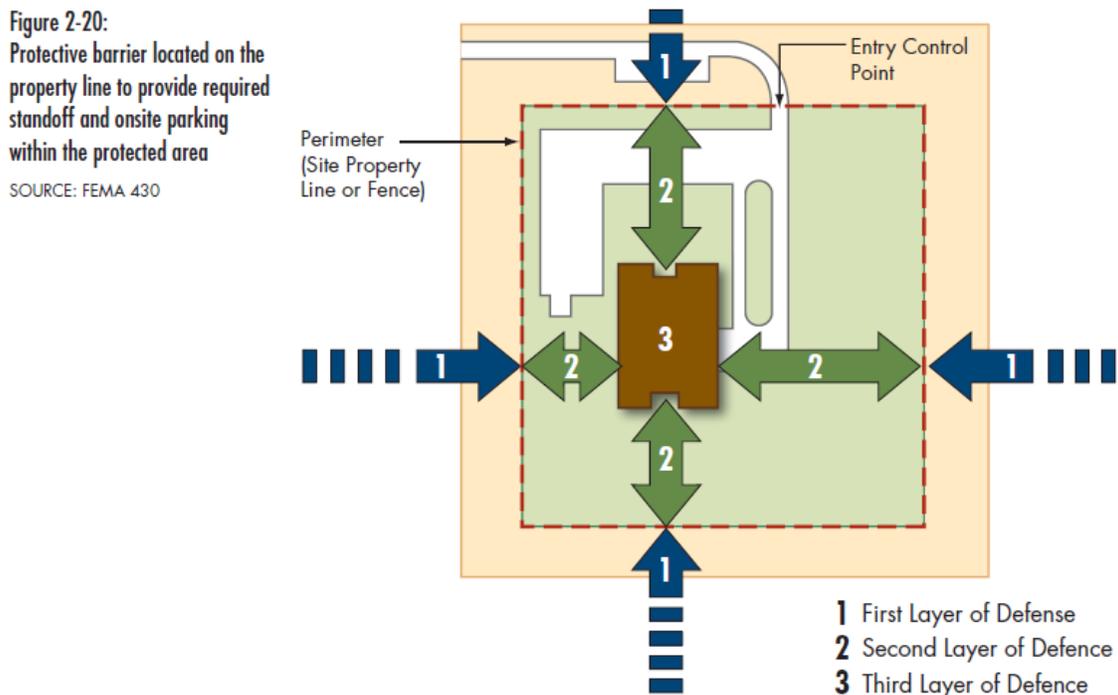


Figure D: FEMA 430 Layers of Defense

The Department of Homeland Security has published several documents detailing methods schools can utilize to provide for increased security of the students. These methods include providing observation of approach, controlled entry, and queuing areas; locating the school building on the site to provide adequate setback from adjacent properties (*FEMA-428, Chapter 2: Site Design for Security*); creating a second layer of defense through good site design (*FEMA 430; Chapter 3 Security Design and the Community Context*); providing clear views from lobbies of approaching traffic, both pedestrian and vehicular; active vehicle crash barriers... to give entry control personnel adequate time to respond to unauthorized activities; maximize opportunities for internal surveillance of site perimeters and parking located within view of occupied buildings(*FEMA 430; Chapter 5 Security Design for the Open Site*).

D. DEVELOPMENT PROPOSAL

Gardiner Middle School is a community school serving an established residential neighborhood within the Oregon City School District. The School District proposes to construct a new 149,977 square-foot middle school on the existing school Site. The proposed redevelopment will preserve the compatibility within the existing neighborhood. The new middle school and athletic field will be constructed on the Site while the existing school is occupied. Once construction of the new middle school building is completed, the existing school building will be demolished, and the Site improvements will be completed.

The intent of the site design is to balance the educational and programmatic needs of the school while providing a safe setting for students. Working in unison with the architecture, the site welcomes students, teachers, parents, and visitors and provides places for students to interact, learn and play. Special consideration has been given to everyday operation and to the long-term sustainability of the proposed plantings, site furnishings and other site elements. The site circulation is designed strategically to separate parent drop-off traffic from bus drop-off traffic. The parent drop-off loop is designed to be user-friendly and intuitive to minimize wait time and traffic back-up.

The new middle school will have capacity for up to 1,000 students although the current enrollment at Gardiner is approximately 823 students. The main portions of the new middle school have a height of thirty-five feet. The gymnasium has a height of thirty-eight and a half feet. The rooftop mechanical equipment and screening have a height of forty-four feet. The building has been located on an east-west axis to provide for north or south daylight in most of the classroom spaces.

Other Site improvements will include a new athletic field and track which will also be used for soccer. A new soccer pitch will be located south of the new track and field. The eastern courtyard formed by the building will be an activity center and an outdoor learning environment with a courtyard, play structures, basketball courts and open play areas.

A separate bus drop-off will provide queuing and drop-off areas along the northern side of the school. Two vehicle parking areas are proposed for staff and visitors. The visitor parking lot is located to the west of and in front of the new middle school. The staff parking lot located to the south of the new building. The parking areas will take access from Williams Street. Along the western side of the Site, a parent drop-off area has been provided next to the staff and visitor parking lot. Seventy-six parking spaces are provided, including three carpool spaces and four accessible parking spaces.

Pedestrian connectivity is provided as shown on the attached development plans. Pedestrian connections are provided to Laurel Lane, Rilance Lane, Haley Court, Ethel Street, Hood Street and Williams Street (Sheet LU1.02 – Site Circulation Plan). A new public pathway implementing City

Transportation Master System Plan ("TSP") Project S40 will connect to the existing neighborhood pathway at Laurel Lane and will run along the Site's eastern boundary to the northern boundary of the Site to Ethel Street, and then at Rilance Lane and Haley Court.

Internal walking paths will connect public pedestrian pathways to the new school entrance, parking areas, courtyard, outdoor fitness areas and athletic field. A new pedestrian connection is also provided at Hood Street. This connection will be the primary pedestrian walkway to the Site and will connect many of the Site's amenities and buildings to the public street and pedestrian pathway network.

Offsite Improvements will include new sidewalks along Leonard Street in the areas where sidewalk does not currently exist. The new sidewalk will connect to the shared use path at Ethel Street and will terminate at the on-site sidewalk on Williams Street (Figure E: Access Plan).

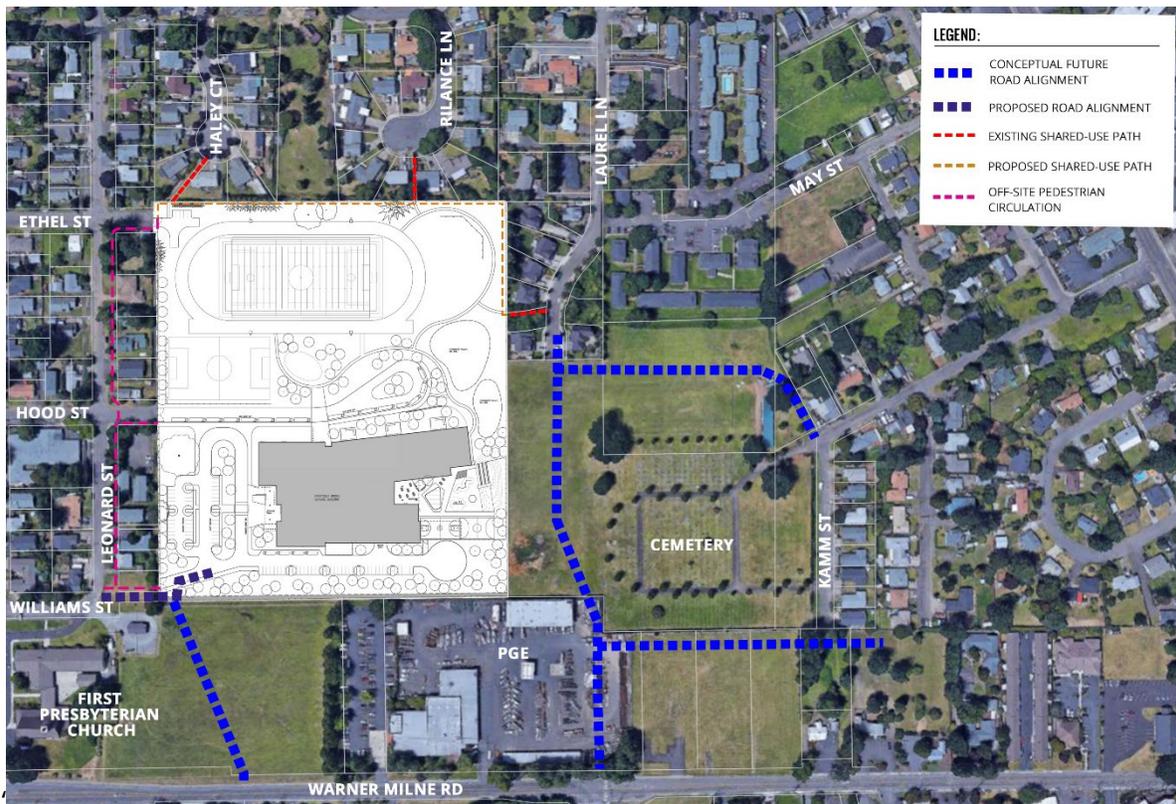


Figure E: Access Plan

Williams Street will be extended from the intersection at Leonard Street approximately 129 feet into the Site (Sheet LU1.02 – Site Circulation Plan) A half-street roadway section width of 31.5 feet will be constructed, which will include a new sidewalk, planter strip with street trees, curb and paved roadway. The proposed street extension will allow for a new roadway connection from Williams Street to Warner Milne Road (TSP FIGURE 10). The primary vehicle access to the school will be from the extension of Williams Street. Bus access to the school will be from Hood Street. A maintenance and emergency entrance vehicle access will be provided at Ethel Street.

E. APPLICATION STATUS

1. First Application Submittal: July 31, 2019

Incompleteness Determination Received: August 30, 2019

180 Day Completeness Date: January 27, 2020

2. Applicable approval criteria are those in effect on July 31, 2019 under ORS 227.178(3), the "Goal Post Rules"

3. Characterization of the Application.

The application is a "permit" as that term is defined in ORS 227.160(2).

F. NEIGHBORHOOD MEETING

The Applicant held the required neighborhood meeting on July 25, 2019 with the Rivercrest Neighborhood Association, citizen involvement committee and surrounding property owners within 300 feet to discuss the proposed development. As required by the "OCMC" the Applicant has submitted a copy of the correspondence with the neighborhood association. The District has a long-standing relationship with the Neighborhood Association and coordinated dates for the neighborhood meeting with the Rivercrest Association's chair via email per OCMC Chapter 17.50.55.A.2, a copy of the meeting flyer, a sign in sheet of attendees and a summary of issues discussed.

IV. APPLICABLE APPROVAL CRITERIA

The following “OCMC Sections” are applicable to the application. Following each **bold** applicable criterion, the application provides findings.

1. R-6 Zoning District and Conditional Use Requirements

A. Chapter 17.12 - R-6 SINGLE-FAMILY DWELLING DISTRICT

1. 17.12.030 - Conditional uses.

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

a. G. Private and/or public educational or training facilities;

Finding: Public educational facilities are a conditional use, subject to the conditional use standards of “OCMC Chapter 17.56”. “OCMC Chapter 17.56” is addressed below. The proposed middle school is a public educational facility.

2. 17.12.040 - Dimensional standards.

Dimensional standards in the R-6 district are:

- A. Minimum lot areas, six thousand square feet;**
- B. Minimum lot width, fifty feet;**
- C. Minimum lot depth, seventy feet;**
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;**
- E. Minimum required setbacks:**
 - 1. Front yard, ten feet minimum setback,**
 - 2. Front porch, five feet minimum setback,**
 - 3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.**
 - 4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,**
 - 5. Corner side yard, fifteen feet minimum setback,**
 - 6. Rear yard, twenty feet minimum setback,**
 - 7. Rear porch, fifteen feet minimum setback.**
- F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.**
- G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.**

Finding: The development will not create new lots. Subsections A through C do not apply to this application. The existing lot dimensions exceed all minimum required dimensional standards.

The maximum building height in the R-6 zone is thirty-five feet. The main portions of the proposed middle school have a height of thirty-five feet. The gymnasium has a height of thirty-eight and a half feet. The rooftop mechanical equipment and screening have a height of forty-four feet. The applicant has requested a

modification to the height standard under “OCMC Section 17.62.015” for the gymnasium, mechanical equipment and screening.

All required setbacks of this section are met. The footprint of all structures covers 18.7 percent of the lot area, which does not exceed the maximum lot coverage requirement. The requirements of this section are met.

B. Chapter 17.56 - CONDITIONAL USES

1. 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: Public Education Facilities are listed as a conditional use in the R-6 zone. The requirements of this section are applicable to this application.

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

Finding: The proposed replacement middle school will be located on the existing Gardiner Middle School site. Existing roadway and utility improvements have the capacity to serve the school. The Site is 18 acres, rectangular without dramatic topography or natural features. The middle school is centrally located within the community it serves. The new middle school will continue to serve the surrounding population without creating a major impact to the students and family it serves. This standard is met.

3. Development shall demonstrate compliance with Chapter 12.04, Streets, Sidewalks and Public Places;

Finding: Compliance with “OCMC Chapter 12.04, Streets, Sidewalks and Public Places” has been demonstrated within this narrative.

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

Finding: The proposed replacement middle school will be located on the Gardiner Middle School site. The new school will continue to serve the surrounding population without creating a major impact to the surrounding area which limits, impairs or precludes the use of the surrounding properties for the primary uses listed in the underlying district. This standard is met.

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

Finding: The development satisfies the applicable goals and policies of the City's Comprehensive Plan. The following goals and policies have been identified as applicable.

Oregon City Comprehensive Plan

Policy 1.2.1: Encourage citizens to participate in appropriate government functions and land-use planning.

Goal 1.4 Community Involvement: Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.

Policy 1.4.1: Notify citizens about community involvement opportunities when they occur.

Response: A Conditional Use application requires a Type III review procedure with public notification and a public hearing before Oregon City's Planning Commission. Additionally, the Applicant hosted a neighborhood meeting as required by OCMC Chapter 17.50.55.A. with the Rivercrest Neighborhood Association on Thursday, July 25, 2019 to present the proposed new Gardiner Middle School and to garner input regarding its design and community impact.

Goal 2.1 Efficient Use of Land

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

Response: Gardiner Middle School is a community school serving an established residential neighborhood within the Oregon City School District. The proposed school will be located on the existing school site and will connect to the existing roads and pedestrian accessways within the neighborhood. The proposed redevelopment will preserve the compatibility within the existing neighborhood by preserving the existing use of the property with a modernized facility.

The intent of the site design is to balance the educational and programmatic needs of the school while providing a safe setting for students. Working in unison with the architecture, the site welcomes students, teachers, parents, and visitors and provides places for students to interact, learn and play. Special consideration has been given to everyday operation and to the long-term sustainability of the proposed plantings, site furnishings and other site elements. The site circulation is designed strategically to separate parent drop-off traffic from bus drop-off traffic. The parent drop-off loop is designed to be user-friendly and intuitive to minimize wait time and traffic back-up.

The existing site topography is generally sloping from west to east, with existing drainage outlet at east side. Site elements will follow existing grades as much as possible to minimize cut and fill. The proposed new building will be sited on the existing track and field, which is in general flat to minimize earth work.

For landscape planting, the majority of plants will be regionally native and climate-adaptive plantings which are drought tolerant and easy to maintain. Native plants help to conserve water and provide valuable ecological benefits to local flora and fauna. Once the plants are established, little maintenance will be required, and thus the use of fertilizer, pesticide and herbicide will be reduced. Lawns will be provided at the non-planted areas for ease of maintenance and will consist of a low-maintenance, lower water need seed mix. The site irrigation system is designed with water efficiency in mind. Well water, instead of domestic water is utilized for site irrigation. The site irrigation system is fully automated, with smart system controllers to determine water use with weather data, resulting in reduced water usage.

Natural materials are proposed to use in the playground design to minimize the environmental impact from both sourcing and manufacturing. Local vendors are being chosen to minimize the carbon footprint from transportation demands. Recycled materials such as rubberized paving is also being considered.

Stormwater is being managed to maintain the existing drainage patterns and enhance water quality prior to discharge. The design minimizes the impacts of the development on downstream resources.

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.

Response: The existing Gardiner Middle School has served the neighborhood for over 50 years and has provided a sense of place and identify for the neighborhood by providing a quality educational institution for many of the residents of Oregon City. The Site provides for community gathering in the use of the building facilities and play fields. The new school will be located on the Site of the existing school building, which will maintain the school's relationship with the surrounding neighborhood.

Policy 2.4.3

Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.

Response: A new pedestrian pathway will provide for better neighborhood connectivity with connections to Laurel Street, Rilance Lane, Haley Court and Ethel Street. New sections of sidewalk will connect existing sections of sidewalk along the east side of Leonard Street on between Ethel Street and Williams Street.

Vehicle access to the new school will be shifted from Hood Street and Ethel Street to Williams Street, with a bus only access at Hood Street. The proposed shift will provide a more direct route to the school for visitors from Linn Avenue.

Goal 6.3: Light

Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while providing for night-lighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, reduces light trespass onto neighboring properties, conserves energy, and reduces 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.

Response: The proposed lighting will be dark sky compliant, reducing glare and light trespass consistent with Goal 6.3 and Policy 6.3.1.

Goal 11.8 Health and Education

Policy 11.8.3 Coordinate with the Oregon City School District to ensure that elementary and middle school sites are located centrally within the neighborhoods they serve, to the extent possible.

Response: The proposed replacement school will be placed on the existing Gardiner Middle School site and will continue to serve the surrounding neighborhood in a centralized manner.

Goal 12.1 Land Use-Transportation Connection

Policy 12.1.1 Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.

Policy 12.1.4 Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.

Goal 12.3 Multi-Modal Travel Options

Policy 12.3.1 Provide an interconnected and accessible street system that minimizes vehicle miles-traveled and inappropriate neighborhood cut-through traffic.

Policy 12.3.2 Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.

Response: The District provides safe transportation options for buses, cars, bicycles and pedestrians. Separate bus and parent drop-off areas provide adequate queuing and control of the site for the safety of all users. The proposed Site improvements include a new multi-purpose pedestrian accessway and an extension of Williams Street consistent with the City's Transportation System Plan.

This standard is met.

- 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: The District acknowledges that permits for conditional uses may stipulate restrictions or conditions as described within this section.

- 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: The dimensional standards of the R-6 zone have been met, with an adjustment request for the building height. The R-6 and adjustment standards have addressed in detail within this narrative.

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

Finding: The replacement of Gardiner Middle School qualifies as an expansion of the structure. A Conditional Use application is required, and the conditional use standards have been addressed within this narrative.

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

2. 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: The Site does not include any building openings within fifty feet of a residential property or residential zone. The requirements of this section are not applicable to this application.

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: The application is required to comply with the City's Transportation System Plan (the "TSP") (OCMC 17.56.010.A.5) but this requirement is subject to state and federal constitutional requirements regarding the exaction of interests in real property by local governments. The City originally requested the dedication of several public trails and a public street shown in TSP Figure 10, "Multi-Modal Connectivity Plan," pursuant to OCMC Chapter 12.04 and 17.62.050.2.g.

TSP Figure 10 shows planned street and shared-use path extensions and potential trail connections in conceptual locations. As relevant to the proposed middle school, TSP Figure 10 shows:

- A. a planned shared-use path and potential trail connections in conceptual alignments south of the existing middle school (shown as not likely to be funded on TSP Figure 21);
- B. a potential street extension of Williams Street to the east, south of the existing school building in a conceptual alignment (not shown as likely to be funded);
- C. a planned shared use path (not a street) in a conceptual alignment extending south to Warner-Milne Road (shown as not likely to be funded on TSP Figure 21); and
- D. three potential pathway or trail connections north of the existing school building (not shown as likely to be funded).

TSP Page 36 provides that TSP Figure 10 specifies locations where new streets or shared-use paths "could *potentially* be installed . . . for the purpose of ensuring that new developments provide connectivity." (Emphasis added.) The School District does not find that TSP Figure 10 shows mandatory requirements.

The City also asserts that the application is subject to the block standards in OCMC 12.04.195.A and B. However, TSP Page 35, referring to the block standards in TSP Table 1 (as implemented by OCMC 12.04.195.A) states, "[n]ew streets or redeveloping properties must comply with these standards, *to the extent practical* (as determined by the City)." (Emphasis added.) The block length standard is subject to the "practical" standard and it is impractical to require the typical block lengths where they are contrary to the School District's need to maintain a safe and secure middle school campus.

The City cannot require dedication of real property for public purposes without meeting its burden of proof to show that there is rough proportionality between the impacts of the proposed development and the exaction for the right-of-way. The United States Supreme Court in *Dolan v. City of Tigard* and *Nollan v. California Coastal Commission* has held that local governments have the burden of proof to show that a dedication of a real property interest in connection with a land use application is warranted by the impacts of the Application. The Oregon Court of Appeals has reaffirmed this principle most recently in *Hill v. City of Portland*.

Additionally, OCMC 12.04.007 allows for modifications to the standards and while the School District can ask for a modification to the relevant standards, the City cannot shift the burden of proof to the School District to prove that an exaction is not warranted; the City retains the legal burden of proof to show that the dedications are warranted. See OCMC 16.56.040.B (city plan must show need for increased width and where street is inadequate for its use, or where nature of the proposed development warrants increased street width).

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: The proposed development does not include public utility or communication facilities. The requirements of this section are not applicable to this application.

a. 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: The site must be located to best serve the intended area.

The proposed replacement middle school will be located on the Gardiner Middle School site. The new school will continue to serve the surrounding population without creating a major impact to the surrounding area which limits, impairs or precludes the use of the surrounding properties for the primary uses listed in the underlying district.

The continued use of the Site as a Middle School is in conformance with the City's comprehensive plan standards and the State's requirements for the location of schools within residential neighborhoods they serve.

Must be in conformance with the city plan

Oregon City Comprehensive Plan

Policy 1.2.1: Encourage citizens to participate in appropriate government functions and land-use planning.

Goal 1.4 Community Involvement: Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.

Policy 1.4.1: Notify citizens about community involvement opportunities when they occur.

Response: A Conditional Use application requires a Type III review procedure with public notification and a public hearing before Oregon City's Planning Commission. Additionally, the Applicant hosted a neighborhood meeting as required by OCMC Chapter 17.50.55.A. with the Rivercrest Neighborhood Association on Thursday, July

25, 2019 to present the proposed new Gardiner Middle School and to garner input regarding its design and community impact.

Goal 2.1 Efficient Use of Land

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

Response: Gardiner Middle School is a community school serving an established residential neighborhood within the Oregon City School District. The proposed school will be located on the existing school site and will connect to the existing roads and pedestrian accessways within the neighborhood. The proposed redevelopment will preserve the compatibility within the existing neighborhood by preserving the existing use of the property with a modernized facility.

The intent of the site design is to balance the educational and programmatic needs of the school while providing a safe setting for students. Working in unison with the architecture, the site welcomes students, teachers, parents, and visitors and provides places for students to interact, learn and play. Special consideration has been given to everyday operation and to the long-term sustainability of the proposed plantings, site furnishings and other site elements. The site circulation is designed strategically to separate parent drop-off traffic from bus drop-off traffic. The parent drop-off loop is designed to be user-friendly and intuitive to minimize wait time and traffic back-up.

The existing site topography is generally sloping from west to east, with existing drainage outlet at east side. Site elements will follow existing grades as much as possible to minimize cut and fill. The proposed new building will be sited on the existing track and field, which is in general flat to minimize earth work.

For landscape planting, the majority of plants will be regionally native and climate-adaptive plantings which are drought tolerant and easy to maintain. Native plants help to conserve water and provide valuable ecological benefits to local flora and fauna. Once the plants are established, little maintenance will be required, and thus the use of fertilizer, pesticide and herbicide will be reduced. Lawns will be provided at the non-planted areas for ease of maintenance and will consist of a low-maintenance, lower water need seed mix. The site irrigation system is designed with water efficiency in mind. Well water, instead of domestic water is utilized for site irrigation. The site irrigation system is fully automated, with smart system controllers to determine water use with weather data, resulting in reduced water usage.

Natural materials are proposed to use in the playground design to minimize the environmental impact from both sourcing and manufacturing. Local vendors are being chosen to minimize the carbon footprint from transportation demands. Recycled materials such as rubberized paving is also being considered.

Stormwater is being managed to maintain the existing drainage patterns and enhance water quality prior to discharge. The design minimizes the impacts of the development on downstream resources.

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.

Response: The existing Gardiner Middle School has served the neighborhood for over 50 years and has provided a sense of place and identify for the neighborhood by providing a quality educational institution for many of the residents of Oregon City. The Site provides for community gathering in the use of the building facilities and play fields. The new school will be located on the Site of the existing school building, which will maintain the school's relationship with the surrounding neighborhood.

Policy 2.4.3

Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.

Response: A new pedestrian pathway will provide for better neighborhood connectivity with connections to Laurel Street, Rilance Lane, Haley Court and Ethel Street. New sections of sidewalk will connect existing sections of sidewalk along the east side of Leonard Street on between Ethel Street and Williams Street.

Vehicle access to the new school will be shifted from Hood Street and Ethel Street to Williams Street, with a bus only access at Hood Street. The proposed shift will provide a more direct route to the school for visitors from Linn Avenue.

Goal 6.3: Light

Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while providing for night-lighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, reduces light trespass onto neighboring properties, conserves energy, and reduces 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.

Response: The proposed lighting will be dark sky compliant, reducing glare and light trespass consistent with Goal 6.3 and Policy 6.3.1.

Goal 11.8 Health and Education

Policy 11.8.3 Coordinate with the Oregon City School District to ensure that elementary and middle school sites are located centrally within the neighborhoods they serve, to the extent possible.

Response: The proposed replacement school will be placed on the existing Gardiner Middle School site and will continue to serve the surrounding neighborhood in a centralized manner.

Goal 12.1 Land Use-Transportation Connection

Policy 12.1.1 Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.

Policy 12.1.4 Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.

Goal 12.3 Multi-Modal Travel Options

Policy 12.3.1 Provide an interconnected and accessible street system that minimizes vehicle miles-traveled and inappropriate neighborhood cut-through traffic.

Policy 12.3.2 Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.

Response: The District provides safe transportation options for buses, cars, bicycles and pedestrians. Separate bus and parent drop-off areas provide adequate queuing and control of the site for the safety of all users. The proposed Site improvements include a new multi-purpose pedestrian accessway and an extension of Williams Street consistent with the City's Transportation System Plan.

Must have adequate access.

Existing vehicle access to the Site is currently provided From Ethel Street and Hood Street., With pedestrian access from Haley Court, Rilance Lane, Laurel Lane, Ethel Street and Hood Street. The new building will have vehicle access from Williams Street and Hood Street, with a minor access point at Ethel Street serving the athletic fields. All existing pedestrian access points will be maintained and a new pedestrian access point on Williams will be provided. Based on the Trip Generation Assessment and Neighborhood Traffic Circulation Memo provided under Appendix D, the street network surrounding the school Site adequately serves the Site.

Must be in accordance with appropriate State standards.

Oregon Revised Statute 195.115 requires cities and school districts to collaborate and plan for student demands and to create a School Facility Plan. The District has maintained a School Facility Plan which complies with State Law.

2. R-6 ZONE AND CONDITIONAL USE CONCLUSION

The Site is zoned Residential R-6, which allow the development of public education facilities as a Conditional Use. All applicable zoning and conditional use standards have been addressed and have been met.

3. Site Plan and Design Review, Master Plan and Public Improvements

A. Chapter 17.62 - SITE PLAN AND DESIGN REVIEW

Application. The application for the minor site plan and design review shall contain the following elements:

1. The submittal requirements of Chapter 17.50.

Finding: The applicant has submitted all required materials listed under the Chapter 17.50 Administrative and Procedures, which include: one copy of a completed city application form; a complete list of the permit approvals sought by the applicant; a current preliminary title report for the subject property; a complete and detailed narrative description of the proposed development that describes existing site conditions, existing buildings, public facilities and services, presence of wetlands, steep slopes and other natural features, a discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met, and any other information indicated by staff at the preapplication conference as being required; up to twenty-one legible copies of all reports, plans, site plans and other documents required; at least one copy of the site plan and all related drawings; mailing labels for notice to all parties entitled under Section 17.50.090 to receive mailed notice of the application; and all required application fees;

This standard is met.

2. A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in Section 17.62.035(C) below.

Finding: The applicant has submitted a narrative explaining all aspects of the proposal in detail and addressing each of the criterial listed in Section 17.62.035(C) below. This standard is met.

3. Site plan drawings showing existing conditions/uses and proposed conditions/uses.

Finding: The applicant has submitted site plan drawings showing existing conditions/uses and proposed conditions/uses under Appendix E of this land use application. This standard is met.

4. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.

Finding: The applicant has submitted architectural drawings, including building elevations under Appendix E of this land use application. This standard is met.

5. Additional submittal material may be required by the Community Development Director on a case-by-case basis.

Finding: The applicant has submitted all materials required by the Community Development Director under Appendix D – Technical Reports.

1. 17.62.015 - Modifications that will better meet design review requirements.

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

requested modifications if it finds that the applicant has shown that the following approval criteria are met:

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

Finding: The proposed modifications have been listed in the table below. Following the table, the modifications have been addressed as they relate to the design guidelines and intent of the standards.

Safety Modifications		
Code Section	Design Guideline	Proposed Modification
17.62.055.D.1	Buildings shall be placed no further than five feet from the front property line.	A front yard setback of 238 feet.
17.62.050.A.2.a	Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.	Parking will be located in the front yard setback, just as the existing parking is.
17.62.055.I	The main front elevation shall provide at least 60% windows or transparency at the pedestrian level. All other side elevations shall provide at least 30% transparency.	The main front elevation provides 40% windows or transparency at the pedestrian level. The side elevations provide 26% transparency.
17.54.100	Fences shall not exceed six feet in height.	An eight-foot fence located in the exterior courtyard and play area
Functionality Modifications		
Code Section	Design Guideline	Proposed Modification
12.04.195	Maximum block spacing between streets is five hundred thirty feet.	An extension of Williams Street and a pedestrian accessway connecting Laurel Lane to Ethel Street. The block length standards are not met.
12.04.199.B.1	Accessway right-of-way width is fifteen feet, with a seven-foot-wide paved surface, five-foot planter and three-foot planter. Lighting along the path is required.	A twelve-foot-wide right-of-way with an eight-foot-wide paved surface, two-foot gravel shoulders on each side. Lighting along the path is not proposed
17.62.050.H.5	Facades shall have an expression of architectural or structural bays through a	Architectural bays are expressed through the combination of material

	change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib.	changes, plane changes, and window patterning. Upper and lower level windows are mis-aligned mid-bay and aligned at bay edges to create visually continuous architectural brick piers.
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The following modifications are requested for the safety and security of the students:

17.62.055.D.1 – Front Yard Setback

Buildings shall be placed no further than five feet from the front property line.

The Site is located at the end of three public streets. The west property line is the front property line, because the primary access to the site is provided from the West at Hood Street and Williams Street. The proposed middle school is approximately 238-feet from the west property line. Because the Site is accessed by dead-end stub streets, the front lot line is directly adjacent to single-family residential homes.

The placement of a school building so close to adjoining property line is not consistent with the best practices for school siting and locating. Partner Alliance for Safer Schools (PASS) recommends creating layers of protection including the property perimeter, parking lot perimeter, building perimeter and classroom/interior perimeter. These layers are meant to increase the District’s ability to protect students while on the school campus by creating visible perimeters and by purposefully reducing potential access points. Additional setback is needed for the preservation of a large white oak tree located in the front yard setback southeast of the dead-end stub of Hood Street.

While the City’s intent is not expressly stated, the applicant interprets the intent of the setback requirement to be to create a pedestrian-friendly environment through the placement of buildings within five-feet of the front yard line. The required setback is not achievable in this case due to the existing street pattern and the lack of a fronting street.

In order to meet the intent of the code within the proposed setback area, the District has provided several pedestrian friendly elements listed in OCMC Section 17.62.055.D.1.a-i. A modification is not necessary if an element is provided for every five feet of increased setback. However, the increased setback would require a total of 48 elements to be placed between the building and the property line, and these are not feasible. Therefore, a modification is requested.

The proposed modification will result in a building that better meets the design guideline by providing a safe pedestrian friendly building entrance. The pedestrian friendly elements utilized in the design include benches, artistic elements, enhanced patterned concrete, pedestrian scale lighting, enhanced landscaping, raised

landscape mounds, and freestanding exterior building columns with an overhanging entrance canopy protecting pedestrians from the elements. The proposed mitigation will achieve the intent of the code by creating a welcoming, aesthetically pleasing, and protected environment for pedestrians entering into the Site. The proposed entry treatments will also achieve the District's design goals by providing limited access points which are highly visible to staff, parents, and students.

17.62.050.A.2.a Parking located in the front yard setback

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

While the City's intent is not expressly stated, the applicant interprets the intent of the code relating to the location of the parking lot is to create a pedestrian-friendly environment. The Site is located at the end of three dead-end stub streets to the west. Because of the existing circulation pattern surrounding the school Site, the circulation into the Site is limited to the existing locations. The parking lot has been located at the front entrance of the building to provide safe and clear access to students during drop-off and pick-up times. Additionally, the location of the parking lot has been selected to provide natural sight lines from the administrative offices as every parking space that is not located in the front poses a risk to the district. The location of the parking in the front of the building is consistent with the recommendations for school placement from both Partner Alliance for Safer Schools (PASS) and Crime Prevention Through Environmental Design (CPTED) for school parking lots.

The proposed modification will result in a building that better meets the intent by providing a safe and highly visible pedestrian friendly building entrance. Existing and proposed landscaping within the parking lot and along the perimeter will provide additional visual buffering between the parking lot and nearby street stubs and neighboring properties. Pedestrian pathways connect nearby dead-end stub streets to the main entrance plaza, providing for clear and safe pedestrian circulation. The intent of the code is met.

17.62.055.I. Glazing standards

The main front elevation shall provide at least 60% windows or transparency at the pedestrian level. All other side elevations shall provide at least 30% transparency.

The primary objective of the regulations contained in Section 17.62.055 is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved through this process are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety through informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.

Glazing within a school presents a safety concern. Therefore, glazing has been strategically located based on the guidelines outlined for the building perimeter layer within the Partner Alliance for Safer Schools (Exhibit 7) provide in Appendix D of this land use application and summarized in the Introduction of this narrative.

The proposed design provides a main front elevation provides 40% windows or transparency at the pedestrian level. The side elevations provide 26% transparency. The proposed school design features several exterior elements along the exterior building that provide for meaningful interaction. Outdoor learning lab classroom spaces have been provided to allow for interaction along the pedestrian level. A covered entrance promenade and outdoor courtyard provide for additional outdoor interaction. The intent of the code is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas and to provide safety though informal surveillance has been met.

17.54.100 Fence height standards
Fences shall not exceed six feet in height.

The applicant is proposing an ornamental eight-foot fence located along the exterior courtyard and play area to the east of the new school building. The fence structure is not visible from the street. The primary reason for the modification request is to restrict opportunities for access and to protect students through the incorporation of higher than standard fencing. The proposed eight-foot fence has been recommended by the Oregon City Police Department (Exhibit 11) for the safety of the students. The design guideline is better met by the proposed ornamental fence, which will provide an attractive and safe environment for the students. The intent of the code to reduce the visual impact of tall fencing is met, as the proposed modification is only necessary for a small section of fence located away from the view of public streets.

The following modifications are requested for the functionality of the building and site:

12.04.195 Block Spacing Standards
Maximum block spacing between streets is five hundred thirty feet.

The existing development pattern surrounding the Site is established and is unlikely to provide new road connections to the north, east, and west. While the Saint John the Apostle Cemetery to the east and the Portland General Electric Property to the south have potential for redevelopment in the future, neither properties are expected to redevelop, making future street connections through the properties extremely unlikely. The vacant property owned by the church to the south has redevelopment potential. An extension of Williams Street is provided to allow for a future connection to Warner Milne Road to the south. In lieu of a street connection across the remainder of the Site, a pedestrian pathway has been proposed which

provides a connection along the property boundary between Laurel Lane, Rilance Lane, Haley Court and Ethel Street. The design guideline is better met by the proposed design, because will not result in streets that will dead-end without the ability for future connection. The purpose of code section 12.04.195 is to provide connectivity for vehicles and pedestrians. The intent of the code has been met, as connections have been provided.



Figure F: Site Aerial

12.04.199.B.1 Accessway right-of-way width

Accessway right-of-way width is fifteen feet, with a seven-foot-wide paved surface, five-foot planter and three-foot planter. Lighting along the path is required

A twelve-foot-wide pedestrian accessway easement is been provided, with an eight-foot-wide paved surface and two-foot wide gravel shoulders on each side. The proposed easement is shown on the Site Circulation Plan (Sheet LU1.02). Lighting along the path is not proposed.

The intent of the code, as provided in section 12.04.199.B is to safely accommodate both pedestrians and bicycles. Given the location and length of the path, access for maintenance is limited, therefore the pathway has been designed to allow for maintenance and emergency access by vehicles. The proposed pathway cross-section exceeds the design guideline for paved width. In lieu of planting strips which will be difficult to maintain, the gravel shoulders will allow access for maintenance vehicles to keep the pathway clear and clean, providing a more attractive pathway that better meets the design guidelines. The intent of the code to safely accommodate both pedestrians and bicycles is met by the proposed modification.

17.62.050.H.5 Structural bay articulation

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.

The proposed design does not feature a repeating twelve-inch-wide structural bay, as described in Section 17.62.050.H.5. Architectural bays are expressed through the combination of material changes, plane changes, and window patterning. Upper and lower level windows are mis-aligned mid-bay and aligned at bay edges to create visually continuous architectural brick piers. The proposed design better meets the design guidelines by providing plane changes and reliefs that create visual interest along the façade at a level exceeding the requirement for structural bays. The structure of the proposed building is shown through the design. The intent of the code is met.



Figure G: Exterior Elevation Design Diagram

2. 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: The proposed development is a conditional use in the R-6 zone. Therefore, Site Plan and Design Review is applicable to this application.

3. 17.62.040 - Plans required.

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

- A. A site plan or plans, to scale, containing the following:**
 - 1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;**
 - 2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;**
 - 3. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent;**
 - 4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:**
 - a. Areas indicated on floodplain maps as being within the one hundred-year floodplain,**
 - b. Unstable slopes, as defined in Section 17.44.020,**
 - c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;**
 - 5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;**
 - 6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;**
 - 7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty-five feet of the site, and the current or proposed uses of the structures;**
 - 8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;**
 - 9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;**
 - 10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;**

11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title;
 12. Site access points for automobiles, pedestrians, bicycles and transit;
 13. On-site pedestrian and bicycle circulation;
 14. Outdoor common areas proposed as open space;
 15. Total impervious surface created (including buildings and hard ground surfaces).
 16. The proposed location, dimensions and materials of fences and walls.
- B. A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.
 - C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction.
 - D. A materials board, no larger size than eleven inches by seventeen inches clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures. An electronic version may be accepted as an alternative if approved by the community development director.
 - E. An erosion/sedimentation control plan, in accordance with the requirements of Chapter 17.47 and the Public Works Erosion and Sediment Control Standards, and a drainage plan developed in accordance with city drainage master plan requirements, Chapter 13.12 and the Public Works Stormwater and Grading Design Standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/geotechnical development impact statement.
 - F. The legal description of the site.
 - G. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.
 - H. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:
 1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
 2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs

and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

- I. Such special studies or reports as the community development director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The community development director shall require an applicant to submit one or more development impact statements, as described in Section 16.12.050, upon determination that (1) there is a reasonable likelihood that traffic safety or capacity improvements may be required; (2) the proposal could have significant adverse impacts on identified natural resource areas, including areas designated as being within the natural resources overlay district; or (3) the proposal would be located on or could have significant adverse impacts on natural hazard areas, including the geologic hazard and flood plain overlay districts. The community development director shall determine which types of development impact statements are necessary and provide written reasons for requiring the statement(s). The development impact statements shall include the information described in Sections 16.12.070, 16.12.080, and 16.12.120 [and this Section]17.62.040.
- J. The community development director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:
 1. The community development director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the community development director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter is forwarded to the planning commission for initial review, the information required by this paragraph shall be included in the staff report;
 2. The community development director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance. If additional information is required, the community development director shall, in the decision, explain the reasons for requiring the additional information.

K. If the applicant has not already done so as some other part of the land use review process, the applicant shall submit an erosion control plan that complies with the applicable requirements of Chapter 17.74 of this code.

Finding: All applicable required materials listed in this section have been submitted. The requirements of this section have been met.

4. 17.62.050 - Standards.

A. All development shall comply with the following standards:

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

Finding: The total Site landscaping for the campus including the athletic field is 57%, which exceeds the minimum required landscaping requirements of this section. The landscape calculations have been provided below.

	Area (square feet)	Percentage %
Overall Site	800, 566	
Landscape Area	456,073	56.6
Parking Lot Area	25,213	
Parking Lot Landscaping	5,473	21.7

The applicant has submitted a Landscape Plan (Sheet LU3.01) under Appendix E showing the proposed landscaping on site. This standard is met.

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: The applicant is not requesting a reduction in the landscape areas.

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: The Site is not located in the Natural Resource Overlay District. The requirements of this section are not applicable.

c. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five hundred square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.)

that within three years will cover one hundred percent of the landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.

Finding: The application includes a Landscape Plan (Sheet LU3.02) prepared by a registered landscape architect. The proposed landscaping includes a mix of vertical elements including trees and shrubs and horizontal elements including grasses and groundcovers. All proposed plans have been selected from the Oregon City approved plant material list.

d. For properties within the Downtown Design District landscaping shall be required to the extent practicable up to the ten percent requirement.

Finding: The Site is not located within the Downtown Design District. The requirements of this section are not applicable.

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

Finding: Landscaping will be visible from Ethel, Hood, and Williams Streets.

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: The total interior parking lot landscaping is 22% of the parking lot. The interior parking lot landscaping has not been counted in the landscaping minimum. The landscape calculations have been provided below.

	Area (square feet)	Percentage %
Overall Site	800, 566	
Landscape Area	456,073	56.6
Parking Lot Area	25,213	
Parking Lot Landscaping	5,473	21.7

The applicant has submitted a Landscape Plan (Sheet LU3.01) under Appendix E showing the proposed landscaping on site. This standard is met.

2. Vehicular Access and Connectivity.

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

Finding: The Applicant has requested a modification to this standard through "OCMC" Section 17.62.015.

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: Access for emergency vehicles is provided to the Site's parking and maneuvering areas as shown on the Site Circulation Plan (Sheet LU1.02). All access has been provided from the neighboring roadways in a direct and logical manner.

- c. **Alleys or vehicular access easements shall be provided in the following Districts: R-2, MUC-1, MUC-2, MUD and NC zones unless other permanent provisions for access to off-street parking and loading facilities are approved by the decision-maker. The corners of alley intersections shall have a radius of not less than ten feet.**
- d. **Sites abutting an alley shall be required to gain vehicular access from the alley unless deemed impracticable by the community development director.**
- e. **Where no alley access is available, the development shall be configured to allow only one driveway per frontage. On corner lots, the driveway(s) shall be located off of the side street (unless the side street is an arterial) and away from the street intersection. Shared driveways shall be required as needed to accomplish the requirements of this section. The location and design of pedestrian access from the 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: The Site does not abut alleys and no alleys are proposed.

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

Finding: All proposed driveways are at least 24 feet in width and are aligned with the existing streets from which they take access.

- 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: The existing development pattern surrounding the Site is established is unlikely to provide new road connections to the north, east, and west. While the Saint John the Apostle Cemetery to the east and the Portland General Electric Property to the south have potential for redevelopment in the future, neither properties are expected to redevelop, making future street connections through the properties extremely unlikely. The vacant property owned by the church to the south has redevelopment potential. An extension of Williams Street is provided to allow for a future connection to Warner Milne Road to the south.

In lieu of a street connection across the remainder of the Site, a pedestrian pathway has been proposed which provides a connection along the property boundary between Laurel Lane, Rilance Lane, Haley Court and Ethel Street. The design guideline is better met by the proposed design, because will not result in streets that will dead-end without the ability for future connection.

The applicable street dedications as required in Chapter 12.04 have been addressed below.

The requirements of this section are met.

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: The application is required to comply with the City's Transportation System Plan (the "TSP") (OCMC 17.56.010.A.5) but this requirement is subject to state and federal constitutional requirements regarding the exaction of interests in real property by local governments. The City originally requested the dedication of several public trails and a public street shown in TSP Figure 10, "Multi-Modal Connectivity Plan," pursuant to OCMC Chapter 12.04 and 17.62.050.2.g.

TSP Figure 10 shows planned street and shared-use path extensions and potential trail connections in conceptual locations. As relevant to the proposed middle school, TSP Figure 10 shows:

- A. a planned shared-use path and potential trail connections in conceptual alignments south of the existing middle school (shown as not likely to be funded on TSP Figure 21);
- B. a potential street extension of Williams Street to the east, south of the existing school building in a conceptual alignment (not shown as likely to be funded);
- C. a planned shared use path (not a street) in a conceptual alignment extending south to Warner-Milne Road (shown as not likely to be funded on TSP Figure 21); and
- D. three potential pathway or trail connections north of the existing school building (not shown as likely to be funded).

TSP Page 36 provides that TSP Figure 10 specifies locations where new streets or shared-use paths "could *potentially* be installed . . . for the purpose of ensuring that new developments provide connectivity." (Emphasis added.) The School District does not find that TSP Figure 10 shows mandatory requirements.

The City also asserts that the application is subject to the block standards in OCMC 12.04.195.A and B. However, TSP Page 35, referring to the block standards in TSP Table 1 (as implemented by OCMC 12.04.195.A) states, "[n]ew streets or redeveloping properties must comply with these standards, *to the extent practical* (as determined by the City)." (Emphasis added.) The block length standard is subject to the "practical" standard and it is impractical to require the typical block lengths where they are contrary to the School District's need to maintain a safe and secure middle school campus.

The City cannot require dedication of real property for public purposes without meeting its burden of proof to show that there is rough proportionality between the impacts of the proposed development and the exaction for the right-of-way. The United States Supreme Court in *Dolan v. City of Tigard* and *Nollan v. California Coastal Commission* has held that local governments have the burden of proof to show that a dedication of a real property interest in connection with a land use application is warranted by the impacts of the Application. The Oregon Court of Appeals has reaffirmed this principle most recently in *Hill v. City of Portland*.

Additionally, OCMC 12.04.007 allows for modifications to the standards and while the School District can ask for a modification to the relevant standards, the City cannot shift the burden of proof to the School District to prove that an exaction is not warranted; the City retains the legal burden of proof to show that the dedications are warranted. See OCMC 16.56.040.B (city plan must show need for increased width and where street is inadequate for its use, or where nature of the proposed development warrants increased street width).

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

Finding: All vehicular and pedestrian easements will allow for public access and will comply with all applicable pedestrian access requirements.

The requirements of this section are met.

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: A sign will be provided at the terminus of Williams Street.

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 application is required to comply with the City's Transportation System Plan (the "TSP") (OCMC 17.56.010.A.5) but this requirement is subject to state and federal constitutional requirements regarding the exaction of interests in real property by local governments. The City originally requested the dedication of several public trails and a public street shown in TSP Figure 10, "Multi-Modal Connectivity Plan," pursuant to OCMC Chapter 12.04 and 17.62.050.2.g.

TSP Figure 10 shows planned street and shared-use path extensions and potential trail connections in conceptual locations. As relevant to the proposed middle school, TSP Figure 10 shows:

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new developments provide connectivity.” (Emphasis added.) The School District does not find that TSP Figure 10 shows mandatory requirements.

The City also asserts that the application is subject to the block standards in OCMC 12.04.195.A and B. However, TSP Page 35, referring to the block standards in TSP Table 1 (as implemented by OCMC 12.04.195.A) states, “[n]ew streets or redeveloping properties must comply with these standards, *to the extent practical* (as determined by the City).” (Emphasis added.) The block length standard is subject to the “practical” standard and it is impractical to require the typical block lengths where they are contrary to the School District’s need to maintain a safe and secure middle school campus.

The City cannot require dedication of real property for public purposes without meeting its burden of proof to show that there is rough proportionality between the impacts of the proposed development and the exaction for the right-of-way. The United States Supreme Court in *Dolan v. City of Tigard* and *Nollan v. California Coastal Commission* has held that local governments have the burden of proof to show that a dedication of a real property interest in connection with a land use application is warranted by the impacts of the Application. The Oregon Court of Appeals has reaffirmed this principle most recently in *Hill v. City of Portland*.

Additionally, OCMC 12.04.007 allows for modifications to the standards and while the School District can ask for a modification to the relevant standards, the City cannot shift the burden of proof to the School District to prove that an exaction is not warranted; the City retains the legal burden of proof to show that the dedications are warranted. See OCMC 16.56.040.B (city plan must show need for increased width and where street is inadequate for its use, or where nature of the proposed development warrants increased street width).

- 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: A parking garage is not proposed in this application.

- 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: Structured parking is not proposed in this application.

- 3. Building structures shall be complimentary to the surrounding area. All exterior surfaces shall present a finished appearance. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear facades or decking shall be prohibited.**
 - a. Alterations, additions and new construction located within the McLoughlin Conservation District, Canemah National Register District, and the Downtown**

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

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

Finding: The building will be complimentary to the surrounding area. All exterior surfaces will present a finished appearance. All sides of the building will include materials and design characteristics consistent with those on the front, as shown on the Exterior Elevations Overall (Sheet A3.01). As shown on the attached Materials Board (Sheet A4.00), the exterior palette of materials consists of a combination of mission textured brick veneer; 3-score, ground face CMU veneer; ribbed, concealed fastener, metal panel; and wood tongue and groove siding. Brick is the prominent material on all elevations. Wood siding is utilized as an accent material.

This standard is met.

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

Finding: An Erosion Control Plan (Sheet LU2.03) is included with this land use application. The grading is in accordance with the requirements of "OCMC" Chapter 15.48 and the public works stormwater and grading design standards.

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

Finding: The proposed development is not located within the Geologic Hazard overlay district. Therefore, the requirements of this section are not applicable to this application.

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

Finding: The Applicant has submitted a Utility Plan and Preliminary Drainage Report. The proposed drainage has been designed in accordance with the City's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards.

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

Finding: Parking is provided in accordance with Chapter 17.52, which is addressed within this application.

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: Sidewalks and curbs are provided in accordance with the City's transportation master plan and street design standards. The proposed sidewalks and curbs are shown on the Site Plan submitted with this land use application.

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

- a. **Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct. Exceptions may be allowed by the director where steep slopes or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.**
- b. **The pedestrian circulation system shall connect all main entrances on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard. Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.**
- c. **Elevated external stairways or walkways, that provide pedestrian access to multiple dwelling units located above the ground floor of any building are prohibited. The community development director may allow exceptions for external stairways or walkways located in, or facing interior courtyard areas provided they do not compromise visual access from dwelling units into the courtyard.**
- d. **The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.**
- e. **The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent commercial and residential sites where practicable. Walkway linkages to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially-zoned land.**
- f. **On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that**

cross drive isles or other vehicular circulation areas shall utilize a change in textural material or height to alert the driver of the pedestrian crossing area.

Finding: The Application includes a Site Circulation Plan (Sheet LU1.02) which shows connections between all building entrances and the street. The proposed pedestrian circulation system connects all main entrances on Site. Pedestrian connections have been provided to adjacent residential areas where existing pathways intersect with the Site. All proposed pedestrian walkways will be hard surfaced, well drained and at least five feet wide with curb stops where bordered by parking spaces other than parallel parking. Pathways bordering parking areas without curb stops will be seven feet in width. All pathways adjacent to a travel lane will be separated with a physical barrier. Walkways that cross drive aisles will utilize a change in textural material.

The requirements of this section are met.

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: This standard is met

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

Finding: Site planning meets "OCMC" Chapter 17.41, which has been addressed within this land use narrative.

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

Finding: The Site does not have water resources or habitat conservation areas. Therefore Chapter 17.49 is not applicable to this application.

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: The proposed development will comply with all applicable federal state and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic and noxious matter, and electromagnetic interference.

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: A Utility Plan (Sheet LU2.01) has been submitted showing the proposed public water and sanitary sewer connections. All facilities have been designed to city standards as set out in the City's facility master plan and public works design standard.

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: The application is required to comply with the City's Transportation System Plan (the "TSP") (OCMC 17.56.010.A.5) but this requirement is subject to state and federal constitutional requirements regarding the exaction of interests in real property by local governments. The City originally requested the dedication of several public trails and a public street shown in TSP Figure 10, "Multi-Modal Connectivity Plan," pursuant to OCMC Chapter 12.04 and 17.62.050.2.g.

TSP Figure 10 shows planned street and shared-use path extensions and potential trail connections in conceptual locations. As relevant to the proposed middle school, TSP Figure 10 shows:

- A. a planned shared-use path and potential trail connections in conceptual alignments south of the existing middle school (shown as not likely to be funded on TSP Figure 21);

- B. a potential street extension of Williams Street to the east, south of the existing school building in a conceptual alignment (not shown as likely to be funded);
- C. a planned shared use path (not a street) in a conceptual alignment extending south to Warner-Milne Road (shown as not likely to be funded on TSP Figure 21); and
- D. three potential pathway or trail connections north of the existing school building (not shown as likely to be funded).

TSP Page 36 provides that TSP Figure 10 specifies locations where new streets or shared-use paths “could *potentially* be installed . . . for the purpose of ensuring that new developments provide connectivity.” (Emphasis added.) The School District does not find that TSP Figure 10 shows mandatory requirements.

The City also asserts that the application is subject to the block standards in OCMC 12.04.195.A and B. However, TSP Page 35, referring to the block standards in TSP Table 1 (as implemented by OCMC 12.04.195.A) states, “[n]ew streets or redeveloping properties must comply with these standards, *to the extent practical* (as determined by the City).” (Emphasis added.) The block length standard is subject to the “practical” standard and it is impractical to require the typical block lengths where they are contrary to the School District’s need to maintain a safe and secure middle school campus.

The City cannot require dedication of real property for public purposes without meeting its burden of proof to show that there is rough proportionality between the impacts of the proposed development and the exaction for the right-of-way. The United States Supreme Court in *Dolan v. City of Tigard* and *Nollan v. California Coastal Commission* has held that local governments have the burden of proof to show that a dedication of a real property interest in connection with a land use application is warranted by the impacts of the Application. The Oregon Court of Appeals has reaffirmed this principle most recently in *Hill v. City of Portland*.

Additionally, OCMC 12.04.007 allows for modifications to the standards and while the School District can ask for a modification to the relevant standards, the City cannot shift the burden of proof to the School District to prove that an exaction is not warranted; the City retains the legal burden of proof to show that the dedications are warranted. See OCMC 16.56.040.B (city plan must show need for increased width and where street is inadequate for its use, or where nature of the proposed development warrants increased street width).

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: No improvements related to Tri-Met service is proposed. This section does not apply to this application.

17. All utility lines shall be placed underground.

Finding: All proposed utilities will be placed underground.

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: The Site is designed to meet all applicable ADA accessibility standards.

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: The proposed development is not residential, Therefore the requirements of this section are not applicable to this application.

20. Screening of Mechanical Equipment:

- a. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary 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.
- 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.

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

Finding: The mechanical equipment for the proposed building is located within the building and on the building rooftop. As shown on the attached Exterior Elevations Overall (Sheet A3.01), the mechanical equipment located on the rooftop is screened from view with a sight obscuring enclosure. This requirement is met.

21. Building Materials.

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

- i. **Brick.**
- ii. **Basalt stone or basalt veneer.**
- iii. **Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.**
- iv. **Board and batten siding.**
- v. **Other materials subject to approval by the community development director.**
- vi. **Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.**
- vii. **Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.**

Finding: As shown on the attached Materials Board (Sheet A4.00), the exterior palette of materials consists of a combination of mission textured brick veneer; 3-score, ground face CMU veneer; ribbed, concealed fastener, metal panel; and wood tongue and groove siding. Brick is the prominent material on all elevations. Wood siding is utilized as an accent material. This standard is met.

- e. **Prohibited Materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.**

- i. **Vinyl or plywood siding (including T-111 or similar plywood).**
- ii. **Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.**
- iii. **Corrugated fiberglass.**

- iv. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, or within the General Industrial District).
- v. Crushed colored rock/crushed tumbled glass.
- vi. Non-corrugated and highly reflective sheet metal.
- vii. Tarps, except for the protection of outside storage.

Finding: The proposed design does not utilize any of these prohibited materials.

f. Special Material Standards. The following materials are allowed if they comply with the requirements found below:

- i. **Concrete Block.** When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.
- ii. **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) except when used for a temporary structure.
- iii. **Exterior insulation and finish system (EIFS) and similar troweled finishes** shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.
- iv. **Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.**
- v. **Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.**

Finding: As shown on the attached Materials Board (Sheet A4.00), the materials proposed for the new school consist of metal panels, wood accents, brick veneer and CMU block. The proposed metal panels will have visible corner moldings and trim and incorporate masonry near the ground. The concrete block used will be ground-faced and is not the prominent building material. This standard is met.

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: The Applicant acknowledges that the review authority may impose conditions as deemed necessary to ensure compliance with these standards and applicable review criteria.

23. Temporary Structures. Temporary structures are permitted pursuant to the following standards:

- g. For structures up to two hundred square feet:**
 - i. Shall not be on a property for more than three consecutive days;**
 - ii. Shall not be on a property more than six times per year;**
 - iii. Shall comply with the dimensional standards of the zoning designation;**
 - iv. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;**
 - v. Shall not disturb ingress or egress to the site; and vi. Shall be exempt from all sections of Chapters 12.04, 12.08, 17.52 and 17.62 except subsections 17.62.050A.23, 17.62.050A.21.**
- h. Temporary structures larger than two hundred square feet may be permitted up to two times per year; and:**
 - i. Structure larger than two hundred square feet up to eight hundred square feet:**
 - (1) Shall not be on a property for more than thirty consecutive days;**
 - (2) Shall comply with the dimensional standards of the zoning designation;**
 - (3) Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;**
 - (4) Shall not disturb ingress or egress to the site; and**
 - (5) Shall be exempt from all sections of Chapters 12.04, 12.08, 17.52 and 17.62 except subsections 17.62.050A.23, 17.62.050A.21.**
 - ii. Structures larger than eight hundred square feet:**
 - (1) Shall not be on a property for more than seven consecutive days;**
 - (2) Shall comply with the dimensional standards of the zoning designation;**
 - (3) Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;**
 - (4) Shall not disturb ingress or egress to the site; and**
 - (5) Shall be exempt from all sections of Chapters 12.04, 12.08, 17.52 and 17.62 except subsections 17.62.050A.23, 17.62.050A.21.**
- i. Government owned properties are exempt from all sections of Chapters 12.04, 12.08, 17.52 and 17.62 except subsections 17.62.050A.23.C, 17.62.050A.21 and the dimensional standards of the zoning designation.**

24. Development shall conform to the requirements of OCMC Chapter 17.58 Nonconforming Uses, Structures, and Lots.

Finding: The temporary Site improvements necessary for the construction of the proposed building will be addressed under a separate land use application.

5. 17.62.055 - Institutional and commercial building standards.

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: The underlying zoning district is residential R-6 which is characterized by single-family homes on lots of approximately six thousand square feet. Construction of the nearby homes is typically wood-frame with wood or composite siding. Brick materials have been used on nearby institutional and commercial uses, including the Portland General Electric building and the Presbyterian Church. The school building will be complimentary to the surrounding area. As shown on the attached Materials Board (Sheet A4.00), brick is the prominent material on all elevations. Wood siding is utilized as an accent material.

The building features several elements that are tailored to the Site and its context, including opportunities for views of Mt. Hood from the central indoor and outdoor gathering spaces and outdoor learning spaces and walking paths that highlight the Site. This standard is met.

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

Finding: The proposed development is not a standardized prototype or franchise design. The requirements of this section are not applicable.

- 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: The application proposes single building on the Site. The requirements of this section are not applicable.

- 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: There is not a conflict between the design standards in this section and the requirements contained in the underlying zone.

- 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 proposed development has a front yard setback of 238 feet. The applicant has requested a modification to the setback provisions of Section 17.65.055.D under the Site Plan and Design review modification standards. The modification approval criteria have been addressed within the finding to section 17.62.015.

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:**
 - j. Tables, benches or other approved seating area.**
 - k. Cobbled, patterned or paved stone or enhanced concrete.**
 - l. Pedestrian scale lighting.**
 - m. Sculpture/public art.**
 - n. Fountains/Water feature.**
 - o. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.**
 - p. Outdoor café.**
 - q. Enhanced landscaping or additional landscaping.**
 - r. Other elements, as approved by the community development director, that can meet the intent of this section.**

Finding: The Applicant has requested a modification to this standard under Section 17.62.015. The proposed building is placed approximately 238 feet from the western property line, the side of the Site which is considered to be the front. The Applicant has also proposed to mitigate for the departure from the setback standard through the incorporation of the following mitigating features: benches, artistic elements, enhanced patterned concrete, pedestrian scale lighting, enhanced landscaping, raised landscape mounds, and freestanding exterior building columns with an overhanging entrance canopy protecting pedestrians from the elements.

- 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 front-most architecturally significant façade is oriented toward the main Site approaches – at the south-west corner of the Site, via Williams Street and at the west entrance from Hood Street. Public sidewalk improvements along Williams Street, connecting to on-site pedestrian improvements, and leading to the main entry, will provide safe routes to school for students of Gardiner Middle. The main, primary entry is framed by upper and lower canopies which provide shelter from winter weather and summer sun. This standard is met.

- 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: A retail or commercial use is not proposed. This section does not apply to this application.

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

Finding: The proposed development is not a retail establishment. The requirements of this section are not applicable to this application.

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: The Applicant is not proposing trellises, canopies or fabric awnings in the front setback or 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: The proposed development is not located on a corner lot. The requirements of this section are not applicable to this application.

F. Commercial First Floor Frontage.

In order to ensure that the ground floor of structures have adequate height to function efficiently for retail uses, the first floor height to finished ceiling of new infill buildings in the mixed use and neighborhood commercial districts shall be no lower than fourteen feet floor to floor. Where appropriate, the exterior 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: The proposed development is not a commercial use. The requirements of this section are not applicable to this application.

G. Variation in Massing.

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

Finding: A variety of roof heights, recesses, and projected elements combine to break down building massing. Additionally, projected roof edges, upper and lower canopies, and free-standing columns combine to add visual interest and variety and serve to further break down the scale of the overall massing. Elements are composed in such a way to clearly identify and draw students, staff, and visitors to the main entrance. Areas of extensive glazing are located to further identify and articulate entries, provide glimpses of primary interior spaces, and to allow required surveillance of parking, drop-off areas, and entrance plazas. Material color and textural changes reinforce variations in mass and scale. Subtle masonry banding, patterning and coursing add additional pedestrian texture and scale while canopies over primary building entrances and secondary exterior doors add further visual interest. This standard is met.

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: As shown on the attached Exterior Elevations (Sheet LU3.01), included under Appendix E, the building design includes variation in massing, including changes in height, with single and double story elements as well as projecting and recessed elements. This standard is met.

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: The project changes in mass are integral to the structure and organization of interior spaces, including the organization of the classroom wings, the building entrances, the outdoor learning spaces, views from the building. This standard is met.

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: Exterior walls introduce changes in plane along building elevations as allowed by interior programmatic requirements. For example, exterior elevations of the gymnasium, while limited in terms of allowable plane changes and window placement, utilize roof elements, masonry banding, and pattern variations to tie programmatic elements to other building masses, to visually complement and balance more finely articulated elevations, and to introduce visual interest. This standard is met.

- 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: Exterior walls introduce changes in plane along building elevations as allowed by interior programmatic requirements. For example, exterior elevations of the gymnasium, while limited in terms of allowable plane changes and window placement, utilize roof elements, masonry banding, and pattern variations to tie programmatic elements to other building masses, to visually complement and balance more finely articulated elevations, and to introduce visual interest. This standard is met.

- 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: The ground floor façade facing the public street utilizes a covered entry area with an arcade and display windows for 150 feet of the 248-foot façade, which is 60 percent of the horizontal length. This standard is met.

- 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: The facades utilize color, texture, and material changes in a rhythmic way to express interior programmatic elements whenever possible and appropriate. This standard is met.

- 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: Architectural bays are expressed through the combination of material changes, plane changes, and window patterning. Upper and lower level windows are offset mid-bay and aligned at bay edges to create visually continuous architectural brick piers. A modification has been requested under section 17.62.015 to this standard, as the proposed design does not feature a repeating structural bay.

- 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: The façade design features repeating fenestration patterns, recesses, and material changes (in an A-A-B-A rhythm along the north façade) per subsection H.4 above that express the arrangement of interior programs and spaces. This standard is met.

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: Areas of continuous one and two story glazing (storefront and curtainwall) are consolidated to identify main entries; to facilitate connections between primary interior and exterior areas (between the central Timber Hall and the exterior, student-use courtyard); to facilitate views to Mt Hood; and to facilitate supervision and surveillance of exterior pedestrian routes, entrance plazas, recess areas, and public paths. The size and patterning of window openings in other student and staff areas balance and emphasis on natural light and views with the creation of appropriate levels of safety and security for building occupants. The proposed glazing length and percentage has been provided for each façade below.

Façade	Required Glazing	Glazing Length (FT)	Building Length (FT)	Provided Glazing
West (Front)	60%	100	249	40%
East (Side)	30%	71	277	26%
South (Side)	30%	90	345	26%
North (Side)	30%	249	494	50%

The applicant has requested a modification to the glazing standards of this section for the west, east and south facades. The modification criteria have been addressed under section 17.62.015.

- 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: The proposed development does not include false windows or door openings. The requirements of this section are not applicable.

J. Roof Treatments.

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

Finding: The cornice is defined by projected bands, with integrally textured materials at each of the various roof levels, combined with similarly detailed, lower, pedestrian level canopies, serve to clearly identify the building top and to visually knit the various building heights, masses, materials into a cohesive whole. This standard is met.

- 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.**

Finding: The proposed building is not a mixed-use building. The requirements of this section are not applicable to this application.

- 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: Roof forms will be low-slope roofs – behind parapet walls. Large upper canopies will be located at the Main Entry and at the Courtyard. Lower canopies will be located at other entry/exit points. There will be upper clerestory windows or daylight monitors in several locations. This standard is met.

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: The proposed development is not a drive-through facility. The requirements of this section are not applicable.

17.62.065 - Outdoor lighting.

- A. Purpose. The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:**
 - 1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;**

2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;
3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;
4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and
5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.

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: Gardiner Middle School is an institutional use. The requirements of this section are not applicable to this application.

B. Chapter 17.65 - MASTER PLANS

1. 17.65.030 - Applicability of the Master Plan Regulations.

- a. **A. Submission.** A master plan shall be submitted for any institutional development on a site over ten acres in size. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No permit under this title shall be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter. The provisions of this chapter do not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.
- b. **B. When Required as Part of Previous Land Use Review.** The master plan regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.
- c. **C. When identified in the Oregon City Comprehensive Plan.** The master plan regulations are required for all properties identified for master planning in the Land Use section of the Oregon City Comprehensive Plan.
- d. **D. Voluntarily.** An applicant may voluntarily submit a master plan as part of a land use review.

Finding: A Master Plan is required for this application because the proposed middle school is an institutional development on a site that is over 10 acres in size.

2. 17.65.040 - Procedure.

- a. **A. Preapplication Review.** Prior to filing for either general development plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to Section 17.50.030.

Finding: A pre-application conference was held between the applicant and the City on May 8, 2019. This standard is met.

- b. **B. General Development Plan.** An application for a General Development Plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant must have an approved General Development Plan before any detailed development plan may be approved, unless both are approved or amended concurrently. Amendments to an approved General Development Plan shall be reviewed under a Type III procedure pursuant to Section 17.65.080.
- c. **C. Detailed Development Plan.** An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to Section 17.65.080. Once a development has an approved detailed development plan, Chapter 17.62 Site Plan and Design Review is not be required.
- d. **D. Concurrent Review.** An applicant may concurrently apply for a general development plan and a detailed development plan, or any phase of a detailed development plan. Such a concurrent application is reviewed through a Type III procedure.

Finding: The Applicant has submitted a concurrent General Development Plan and Detailed Development Plan.

3. 17.65.050 - General Development Plan.

- a. **A. Existing Conditions Submittal Requirements.**

- (i) **1. Narrative statement.** An applicant must submit a narrative statement that describes the following:

- a. **Current uses of and development on the site, including programs or services.**

Finding: This narrative describes the uses of and development on the site as a Middle School.

- b. **History or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan.**

Finding: The history and background information about the mission and operational characteristics of Gardiner Middle school have been provided within the introduction of this narrative.

- c. **A vicinity map showing the location of the General Development Plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map must be eight and one-half inches × eleven inches in size, and black and white reproducible.**

Finding: A Vicinity Map (Sheet A1.00) has been provided under Appendix E of this application.

d. Non-institutional uses that surround the development site. May also reference submitted maps, diagrams or photographs. '

Finding: A description of the surrounding property uses has been provided in the introduction of this narrative.

e. Previous land use approvals within the General Development Plan boundary and related conditions of approval.

Finding: The new middle school is subject to a new land use approval and conditions of approval, which will void the existing approvals on site.

f. Existing utilization of the site. May also reference submitted maps, diagrams or photographs.

Finding: The existing utilization of the site has been described in the introduction of this narrative. An aerial in its existing condition has been provided as Figure A and Aerial Photos (Sheet A1.01) have been provided in Appendix E.

g. Site description, including the following items. May also reference submitted maps, diagrams or photographs.

- 1. Physical characteristics;**
- 2. Ownership patterns;**
- 3. Building inventory;**
- 4. Vehicle/bicycle parking;**
- 5. Landscaping/usable open space;**
- 6. FAR/lot coverage;**
- 7. Natural resources that appear on the city's adopted Goal 5 inventory;**
- 8. Cultural/historic resources that appear on the city's adopted Goal 5 inventory; and**
- 9. Location of existing trees six inches in diameter or greater when measured four feet above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually.**

Finding: A description of the physical characteristics, ownership patterns, building inventory, vehicle and bicycle parking, landscaping, and lot coverage has been provided in this narrative. The site is free of natural resources and cultural/historical resources that appear on the city's adopted Goal 5 inventory. The location of the existing trees has been provided on the Tree Mitigation Plan (Sheet LU4.01), submitted under Appendix E. This standard is met.

h. Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.

- 1. Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;**

Finding: A Transportation Impact Study (Exhibit 2) has been provided under Appendix D of this land use application.

- 2. Transit routes, facilities and availability;**

Finding: The Trimet 33-McLoughlin/King Road bus line runs along Linn Avenue and Warner Milne Road. A covered bus stop is located on Northbound Linn Avenue approximately 700 feet from the site. An uncovered bus stop is located on

Southbound Linn Avenue, across from the northbound stop. The number 33 bus line runs every day at 15-minute intervals. This standard is met.

3. Alternative modes utilization, including shuttle buses and carpool programs; and

Finding: The School District utilizes school buses for pick-up and drop-off of students. Carpool parking spaces have been provided in the main parking lot. This standard is met.

4. Baseline parking demand and supply study (may be appended to application or waived if not applicable).

Finding: The applicant has not provided a parking demand and supply study. The existing site has a total of 79 parking stalls which adequately serves the use as a middle school. The redesigned site and school will provide a total of 76 parking stalls, which exceeds the minimum requirement for the site. The capacity of the new school will not change significantly. The proposed parking is adequate to serve the site.

i. Infrastructure facilities and capacity, including the following items.

- 1. Water;**
- 2. Sanitary sewer;**
- 3. Stormwater management; and**
- 4. Easements.**

Finding: The infrastructure facilities and capacity has been addressed within this narrative, as well as on the Utility Plan (Sheet LU2.01), submitted under Appendix E, The Sanitary Sewer Memorandum (Exhibit 3) and the Storm Drainage Management Memorandum (Exhibit 1), submitted under Appendix D of this land use application.

(ii) 2. Maps and Plans.

a. Existing conditions site plan. Drawn at a minimum scale of one-inch equals one hundred feet (one inch=one hundred feet) that shows the following items. At least one copy must be eight and on-half inches × eleven inches in size, and black and white reproducible.

- (1) Date, north point, and scale of drawing.**
- (2) Identification of the drawing as an existing conditions site plan.**
- (3) Proposed development boundary.**
- (4) All parking, circulation, loading and service areas, including locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title.**
- (5) Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent.**
- (6) A site plan or plans, to scale, for the General Development Plan site and surrounding properties containing the required information identified in: a. Chapter 17.62.040.A(1), (2), (3), (4), (5), (6), (7), (9), (11), (12), (13), (14), and (15); b. Chapter 17.62.040.B; c. Chapter 17.62.040.F; and d. Chapter 17.62.040.G.**

b. Vicinity map. Depicting the location of the site sufficient to define its location, including identification of nearest cross streets. At least one copy of the vicinity

map must be eight and one-half inches × eleven inches in size, and black and white reproducible.

- c. **Aerial photo. Depicting the subject site and property within two hundred fifty feet of the proposed development boundaries. At least one copy of the aerial photo must be eight and one-half inches × eleven in size, and black and white reproducible.**

Finding: The application includes an Existing Conditions Plan (Sheet LU0.01), Vicinity Map (Sheet A1.00) and an Aerial Photos (Sheet A1.01) of the Site and the surrounding area, that contains the required information.

b. B. Proposed Development Submittal Requirements.

- (i) **1. Narrative statement. An applicant shall submit a narrative statement that describes the following:**

- a. **The proposed duration of the general development plan.**

Finding: The proposed development is scheduled to be completed spring of 2022. The duration of the general development plan is five years.

- b. **The proposed development boundary. May also reference submitted maps or diagrams.**

Finding: The proposed development boundary is shown on the Site Plan (Sheet LU1.01), which has been submitted under Appendix E.

- c. **A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.**

Finding: The existing middle school will remain and continue to operate while the new middle school is built. When the new middle school is opened, the existing middle school will be demolished, and the Site improvements will be completed. The proposed improvements are shown on the Site Plan (Sheet LU1.01), the Utility Plan (Sheet LU2.01), and the Landscape Plan (Sheet3.01) which are included under Appendix E.

- d. **An explanation of how the proposed development is consistent with the purposes of Section 17.65, the institutional zone, and any applicable overlay district.**

Finding: The purpose of Chapter 17.65 Master Plans is defined within the code as “to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure.” The impacts and proposed mitigation of the proposed redevelopment of Gardiner Middle School have been addressed in subsection f below.

The purpose of Chapter 17.39 Institutional District is Plans is defined within the code as to “facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas.” The site is not located within the Institutional District. The school is compatible with the neighborhood, which has a mix of institutional and

residential uses. The school serves the surrounding residential community and has in this location for over 50 years

The Site is not located in an overlay district. This requirement is met.

- e. **A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within two hundred fifty feet of the proposed development boundary.**

Finding: The Site is not located within two hundred fifty feet of an inventoried Goal 5 natural, historic or cultural resources. The requirements of this section are not applicable.

- f. **An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:**

- 1. Transportation impacts as prescribed in subsection g. below;**

Finding: The transportation impacts have been prescribed in subsection g, below. The applicant has submitted a Traffic Impact Statement (Exhibit 2), under Appendix D which provides a more detailed assessment of the transportation impacts relating to the proposed development.

- 2. Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within two hundred fifty feet of the development boundary;**

Finding: In the existing condition of the site, passenger vehicle and bus access to the Site is from the west at an ingress only extension from Hood Street. The bus access and passenger vehicle circulation are provided in two separate loops. Parking is provided in two locations, between the building front entrance and the western property line and south of the existing building. Vehicles and buses exit the site to the north on to Ethel Street. An unimproved right-of-way extension of Williams Street stubs to the site to the south.

The new site design will provide a bus only drop-off along the northern side of the school utilizing the existing access from Hood Street. Passenger vehicle access will be moved to an extension of Williams Street. Two vehicle parking areas are proposed for staff and visitors. The visitor parking lot is located between the building front entrance and the western property line. The staff parking lot located to the south of the building. Along the western side of the Site, a parent drop-off area has been provided next to a staff and visitor parking lot.

The location of the main visitor parking lot will remain between the building entrance and the western property line. It is not anticipated that this will generate a major impact to the neighborhood as this is the current condition. The staff parking lot will remain south of the building and is not anticipated to have a major impact on neighboring properties. It is not anticipated that this will generate a major impact to the neighborhood as this is the current condition. The separation of the bus and passenger vehicle access on site is anticipated to reduce unsafe conflicts between buses, vehicles and pedestrians entering and exiting the site.

The applicant has submitted a Traffic Impact Statement (Exhibit 2), under Appendix D which provides an analysis of the connectivity to sites adjacent to the development boundary and public right-of-ways within two hundred and fifty feet of the development boundary.

3. Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems;

Finding: Water

Water service is provided through an existing 12-inch water main located in a 15-foot easement that runs through the Site. As indicated in the pre-application conference meeting notes submitted under Appendix B, service levels are adequate to serve the proposed development.

Sanitary Sewer

Sanitary sewer service will be provided from the existing line in Leonard Street and will connect to the Site via a new 8-inch line in Hood Street. As indicated in the pre-application conference meeting notes submitted under Appendix B, service levels are adequate to serve the proposed development.

Stormwater Management

Surface runoff from the new impervious areas will be managed and conveyed in accordance with the 2019 Oregon City Stormwater and Grading Design Standards. This will be accomplished by verifying the proposed facility sizing with Best Management Practices (BMP) sizing tool created by the Clackamas County Water Environment Services (WES). The propose treatment and detention will be provided using rain gardens, detention ponds and an infiltrator. Flow control devices will be provided, and pipes will be sized to meet the conveyance requirements outlined in the Stormwater and Grading Standards. A Stormwater Drainage Memorandum has been provided under Appendix D/

The existing school is currently served by sanitary sewer and water. The proposed replacement of the existing school will be adequately served by the existing infrastructure without any major impact, the proposed utility improvements have been shown on the Utility Plan (Sheet LU2.01) submitted under Appendix E. The applicant has submitted a Storm Drainage

4. Neighborhood livability impacts;

Finding: Neighborhood Livability is intended to “provide a sense of place and identify for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City” as described in the Oregon City Comprehensive Plan.

Gardiner Middle School has been located on the site and served the Oregon City student population for over 50 years. The sense of place and identify for the residents and visitors will be maintained, as the school will remain in the existing location and serve the neighborhood student population. Although capacity will rise slightly as a result of the construction of the new building, the impacts to the

Site and the surrounding neighborhood are anticipated to be minimal and have been outlined in the table below.

Impact Category	Development Impact from Master Planned Development	Mitigation
Traffic	103 additional morning peak hour vehicle trips, 62 trips during the mid-day peak hour, and 30 trips during the evening peak hour.	The capacity analysis shows all study intersections operate within the operational standards for Oregon City. No mitigation is required.
Parking	Demand for a minimum of 30 total spaces	No increase in spaces required. Landscaping to be upgraded.
Stormwater	Highly variable depending on type of development and location	The detailed development plan must show “no net increase” in flow to the public system for 2, 10, and 25-year events.
Water	4,537,500 gallons annually	No mitigation required. Public capacity available.
Sanitary Sewer	4,537,500 gallons annually	No mitigation required. Public capacity available.
Noise	Noise will not be increased as the use will not change.	None required
Light	All light fixtures are LED, full-cutoff and dark-sky compliant	None required
Glare	The majority of the building exterior will be composed of materials that have minimal or no glare.	None required
Odor	The new building will not produce an increase in odors.	None required

A new pedestrian pathway will provide for better neighborhood connectivity with connections to Laurel Street, Rilance Lane, Haley Court and Ethel Street. New sections of sidewalk will connect existing sections of sidewalk along the east side of Leonard Street on between Ethel Street and Williams Street.

Vehicle access to the new school will be shifted from Hood Street and Ethel Street to Williams Street, with a bus only access at Hood Street. The proposed shift will provide a more direct route to the school for visitors from Linn Avenue.

The neighborhood livability impacts are expected to be minimal, as the proposed school will be located on the existing school Site.

5. Natural, cultural and historical resource impacts within the development boundary and within two hundred fifty feet of the development boundary.

Finding: The Site is not located within two hundred fifty feet of natural, cultural and historical resources. The requirements of this section are not applicable to this application.

- g. A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan.**

Finding: The proposed site development is not anticipated to significantly change the existing performance or safety of the surrounding transportation system. The new middle school will increase the student capacity by 177 students. Although the enrollment projections are not anticipated to reach capacity for the next ten years, the impacts of the net increase in student capacity was analyzed within the Traffic Impact Statement (Exhibit 2) which shows how all study intersections operate within the applicable standards under all analysis scenarios. The new school will generate 103 additional morning peak hour vehicle trips, 62 trips during the mid-day peak hour, and 30 trips during the evening peak hour. The capacity analysis shows all study intersections operate within the operational standards for Oregon City. The maximum parking demand associated with the build out of the master plan is 60 parking spaces.

The applicant has submitted a Traffic Impact Statement (Exhibit 2), under Appendix D which provides a detailed analysis of the anticipated transportation impacts and trip generation estimates.

- h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by city requirements. The transportation impact study shall either:**
- 1. Address the impacts of the development of the site consistent with all phases of the general development plan; or**
 - 2. Address the impacts of specific phases if the city engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.**

Finding: The applicant has provided a Transportation Impact Statement (Exhibit 2) under Appendix D which addresses the impacts of the development of the Site consistent with all phases of the general development plan. The Transportation Impact Statement addresses the impacts of the development of the site consistent with all phases of the general development plan.

- i. If an applicant chooses to pursue option h.1., the applicant may choose among three options for implementing required transportation capacity and safety improvements:**
- 1. The General Development Plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as**

a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.

2. The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed general development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a general development plan is later amended in a manner so as to cause the projected average daily trips, the projected AM or PM peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.
3. The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.

Finding: The applicant has provided a Transportation Impact Statement (Exhibit 2) under Appendix D which addresses the impacts of the development of the Site consistent with all phases of the general development plan. The proposed development does not generate transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan

- (ii) **j. The applicant or city staff may propose objective development standards to address identified impacts that will apply within the proposed development on land that is controlled by the institution. Upon approval of the general development plan, these standards will supersede corresponding development standards found in this code. Development standards shall address at least the following:**
1. **Pedestrian, bicycle and vehicle circulation and connectivity;**
 2. **Internal vehicle and bicycle parking;**
 3. **Building setbacks, landscaping and buffering;**
 4. **Building design, including pedestrian orientation, height, bulk, materials, ground floor windows and other standards of Chapter 17.62; and**
 5. **Other standards that address identified development impacts.**

Finding: The Applicant is proposing several objective development standards, including:

- 12.04.199.B.1 Access right-of-way width is twelve feet, with an eight-foot-wide paved surface and two-foot gravel shoulders on each side.
- 17.62.055.D.1 Buildings shall be placed no further than 240 feet from the front property line.
- 17.12.40.D. The maximum building height is 35 feet for the primary structure, 38.5 feet for the gymnasium and 44 feet for mechanical equipment.
- The main front elevation shall provide at least 40% windows or transparency at the pedestrian level. All other side elevations shall provide at least 25% transparency.

This standard is met.

c. C. Approval Criteria for a General Development Plan. The planning commission shall approve an application for general development plan approval only upon finding that the following approval criteria are met.

1. The proposed General Development Plan is consistent with the purposes of Section 17.65.

Finding: The purpose of Chapter 17.65 is to “foster the growth of major institutions and other large-scale development, while identifying and mitigating for the impacts of such growth on surrounding properties and public infrastructure.”

Gardiner Middle School has been located on the site and served the Oregon City student population for over 50 years. Although capacity will rise slightly as a result of the construction of the new building, the impacts to the Site and the surrounding neighborhood are anticipated to be minimal and have been outlined in the table below.

Impact Category	Development Impact from Master Planned Development	Mitigation
Traffic	103 additional morning peak hour vehicle trips, 62 trips during the mid-day peak hour, and 30 trips during the evening peak hour.	The capacity analysis shows all study intersections operate within the operational standards for Oregon City. No mitigation is required.
Parking	Demand for a minimum of 30 total spaces	No increase in spaces required. Landscaping to be upgraded.
Stormwater	Highly variable depending on type of development and location	The detailed development plan must show “no net increase” in flow to the public system for 2, 10, and 25-year events.
Water	4,537,500 gallons annually	No mitigation required. Public capacity available.
Sanitary Sewer	4,537,500 gallons annually	No mitigation required. Public capacity available.
Noise	Noise will not be increased as the use will not change.	None required
Light	All light fixtures are LED, full-cutoff and dark-sky compliant	None required
Glare	The majority of the building exterior will be composed of materials that have minimal or no glare.	None required

Odor	The new building will not produce an increase in odors.	None required
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A new pedestrian pathway will provide for better neighborhood connectivity with connections to Laurel Street, Rilance Lane, Haley Court and Ethel Street. New sections of sidewalk will connect existing sections of sidewalk along the east side of Leonard Street on between Ethel Street and Williams Street.

Vehicle access to the new school will be shifted from Hood Street and Ethel Street to Williams Street, with a bus only access at Hood Street. The proposed shift will provide a more direct route to the school for visitors from Linn Avenue.

The applicant has outlined impacts and proposed mitigation for the proposed development. This requirement is met.

d. 2. Development shall demonstrate compliance with Chapter 12.04, Streets, Sidewalks and Public Places.

Finding: Compliance with Chapter 12.04 has been addressed on Section F, below.

e. 3. Public services for water supply, police, fire, sanitary waste disposal, and storm-water disposal are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.

Finding: Public services either serve the proposed development or are available. The applicant has addressed the public facility requirements in Section 17.62.050.A.6 and A.14 above. A Storm Drainage Management Memorandum (Exhibit 1) and a Sanitary Sewer Memorandum (Exhibit 3) have been included under Appendix D and address the proposed storm drainage and sewer connections and methods on site.

f. 4. The proposed General Development Plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.

Finding: The Site does not have inventoried Goal 5 natural, historic or cultural resources. The requirements of this section are not applicable to this application.

g. 5. The proposed General Development Plan, including development standards and impact mitigation thresholds and improvements adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.

Finding: Gardiner Middle School has been located on the site and served the Oregon City student population for over 50 years. Although capacity will rise slightly as a result of the construction of the new building, the impacts to the Site and the surrounding neighborhood are anticipated to be minimal and have been outlined in the table below.

Impact Category	Development Impact from Master Planned Development	Mitigation
Traffic	103 additional morning peak hour vehicle trips, 62 trips during the mid-day peak hour, and 30 trips during the evening peak hour.	The capacity analysis shows all study intersections operate within the operational standards for Oregon City. No mitigation is required.
Parking	Demand for a minimum of 30 total spaces	No increase in spaces required. Landscaping to be upgraded.
Stormwater	Highly variable depending on type of development and location	The detailed development plan must show “no net increase” in flow to the public system for 2, 10, and 25-year events.
Water	4,537,500 gallons annually	No mitigation required. Public capacity available.
Sanitary Sewer	4,537,500 gallons annually	No mitigation required. Public capacity available.
Noise	Noise will not be increased as the use will not change.	None required
Light	All light fixtures are LED, full-cutoff and dark-sky compliant	None required
Glare	The majority of the building exterior will be composed of materials that have minimal or no glare.	None required
Odor	The new building will not produce an increase in odors.	None required

The new school will have additional capacity for 177 students. The increased capacity will produce an estimated 103 additional morning peak hour vehicle trips, 62 trips during the mid-day peak hour, and 30 trips during the evening peak hour. The capacity analysis shows all study intersections operate within the operational standards for Oregon City. No mitigation is required.

The new school will have 30 classrooms. A total 30 parking spaces are required. The site will have a total of 76 parking spaces, exceeding the minimum requirement.

There are no stormwater, water or sanitary service capacity related issues which need to be mitigated. There are no identified noise, light, glare or odor related issues which need to be mitigated.

This standard is met.

h. 6. The proposed general development plan is consistent with the Oregon City Comprehensive Plan and its ancillary documents.

Finding: Oregon City Comprehensive Plan

Policy 1.2.1: Encourage citizens to participate in appropriate government functions and land-use planning.

Goal 1.4 Community Involvement: Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.

Policy 1.4.1: Notify citizens about community involvement opportunities when they occur.

Response: A Conditional Use application requires a Type III review procedure with public notification and a public hearing before Oregon City's Planning Commission. Additionally, the Applicant hosted a neighborhood meeting as required by OCMC Chapter 17.50.55.A. with the Rivercrest Neighborhood Association on Thursday, July 25, 2019 to present the proposed new Gardiner Middle School and to garner input regarding its design and community impact.

Goal 2.1 Efficient Use of Land

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

Response: Gardiner Middle School is a community school serving an established residential neighborhood within the Oregon City School District. The proposed school will be located on the existing school site and will connect to the existing roads and pedestrian accessways within the neighborhood. The proposed redevelopment will preserve the compatibility within the existing neighborhood by preserving the existing use of the property with a modernized facility.

The intent of the site design is to balance the educational and programmatic needs of the school while providing a safe setting for students. Working in unison with the architecture, the site welcomes students, teachers, parents, and visitors and provides places for students to interact, learn and play. Special consideration has been given to everyday operation and to the long-term sustainability of the proposed plantings, site furnishings and other site elements. The site circulation is designed strategically to separate parent drop-off traffic from bus drop-off traffic. The parent drop-off loop is designed to be user-friendly and intuitive to minimize wait time and traffic back-up.

The existing site topography is generally sloping from west to east, with existing drainage outlet at east side. Site elements will follow existing grades as much as possible to minimize cut and fill. The proposed new building will be sited on the existing track and field, which is in general flat to minimize earth work.

For landscape planting, the majority of plants will be regionally native and climate-adaptive plantings which are drought tolerant and easy to maintain. Native plants help to conserve water and provide valuable ecological benefits to local flora and fauna. Once the plants are established, little maintenance will be required, and thus the use of fertilizer, pesticide and herbicide will be reduced. Lawns will be provided at the non-

planted areas for ease of maintenance and will consist of a low-maintenance, lower water need seed mix. The site irrigation system is designed with water efficiency in mind. Well water, instead of domestic water is utilized for site irrigation. The site irrigation system is fully automated, with smart system controllers to determine water use with weather data, resulting in reduced water usage.

Natural materials are proposed to use in the playground design to minimize the environmental impact from both sourcing and manufacturing. Local vendors are being chosen to minimize the carbon footprint from transportation demands. Recycled materials such as rubberized paving is also being considered.

Stormwater is being managed to maintain the existing drainage patterns and enhance water quality prior to discharge. The design minimizes the impacts of the development on downstream resources.

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.

Response: The existing Gardiner Middle School has served the neighborhood for over 50 years and has provided a sense of place and identify for the neighborhood by providing a quality educational institution for many of the residents of Oregon City. The Site provides for community gathering in the use of the building facilities and play fields. The new school will be located on the Site of the existing school building, which will maintain the school's relationship with the surrounding neighborhood.

Policy 2.4.3

Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.

Response: A new pedestrian pathway will provide for better neighborhood connectivity with connections to Laurel Street, Rilance Lane, Haley Court and Ethel Street. New sections of sidewalk will connect existing sections of sidewalk along the east side of Leonard Street on between Ethel Street and Williams Street.

Vehicle access to the new school will be shifted from Hood Street and Ethel Street to Williams Street, with a bus only access at Hood Street. The proposed shift will provide a more direct route to the school for visitors from Linn Avenue.

Goal 6.3: Light

Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while providing for night-lighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, reduces light trespass onto neighboring properties, conserves energy, and reduces 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.

Response: The proposed lighting will be dark sky compliant, reducing glare and light trespass consistent with Goal 6.3 and Policy 6.3.1.

Goal 11.8 Health and Education

Policy 11.8.3 Coordinate with the Oregon City School District to ensure that elementary and middle school sites are located centrally within the neighborhoods they serve, to the extent possible.

Response: The proposed replacement school will be placed on the existing Gardiner Middle School site and will continue to serve the surrounding neighborhood in a centralized manner.

Goal 12.1 Land Use-Transportation Connection

Policy 12.1.1 Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.

Policy 12.1.4 Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.

Goal 12.3 Multi-Modal Travel Options

Policy 12.3.1 Provide an interconnected and accessible street system that minimizes vehicle miles-traveled and inappropriate neighborhood cut-through traffic.

Policy 12.3.2 Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.

Response: The District provides safe transportation options for buses, cars, bicycles and pedestrians. Separate bus and parent drop-off areas provide adequate queuing and control of the site for the safety of all users. The proposed Site improvements include a new multi-purpose pedestrian accessway and an extension of Williams Street consistent with the City's Transportation System Plan.

Oregon City Transportation System Plan

The Transportation Impact analysis prepared by Lancaster Engineers was prepared with full knowledge and consideration of the city's TSP. The following roadway improvements are identified in the TSP:

- Planned extension of Williams Street
- Shared Use Path Project S40

A dead-end stub street extension of Williams Street has been provided which allows for future connection by the property to the south of the school. A shared use path has been provided which connects Laurel Lane to Ethel Street.

City of Oregon City Water Master Plan

The proposed water infrastructure plan has been designed to be consistent with the Oregon City Water Master Plan.

City of Oregon City Sanitary Sewer Master Plan

The Oregon City Sanitary Sewer Master Plan anticipates a level of development for the area including Gardiner Middle School property based on general land use categories. The planned sewer plan has been prepared to be consistent with the City's sewer master plan.

City of Oregon City Public Works Stormwater and Grading Design Standards

The proposed stormwater infrastructure plan has been designed to be consistent with the Oregon City Public Works Stormwater and Grading Design Standards.

Oregon City Park and Recreation Master Plan

The new middle school is consistent with the Oregon City Park and Recreation Master Plan which encourages opportunities for shared recreation facilities on school properties. The athletic fields on the site will be able to utilized for community events in the future.

Oregon City Trails Master Plan

A shared use path has been provided along the northern property boundary which connects Laurel Lane to Ethel Street. This is consistent with the proposed shared use path shown on the *Oregon City Conceptual Trails Map - Existing and Proposed Trails* located in the Oregon City Trails Master Plan.

4. 17.65.060 - Detailed development plan.

B. Approval Criteria. The community development director shall approve an application for detailed development plan approval only upon findings that:

1. All development standards and impact mitigation meet the requirements of the approved general development plan, including conditions of approval.

Finding: The applicant has submitted the general development plan and detailed development plan concurrently. The detailed development plan meets all the development standards and impact mitigation requirements of the general development plan.

2. Any other applicable zoning regulations that are not addressed in the general development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan are contained in Section 17.65.070.

Finding: The applicant has submitted the general development plan and detailed development plan concurrently. The detailed development plan meets all applicable zoning regulations, as addressed in this application, unless an adjustment or modification has been requested.

3. The detailed development plan conforms with the standards contained in Chapter 17.62, unless adjusted as provided in Section 17.65.070.

Finding: The applicant has submitted the general development plan and detailed development plan concurrently. The detailed development plan conforms with the standards contained in Chapter 17.62, as addressed in this application, unless an adjustment or modification has been requested.

- C. **Duration of Detailed Development Plan.** Unless substantial expenditures have been made to implement the approved detailed development plan, defined as the submittal to the city of engineered plans for approval, a detailed development plan shall expire twenty-four months from the notice of decision date. The date of final approval includes the resolution of all appeals. Upon the receipt from the applicant of a written request and payment of the required fee prior to the expiration dated of the detailed development plan, the community development director may, on a one-time basis, grant a twelve-month extension.

Finding: The duration of the detailed development plan is five years.

5. 17.65.070 - Adjustments to development standards.

- A. **Purpose.** In order to implement the purpose of the city's master plan process, which is to foster the growth of major institutions and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning process. These include, but are not limited to, items such as: dimensional standards of the of the underlying zone, site plan and design review criteria, residential design standards, and standards for land division approval.
- B. **Procedure.** Requests for adjustments shall be processed concurrently with a general development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.
- C. **Regulations That May Not be Adjusted.** Adjustments are prohibited for the following items:
 - 1. To allow a primary or accessory use that is not allowed by the regulations;
 - 2. To any regulation that contains the word "prohibited";
 - 3. As an exception to a threshold review, such as a Type III review process; and
 - 4. Any exception to allow a use not identified as a permitted or conditional use in the underlying zone.

Finding: The applicant is requesting an adjustment to the 35-foot maximum building height dimensional standard of Chapter 17.12.40.D.

- A. **Approval Criteria.** A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met.
 - 1) **Granting the adjustment will equally or better meet the purpose of the regulation to be modified;**

Finding: The requested height adjustment is specific to the needs of a school.

The school gymnasium has a roof height of 38.5 feet, which exceeds the allowed height by three and a half feet. The height adjustment in the gymnasium is necessary to accommodate volleyball clearance requirements.

The rooftop elevator equipment, mechanical equipment and mechanical equipment screening has a maximum height of 44 feet, which exceeds the 35-foot maximum height by nine feet. The remaining middle school meets the 35-foot height.

The purpose of the maximum height standard is to limit the height of residential structures to two stories, so as to not impose on neighboring properties. The proposed design will be two stories and will be stepped back from the nearest residential property line by over 100 feet, reducing the overall impact of the building on neighboring properties and equally meeting the purpose of the regulation. The intent of the code is met.

2) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;

Finding: The applicant is requesting one adjustment. The cumulative effect of the single adjustment will result in a project that is still consistent with the overall purpose of the zone.

3) City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;

Finding: The subject site does not have any City-designated Goal 5 resources. The requirements of this section are not applicable.

4) Any impacts resulting from the adjustment are mitigated; and

Finding: The building will be two stories and will be stepped back from the nearest residential property line by over 100 feet, reducing the overall impact of the building on neighboring properties. Further mitigation for the adjustment is not proposed.

5) If an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable. (Ord. 03-1014, Att. B3 (part), 2003)

Finding: The subject site is not located in an environmental zone. The requirements of this section are not applicable.

6) The proposed adjustment is consistent with the Oregon City Comprehensive Plan and ancillary documents.

Finding: The following sections of the Oregon City Comprehensive Plan and ancillary documents have been extracted and deemed applicable to the application. The proposed height adjustment does not conflict with the Oregon City Comprehensive Plan goals and policies, the Oregon City Transportation System Plan, the City of Oregon City Water Master Plan , the City of Oregon City Sanitary Sewer Master Plan, the City of Oregon City Public Works Stormwater and Grading Design Standards, the Oregon City Park and Recreation Master Plan, or the Oregon City Trails Master Plan.

Oregon City Comprehensive Plan

- Policy 1.2.1: Encourage citizens to participate in appropriate government functions and land-use planning.
- Goal 1.4 Community Involvement: Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.

- Policy 1.4.1: Notify citizens about community involvement opportunities when they occur.
- Goal 2.1 Efficient Use of Land
- Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently, and that land is developed following principles of sustainable development.
- 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.
- Goal 11.8 Health and Education
- Policy 11.8.3 Coordinate with the Oregon City School District to ensure that elementary and middle school sites are located centrally within the neighborhoods they serve, to the extent possible.
- Goal 12.1 Land Use-Transportation Connection
- Policy 12.1.1 Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.
- Policy 12.1.4 Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.
- Goal 12.3 Multi-Modal Travel Options
- Policy 12.3.1 Provide an interconnected and accessible street system that minimizes vehicle miles-traveled and inappropriate neighborhood cut-through traffic.
- Policy 12.3.2 Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.

Oregon City Transportation System Plan
City of Oregon City Water Master Plan
City of Oregon City Sanitary Sewer Master Plan
City of Oregon City Public Works Stormwater and Grading Design Standards
Oregon City Park and Recreation Master Plan
Oregon City Trails Master Plan

6. 17.65.090 - Regulations that apply.

An applicant is entitled to rely on land use regulations in effect on the date its general development plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a general development plan is approved, and so long as that General Development Plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its general development plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved general development plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.

Finding: The application was submitted and vested under the code in effect on July 31, 2019, the date that this application was submitted.

C. Chapter 17.52 - OFF-STREET PARKING AND LOADING

1. 17.52.020 - Number of automobile spaces required.

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

Table 17.52.020		
LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Elementary/Middle School	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium

Finding: The table below provides the minimum and maximum parking calculations for the proposed school. A total of 76 parking stalls have been provided on the Site, which exceeds the minimum requirement of 30 spaces. The maximum parking allowed on the Site is 93 spaces. The maximum has not been exceeded.

		Min. Parking	Max. Parking
Classrooms	30	30	30
Administrative Employees	5		5
Auditorium Seats	200		50
Total		30	85

2. 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: The proposed parking lot configuration will not require backing movements or other maneuvering within a street right-of-way. This requirement is met.

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: The parking lot will be paved with asphalt. This requirement is met.

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: The proposed drainage has been described within the Preliminary Drainage Report and has been addressed within Section 17.62.060.A.6.

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.

Finding: The proposed parking areas utilize 90-degree parking and parallel parking stalls. All parking stalls and drive aisles meet the dimensional requirements of this section.

- 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: The applicant is proposing to create 76 parking spaces. Three of the proposed stalls (5%) will be specifically marked for carpool/vanpool parking. These stalls will be located as close to the building as reasonably practical.

3. 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.
- 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.

USE	MINIMUM BICYCLE PARKING	MINIMUM BICYCLE PARKING - COVERED - The following percentage of bicycle parking is required to be covered
Institutional		
Junior high and High school	2 per classroom	50% (minimum of 2)

Finding: A total of 30 classrooms have been proposed. A total of 60 bicycle parking spaces, 30 of which are covered, have been proposed near to the front entrance of the school.

- 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.**
- 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: Stationary racks have been proposed for bicycle parking. Each rack will be securely anchored to the ground and will allow for ease of use by visitors and students arriving on bicycles.

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: All proposed bicycle parking spaces have been located immediately adjacent to the building's front doors. This requirement is met.

- 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: All proposed bicycle parking spaces have been located immediately adjacent to the building's front doors. This requirement is met.

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: All proposed bicycle parking spaces have been located immediately adjacent to the building's front doors but not in a manner which might impede pedestrian travel routes. The building's front entry walkway is large and resembles a plaza. No conflicts between bicycle parking areas and pedestrians are anticipated. This requirement is met.

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: All proposed bicycle parking spaces have been located immediately adjacent to the building's front doors but not in a manner which might impede pedestrian travel routes. The building's front entry walkway is large and resembles a plaza. No conflicts between bicycle parking areas and pedestrians are anticipated. This requirement is met.

4. 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: A Landscape Plan (Sheet LU3.01) has been submitted under Appendix E of this application. Landscaping has been distributed uniformly throughout the parking and loading areas.

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

Finding: As shown on the submitted Landscape Plan (Sheet LU3.01), all areas in the parking lot not used for parking, maneuvering or circulation have been landscaped. This requirement is met.

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: As shown on the submitted Landscape Plan (Sheet LU3.01), the parking lot trees are a mix of deciduous shade trees and coniferous trees. They have been distributed throughout the parking lot s both interior and perimeter landscaping. This requirement is met.

- 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: All trees are proposed as two-inch minimum caliper size or 6-8 feet in height for evergreen trees and have been selected from the Oregon City Street Tree List. All trees will be planted according to American Nurseryman standards.

- 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: All landscape areas include irrigation systems. This requirement is met.

- 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: All plant materials have been selected for their appropriateness to the Site, drought tolerance and year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City Nuisance Plant List have not been utilized.

- 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: The proposed landscaping in the parking area will not obstruct lines of sight for safe traffic operation. Shrubs and groundcovers will be maintained below three feet in height measured from the top of the curb. Trees branching and foliage will be maintained to a height of eight feet above grade. Sight distance triangles have been shown on the attached Site Plan (Sheet LU1.01).

- 8. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.**

Finding: As shown on the attached Landscape Plan (Sheet LU3.01) and the Storm Drainage Plan (LU2.02), design elements in accordance with Chapter 13.12 have been incorporated into the Site. This requirement is met.

- 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: Five-foot minimum landscaped buffers are proposed where the parking lot abuts public right-of-way.

- 1. The perimeter parking lot are[a] shall include:**
 - a. Trees spaced a maximum of thirty-five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;**
 - b. Ground cover, such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and**
 - c. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.**

Finding: As shown on the attached Landscape Plan (Sheet LU3.03), the perimeter parking lot area includes trees spaced at a maximum of thirty-five feet apart, with a minimum of one tree on either side of the entryway. Groundcover has been spaced at a maximum of 16-inches on center and will cover one hundred percent of the exposed ground within three years. This requirement is met.

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: The parking area will be separated from the building by a landscape planter strip meeting the requirements of subsection 1 above.

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: As shown on the attached Landscape Plan (Sheet LU3.03), the interior parking lot landscaping has a minimum of ten percent of the interior of the gross area devoted to landscaping to improve the water quality, reduce storm water runoff and provide pavement shade. The interior parking lot landscaping has not been counted toward the fifteen percent minimum of total Site landscaping. The interior parking lot landscaping includes one tree per six parking spaces, groundcover and shrubs. This requirement is met.

- 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: No more than eight contiguous parking spaces have been provided in the parking lot. All landscape islands have a minimum dimension of six feet wide and ten feet long.

- 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: All pedestrian walkways within the parking lot have a shade tree every thirty-five feet. This requirement is met.

5. 17.52.070 - Alternative landscaping plan.

Finding: An alternative landscape plan is not proposed.

6. 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: The Applicant acknowledges that it is the District's responsibility to provide maintenance for the parking lot.

7. 17.52.090 - Loading areas.

A. Purpose.

1. The purpose of this section is to provide adequate loading areas for commercial, office, retail and industrial uses that do not interfere with the operation of adjacent streets.

B. Applicability.

1. Section 17.52.090 applies to uses that are expected to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week. The city engineer and decision maker shall determine through site plan and design review the number, size, and location of required loading areas, if any.

C. Standards.

1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the city engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.
2. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.
3. The city engineer and decision maker, through site plan and design review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:
 - a. Short in duration (i.e., less than one hour);
 - b. Infrequent (less than three operations daily between 5:00 a.m. and 12:00 a.m. or all operations between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);
 - c. Does not obstruct traffic during peak traffic hours;
 - d. Does not interfere with emergency response services; and
 - e. Is acceptable to the applicable roadway authority.

Finding: The site provides a loading space for delivery vehicles up to 30 feet long. Larger vehicles are able to maneuver in the site for deliveries made before or after school hours without impeding site circulation.

D. Chapter 12.04 - STREETS, SIDEWALKS AND PUBLIC PLACES

1. 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.

2. 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: The application is required to comply with the City's Transportation System Plan (the "TSP") (OCMC 17.56.010.A.5) but this requirement is subject to state and federal constitutional requirements regarding the exaction of interests in real property by local governments. The City originally requested the dedication of several public trails and a public street shown in TSP Figure 10, "Multi-Modal Connectivity Plan," pursuant to OCMC Chapter 12.04 and 17.62.050.2.g.

TSP Figure 10 shows planned street and shared-use path extensions and potential trail connections in conceptual locations. As relevant to the proposed middle school, TSP Figure 10 shows:

- A. a planned shared-use path and potential trail connections in conceptual alignments south of the existing middle school (shown as not likely to be funded on TSP Figure 21);
- B. a potential street extension of Williams Street to the east, south of the existing school building in a conceptual alignment (not shown as likely to be funded);
- C. a planned shared use path (not a street) in a conceptual alignment extending south to Warner-Milne Road (shown as not likely to be funded on TSP Figure 21); and
- D. three potential pathway or trail connections north of the existing school building (not shown as likely to be funded).

TSP Page 36 provides that TSP Figure 10 specifies locations where new streets or shared-use paths "could *potentially* be installed . . . for the purpose of ensuring that new developments provide connectivity." (Emphasis added.) The School District does not find that TSP Figure 10 shows mandatory requirements.

The City also asserts that the application is subject to the block standards in OCMC 12.04.195.A and B. However, TSP Page 35, referring to the block standards in TSP Table 1 (as implemented by OCMC 12.04.195.A) states, "[n]ew streets or redeveloping properties must comply with these standards, *to the extent practical* (as determined by the City)." (Emphasis added.) The block length standard is subject to the "practical" standard and it

is impractical to require the typical block lengths where they are contrary to the School District’s need to maintain a safe and secure middle school campus.

The City cannot require dedication of real property for public purposes without meeting its burden of proof to show that there is rough proportionality between the impacts of the proposed development and the exaction for the right-of-way. The United States Supreme Court in *Dolan v. City of Tigard* and *Nollan v. California Coastal Commission* has held that local governments have the burden of proof to show that a dedication of a real property interest in connection with a land use application is warranted by the impacts of the Application. The Oregon Court of Appeals has reaffirmed this principle most recently in *Hill v. City of Portland*.

Additionally, OCMC 12.04.007 allows for modifications to the standards and while the School District can ask for a modification to the relevant standards, the City cannot shift the burden of proof to the School District to prove that an exaction is not warranted; the City retains the legal burden of proof to show that the dedications are warranted. See OCMC 16.56.040.B (city plan must show need for increased width and where street is inadequate for its use, or where nature of the proposed development warrants increased street width).

3. 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: All sidewalks will be constructed to city standards and widths. Both sidewalks and curbs will be constructed according to plans and specifications provided by the city engineer.

4. 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: All sidewalks will be constructed to city standards. The requirements of this section have been met.

5. 12.04.025 - Street design—Driveway curb cuts.

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

Property Use	Minimum Driveway Width at sidewalk or property line	Maximum Driveway Width at sidewalk or property line
Nonresidential or multi-family residential driveway access	15 feet	40 feet

The driveway width abutting the street pavement may be extended three feet on either side of the driveway to accommodate turn movements. Driveways may be widened onsite in locations other than where the driveway meets sidewalk or property line (for example between the property line and the entrance to a garage).

Finding: The Site features three driveways. The driveway entering the site from Ethel Street is approximately 20 feet wide. The driveway entering the Site from Hood Street is approximately 37 feet wide. The driveway entering the Site from Williams Street is approximately 24 feet wide. All driveways meet the requirements for nonresidential development.

C. The decision maker shall be authorized through a Type II process, unless another procedure applicable to the proposal applies, to minimize the number and size of curb cuts (including driveways) as far as practicable for any of the following purposes:

- 1. To provide adequate space for on-street parking;**
- 2. To facilitate street tree planting requirements;**
- 3. To assure pedestrian and vehicular safety by limiting vehicular access points; and**
- 4. To assure that adequate sight distance requirements are met.**
 - a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements.**
 - b. Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the "R-5" Single-Family Dwelling District or "R-3.5" Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements.**

Finding: No more than one access point per street is proposed. This section does not apply.

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.**

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: All proposed driveways will have an approved concrete approach or asphalted street connection and will be hard surfaced. This requirement is met.

6. 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: No retaining walls have been proposed either within or adjacent to the public right-of-way.

6. 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: No retaining walls have been proposed either within or adjacent to the public right-of-way.

7. 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: No construction will occur within the public right-of-way without the required permits.

8. 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 restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit application is filed. The city commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

Finding: The Applicant will work with the City's Engineering and Public works department to make repairs to any portion of the public street network which is affected by this proposed development.

9. 12.04.120 - Obstructions—Permit required.

A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B. of this section, in any public street or alley in the city, without obtaining approval for a right-of-way permit from the commission by passage of a resolution.

- 1. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.**
- 2. The applicant shall submit at least the following information in the permitting process in order to allow the commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:**
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;**
 - b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;**
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);**
 - d. Alternative routes if necessary;**
 - d. Minimizing obstruction area; and**
 - e. Hold harmless/maintenance agreement.**
- 3. If the commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the city engineer shall issue a right-of-way permit with any conditions deemed necessary by the commission.**

Finding: No obstructions within the public street network which surrounds the Site are anticipated as part of this development.

B. Temporary Obstructions.

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

- d. Any other factor that the city engineer deems relevant.
- 6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.

Finding: If any temporary obstructions are to be placed within the public right-of-way during site construction, the District will apply for all required permits prior to placing said obstructions.

- C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the commission.

Finding: If any temporary obstructions are to be placed within the public right-of-way during site construction, the District will pay any required fees prior to placing said obstructions.

10. 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.

11. 12.04.175 - Street design—Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
- B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with [Chapter] 12.04 shall be required to preserve the objectives of street extensions.

Finding: The existing development pattern surrounding the Site has been established and prevents new connections to the north, east, and west. While the St. John the

Apostle Cemetery to the east and the Portland General Electric Property to the south are oversized, neither properties are expected to redevelop, making a future through connection unlikely. The property to the south has redevelopment potential. An extension of Williams Street has been provided to allow for a future connection to Warner Milne Road to the south. In lieu of a street connection, a pedestrian pathway has been proposed which provides a connection along the property boundary between Laurel Lane, Rilance Lane, Haley Court and Ethel Street. The proposed street system allows for satisfactory future development of adjoining land, as applicable. This requirement is met.

12. 12.04.180 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The standards provided below are maximum design standards and may be reduced with an alternative street design which may be approved based on the modification criteria in [Section] 12.04.007. The steps for reducing the maximum design below are found in the Transportation System Plan.

Finding: The applicant has provided an extension of Williams Street, which has been designed as a half-street street section consistent with the half-street design requirements.

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.

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

Finding: The applicant has provided an extension of Williams Street, which has been designed as a half-street street section consistent with the half-street design requirements.

13. 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: The applicant has provided an extension of Williams Street, which has been designed as a half-street street section. The proposed half-street extension will be built to allow for access by the adjoining property owner.

14. 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: The proposed extension of Williams Street will be aligned with the existing centerline to the west. This requirement is met.

15. 12.04.194 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Finding: All new streets will comply with the Traffic Sight Obstructions in Chapter 10.32. Sight distance triangles have been shown on the attached Site Plan (Sheet LU1.01).

16. 12.04.195 - Spacing standards.

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

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: The existing development pattern surrounding the Site has been established and prevents new connections to the north, east, and west. While the St. John the Apostle Cemetery to the east and the Portland General Electric Property to the south are oversized, neither properties are expected to redevelop, making a future through connection unlikely. The property to the south has redevelopment

potential. An extension of Williams Street has been provided to allow for a future connection to Warner Milne Road to the south. In lieu of a street connection, a pedestrian pathway has been proposed which provides a connection along the property boundary between Laurel Lane, Rilance Lane, Haley Court and Ethel Street. The applicant has requested a modification to the Spacing Standards under the modification criteria in Section 17.62.015.

17. 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 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.

- A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.**
- 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.**
- 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.**
- 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.**
- E. Accessways shall comply with Americans with Disabilities Act (ADA).**
- 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.
- G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.
 - 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.
 - 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.
 - 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.
 - 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: The applicant has requested modification to the accessway width standards under the Modification criteria in Section 17.62.015. An accessway right-of-way width of twelve feet has been provided, with an eight-foot-wide paved surface and two-foot gravel shoulders on each side. Given the fencing on either side of the path, access for maintenance is limited, therefore the pathway has been designed to allow for maintenance and emergency access by vehicles. The proposed accessway meets all other requirements of this section.

18. 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 E below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan or as otherwise identified by the city transportation engineer.

- A. For intersections within the regional center, the following mobility standards apply:
 1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
 3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.
- B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:**
1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
 2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
- C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:**
1. For signalized intersections:
 - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
 - b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
 2. For unsignalized intersections outside of the boundaries of the Regional Center:
 - a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.
- D. For the intersection of OR 213 and Beavercreek Road, the following mobility standards apply:**
1. During the first, second and third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.
- E. 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:**

Finding: The applicant has provided a Trip Generation Assessment and Neighborhood Traffic Circulation Memo under Appendix D of this narrative, which demonstrates compliance with the City's mobility standards.

19. 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:

20. 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: The applicant is proposing an extension of Williams Street. Half-street improvements will be made the intersection at Leonard Street. Sidewalks will be provided along the east side of Leonard Street where existing sidewalk does not exist. No other off-site improvements are proposed.

21. 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: The proposed extension of Williams Street will be designed as a half-street improvement. The proposed design will include dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, and lighting.

22. 12.04.225 - Street design—Cul-de-sacs and dead-end streets.

The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the community development director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end roads shall include pedestrian/bicycle accessways as required in this chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

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

Finding: The proposed extension of Williams street has been designed as a temporary dead-end street until the adjacent property to the south develops. The street has not been extended, due to the topography in the area, as well as the existing development pattern, as the properties to the east are not likely to develop. A turnaround has been provided via the driveway to the school property. This requirement is met.

23. 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: The proposed development will not require new streets.

24. 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: The proposed streets will conform to the City's street design standards and specifications.

25. 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: The proposed development does not abut an arterial or collector street. The requirements of this section are not applicable.

26. 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: The applicant is proposing an extension of Williams Street. Half-street improvements will include a new sidewalk along the north side of the street. The design does not include a crosswalk.

27. 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: The proposed development does not include alleys. The requirements of this section are not applicable.

28. 12.04.260 - Street design—Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in [Section] 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary in Chapter 12.04 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

Finding: The proposed development does not impact transit streets. The requirements of this section are not applicable.

29. 12.04.270 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by

the city in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Design Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

Finding: All work performed under permits issued per this chapter will be in accordance the requirements of this section.

E. Chapter 13.12 - STORMWATER MANAGEMENT

1. 13.12.050 - Applicability and exemptions.

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

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

1. The conveyance facilities are located entirely on one privately owned parcel;
2. The conveyance facilities are privately maintained; and
3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.

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

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.

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.
- 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: The applicant has provided a Storm Drainage Management Memorandum under Appendix D and a Storm Drainage Plan (Sheet LU2.02) under Appendix E which provides a detailed description of the proposed stormwater detention, treatment and conveyance system. This standard is met.

2. 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: The applicant has provided a Storm Drainage Management Memorandum under Appendix D a which provides a detailed description of the proposed stormwater detention, treatment and conveyance system consistent with the requirements of this section.

F. Chapter 12.08 - PUBLIC AND STREET TREES

1. 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.
- D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.

Finding: Street trees will be provided along the proposed extension of Williams Street, consistent with the requirements of this section.

2. 12.08.035 - Public tree removal.

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

replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035.

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

Finding: The applicant is not proposing to remove any public trees. The proposed street trees will have a minimum two-inch caliper trunk, consistent with the requirements of this section.

G. Chapter 15.48 - GRADING, FILLING AND EXCAVATING

1. 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:**
- B. Grading activities in excess of ten cubic yards of earth;**
 - 1. 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;**
 - 2. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;**
 - 3. 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**
 - 4. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.**
- C. Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.**

Finding: A grading permit is necessary and will be acquired for the proposed development prior to the commencement of any of the activities listed above. The requirements of this section have been met.

2. 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: A grading plan consistent with the requirements of this section will be provided at the time of grading permit submittal.

H. Chapter 17.47 - EROSION AND SEDIMENT CONTROL

1. 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: A Preliminary Erosion Control Plan has been submitted under Appendix E of this application. The plan is consistent with the requirements of this section.

I. Chapter 17.41 - TREE PROTECTION STANDARDS

1. 17.41.020 - Tree protection—Applicability.

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

Finding: The application is for Site Plan and Design Review, therefore this section applies.

2. 17.41.050 - Same—Compliance options.

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

- A. **Option 1—Mitigation.** Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.

- B. **Option 2—Dedicated Tract.** Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections 17.41.080—17.41.100; or
- C. **Option 3—Restrictive Covenant.** Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; or
- D. **Option 4—Cash-in-lieu of planting** pursuant to Section 17.41.130.
- E. **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: The applicant has proposed to mitigate for trees removed through a combination of planting on-site through Option 1. This standard is met.

3. 17.41.060 - Tree removal and replanting—Mitigation (Option 1).

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

Finding: Trees within the construction area and trees that present hazardous conditions will be removed. The Arborist Report (Sheet LU4.02 and LU4.03) has been submitted under Appendix E.

- B. **The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:**
 - 1. **Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or**
 - 2. **Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.**

**Table 17.41.060-1
Tree Replacement Requirements
All replacement trees shall be either:
Two-inch caliper deciduous, or
Six-foot high conifer**

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

Finding: The proposed development will require the removal of 70 trees. A total of 94 trees will be replanted. The tree replacement calculations have been provided in the Mitigation Report (LU4.02 and LU4.03) submitted under Appendix E.

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: The proposed development will require the removal of 70 trees. A total of 94 trees will be replanted. The tree replacement calculations have been provided in the Mitigation Report (LU4.02 and LU4.03) submitted under Appendix E.

4. 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: The proposed mitigation trees will be replanted on the Site per Option 1, First Priority. This standard is met.

8. 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:** The proposed development will comply with all tree protection measures of this section during construction.

J. Chapter 17.54 - SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

1. 17.54.100 - Fences.

Fence, Setback and Height Limitations.

A fence may be located on the property or in a yard setback area subject to the following:

- 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: The existing fencing along the north, south and east property lines will be retained. New six-foot wire fencing is proposed along the west property line, east of the building wing at the outdoor classroom and along the shared use path to the north. A four-foot tall wire fence is proposed around the outdoor learning areas and the new stormwater facility to the east. An eight-foot height ornamental perimeter fence for security of the students at the courtyard. A modification has been requested under section 17.62.015 for the fence portion that exceeds the requirement.

V. SUMMARY AND CONCLUSION

The mission of the Oregon City School District 2018 Bond is to provide a high-quality safe learning environment at Gardiner Middle School. The new school has been thoughtfully designed, with collaboration from students, parents, staff and the community.

The safety and security of the students is a guiding principle in the design of the new middle school and surrounding Site. The District's goal is to provide a design that is welcoming and engaging for students and the community, while providing the best possible security for the students.

The new school has been sited on the existing site to provide minimal impact to the surrounding neighborhood. The overall operation of the school on the site will not change. The existing access pattern for vehicles and pedestrians entering the site from the west will be maintained.

Working in unison with the architecture, the site welcomes students, teachers, parents, and visitors and provides places for students to interact, learn and play. Special consideration has been given to everyday operation and to the long-term sustainability of the proposed plantings, site furnishings and other site elements. The site circulation is designed strategically to separate parent drop-off traffic from bus drop-off traffic. The parent drop-off loop is designed to be user-friendly and intuitive to minimize wait time and traffic back-up.

Based on the analysis and findings described above the proposed Type III Conditional Use Application, Site Plan and Design Review Application, a Concept Development Plan and Detailed Development Plan for Gardiner Middle School meets the requirements with modifications as described in the Oregon City Municipal code. The District respectfully requests approval from the City's Planning Department and Planning Commission.